

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN ARLENE BECKER**, on February 11, 2005  
at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Arlene Becker, Chairman (D)  
Rep. Tom Facey, Vice Chairman (D)  
Rep. Don Roberts, Vice Chairman (R)  
Rep. Mary Caferro (D)  
Rep. Emelie Eaton (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Teresa K. Henry (D)  
Rep. William J. Jones (R)  
Rep. Dave McAlpin (D)  
Rep. Tom McGillvray (R)  
Rep. Mike Milburn (R)  
Rep. Art Noonan (D)  
Rep. Ron Stoker (R)  
Rep. Bill Warden (R)

**Members Excused:** Rep. Pat Wagman (R)  
Rep. Jonathan Windy Boy (D)

**Members Absent:** None.

**Staff Present:** Susan Fox, Legislative Branch  
Mary Gay Wells, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 449, 2/5/2005  
SB 60, 2/5/2005  
Executive Action: SB 60, Be Concurred In  
HB 31, Do Pass  
HB 437, Do Pass  
HB 462, Tabled

**HEARING ON SB 60**

**Sponsor:** SEN. JOHN ESP, SD 31, BIG TIMBER

**Opening Statement by Sponsor:**

SEN. JOHN ESP opened the hearing on SB 60. The bill updates Montana code to match the Federal code. Twenty-five beds can now be used as acute care beds in a critical access hospital. The Department of Public Health and Human Services can designate, by rule, the number of beds allowed and be consistent with federal law.

**Proponents' Testimony:**

Mary Dalton, Administrator, Quality Assurance Division, Department of Public Health and Human Services (DPHHS), spoke in support of the bill and submitted her testimony. She pointed out that a designated critical access hospital would provide inpatient acute care for a period to not exceed 96 hours, as determined on an average, annual basis for each patient. Forty of the sixty-one hospitals in Montana are critical access hospitals.

**EXHIBIT**(huh34a01)

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 5.8}*

John Flink, Association of Montana Health Care Providers, stood in support of the bill. He submitted his testimony and three letters of support from hospital administrators.

**EXHIBIT**(huh34a02)

*{Tape: 1; Side: A; Approx. Time Counter: 5.8 - 7.1}*

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

The Sponsor closed.

**HEARING ON HB 449**

**Sponsor:** REP. GAIL GUTSCHE, HD 99, MISSOULA

**Opening Statement by Sponsor:**

**REP. GAIL GUTSCHE** opened the hearing on **HB 449**. She gave some history of the At-Home Infant Care (AHIC) program. This program was put into statute in 2003. In the last session there was no appropriation requested. Funding was requested from Temporary Assistance for Needy Families (TANF). That did not come about. This bill would appropriate funds from the general fund for the program.

Montana's program was modeled after Minnesota and Montana became the second state to implement such a program. AHIC counts parenting as work. It allows low income parent(s) to stay at home with their infant up to 24 months in lieu of working and in lieu of participating in the childcare scholarship program. They must be less than 150% of poverty and not receiving welfare. In 2003, the benefit was \$378 per month. That is about \$17 per day. She felt that it was a cost savings for the state. The pilot program had 58 families. The savings to the state comes when the parent stays home with an infant and there may be one or two more children at home; they are not paid for the other children. But if those other children were in state subsidized childcare, the state would be paying for each one of them.

She spoke about contracts on Page 2, Line 10, "The department may enter into contracts for the administration of the at-home infant care program." She felt there may be other programs that could administer AHIC and would be less expensive for DPHHS.

***{Tape: 1; Side: A; Approx. Time Counter: 7.1 - 12.6}***

**Proponents' Testimony:**

**Eric Scheidermayer, Montana Catholic Conference**, stood in support of the bill. Families must be supported. Responsibility must be rewarded. He urged the committee to pass the bill.

***{Tape: 1; Side: A; Approx. Time Counter: 12.6 - 15}***

**REP. MARY CAFERRO** spoke for Working for Equality and Economic Liberation (WEEL). They had been working to have parenting count as work. She felt that the pilot program had been more than successful. Forty states had contacted WEEL to start their own programs. In 2003, when funding was short, WEEL hoped to set policy and policy was set without funding. In 2005, in better times, WEEL is back and hopes funding can be put into place.

***{Tape: 1; Side: A; Approx. Time Counter: 15 - 18.8}***

**Steve Yeakel, Montana Council for Maternal and Child Health and Montana Advocates for Children**, supported the concept and the bill wholeheartedly. He urged the committee to support the bill.

**Kim Abbott, WEEL**, concurred with REP. CAFERRO. She handed out information, facts and figures on at-home infant care and spoke on the subject. She read letters from two of the families who had been in the pilot project.

**EXHIBIT** (huh34a03)

*{Tape: 1; Side: A; Approx. Time Counter: 18.8 - 25.4}*

**Opponents' Testimony:** None

**Informational Testimony:** **Hank Hudson, Administrator, Human and Community Services Division, (DPHHS)** offered to answer questions.

**Questions from Committee Members and Responses:**

**REP. RON STOKER** asked Mr. Hudson how the \$378 would fit into the TANF block grant analysis. **Mr. Hudson** replied that people who receive this money would not be receiving TANF benefits. They would probably qualify for other programs.

**REP. STOKER** inquired how the \$378 would affect their income when applying for other benefits. **Mr. Hudson** answered that it would not be counted as income and would not affect their other benefits.

*{Tape: 1; Side: A; Approx. Time Counter: 25.4 - 28.2}*

**REP. TOM FACEY** asked for a review of the handout from Ms. Abbott. **Ms. Abbott** spoke on the second page of her handout. It was "At Home Infant Care, Summary of Savings" compiled by DPHHS following the pilot project. The question was deferred to REP. CAFERRO.

**REP. CAFERRO** explained the calculations for at home infant care, siblings that would be included and savings for the state.

*{Tape: 1; Side: A; Approx. Time Counter: 28.2 - 32}*

**REP. BILL WARDEN** inquired how many families would be involved in the program. **REP. GUTSCHE** replied that the program is capped by the amount of money being requested. She thought there would be 200-300 families involved with administrative costs included. In the pilot program there were 58 families. She hoped the funding would cover the families who had applied, but if there is a waiting list, more funding may be needed.

**REP. WARDEN** asked why, if this bill would save the state so much money, aren't they doing it. **Mr. Hudson** replied that, in the larger analysis of the program, it would save that much money.

The Department had surveyed the people who had participated in the program. They were asked what they would have done without the program. Some said they would have stayed home anyway; some said they would have gone to work; some postponed their eligibility for TANF until they were done with the program. In the short term, money would have been saved, if you assumed these would be the same people who would have utilized the services. He did agree that if the person who would otherwise be in the TANF program or otherwise be using childcare, particularly for siblings, it would be less expensive.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.6}***

**REP. TOM MCGILLVRAY** questioned the use of the word "birth parent" in the definition section. **REP. CAFERRO** responded that "adoptive parent" was not intentionally omitted. She offered that an amendment to include "adoptive parent" would be fine.

**REP. MCGILLVRAY** questioned the definition of "guardian who is acting in loco parentis." **REP. CAFERRO** explained that a guardian who is acting in loco parentis means a person who is acting as a parent; i.e., a grandparent.

***{Tape: 1; Side: B; Approx. Time Counter: 2.6 - 4.7}***

**Closing by Sponsor:**

The Sponsor closed.

***{Tape: 1; Side: B; Approx. Time Counter: 4.7 - 11.1; Comments: A portion of this time was spent in discussing what executive action they were going to do.}***

**EXECUTIVE ACTION ON HB 31**

**Motion:** **REP. FACEY** moved that HB 31 BE REMOVED FROM THE TABLE.

**Discussion:**

**REP. FACEY** explained that he felt a policy statement should be made in this committee and allow Appropriations to make the decision to fund or not to fund the bill.

**Vote:** Motion carried 12-2 by roll call vote with **REP. HENDRICK** and **REP. STOKER** voting no.

**Motion:** **REP. FACEY** moved that HB 31 DO PASS.

**Discussion:**

**REP. DON ROBERTS** explained his bill again to the committee. The Drug Commissioner would help to establish policy for coordinating rehabilitation and prevention. He would sit on the Crime Control Board and have access to the Attorney General. He would work with the Governor and put programs into play. He would report back to the Legislature and inform them of what the state had done to control methamphetamine and drug abuse. The Governor's budget now includes HB 31.

*{Tape: 1; Side: A; Approx. Time Counter: 11.1 - 17; Comments:*

*REP. FACEY left the hearing at this time.}*

**REP. WARDEN** said that his objection to the bill had been answered and would support the bill.

**REP. MILBURN** was in support of the bill.

**REP. STOKER** felt that the bill needed a revised fiscal note.

**REP. ROBERTS** said the bill will go to Appropriations but it still will have to come out of HB 2.

**REP. STOKER** commented that the Governor's budget is an advisory document to Appropriations. This is not a guarantee the bill will end up in HB 2.

**Vote:** Motion carried 14-2 by roll call vote with **REP. NOONAN** and **REP. STOKER** voting no. **REPS. FACEY, WAGMAN** and **WINDY BOY** voted aye by proxy.

*{Tape: 1; Side: B; Approx. Time Counter: 17 - 21.9}*

**EXECUTIVE ACTION ON HB 340**

**Motion:** **REP. ROBERTS** moved that HB 340 DO PASS.

**Discussion:**

**REP. ROBERTS** discussed the advertising mechanism put forward by **REP. WISEMAN**, the sponsor.

**REP. MCALPIN** did not think the Department of Justice would be a good advertising agency.

**REP. ROBERTS** had planned to move an amendment. After some discussion the committee decided to postpone the action on HB 340. They planned to take action on February 14, 2005.

**{Tape: 1; Side: B; Approx. Time Counter: 21.9 - 30}**

**EXECUTIVE ACTION ON HB 462**

**Motion:** **REP. ROBERTS** moved that HB 462 DO PASS.

**Discussion:**

**REP. DAVE MCALPIN** felt this program would help childcare workers gain more education and skills.

**REP. TOM MCGILLVRAY** said that people have a personal responsibility to educate themselves.

**REP. TERESA HENRY** was in favor of the bill. She wanted to help those people get a better education.

**REP. MARY CAFERRO** explained her negative vote. She had looked at the whole childcare system and there is only so much money to go around. She has had to choose which programs are the most effective.

**REP. DON ROBERTS** hoped to get the bill into appropriations for their consideration as part of a package.

**REP. GORDON HENDRICK** spoke about all the bills the committee has heard with all the requests for help. But, he continued, the taxpayers are overburdened and people do have a responsibility to help themselves. Money is not the answer to every problem.

**REP. MIKE MILBURN** concurred with REP. CAFERRO. Choices have to be made for the best use of taxpayer dollars.

**Vote:** Motion failed 7-9 by roll call vote with REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN, REP. ROBERTS, and REP. WINDY BOY voting aye. REPS. FACEY and WINDY BOY voted aye by proxy and REP. WAGMAN voted no by proxy.

**Motion/Vote:** **REP. HENDRICK** moved that HB 462 BE TABLED AND THE VOTE REVERSED. Motion carried 9-7 with REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN, REP. ROBERTS, and REP. WINDY BOY voting no. REPS. FACEY and WINDY BOY voted no by proxy and REP. WAGMAN voted aye by proxy.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 12.9}**

EXECUTIVE ACTION ON SB 60

Motion: REP. WARDEN moved that SB 60 BE CONCURRED IN.

Discussion:

REP. RON STOKER explained the Federal Government came out with a new set of rules and many small critical access hospitals may now have 25 beds. This will enhance the balance sheet for them. He recommended a "be concurred in."

Vote: Motion carried unanimously by voice vote 16-0. REPS. FACEY, WAGMAN and WINDY BOY voted by proxy.

Motion/Vote: REP. HENDRICK moved that SB 60 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously by voice vote 16-0. REPS. FACEY, WAGMAN and WINDY BOY voted by proxy.

REP. GORDON HENDRICK will carry the bill.  
{Tape: 2; Side: A; Approx. Time Counter: 12.9 - 16.1}

EXECUTIVE ACTION ON HB 437

Motion/Vote: REP. STOKER moved that HB 437 DO PASS. Motion carried unanimously by voice vote 16-0. REPS. FACEY, WAGMAN AND WINDY BOY voted by proxy.

Motion/Vote: REP. HENDRICK moved that HB 437 BE PLACED ON THE CONSENT CALENDAR. Motion carried unanimously by voice vote 16-0. REPS. FACEY, WAGMAN and WINDY BOY voted by proxy.  
{Tape: 2; Side: A; Approx. Time Counter: 16.1 - 20}

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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REP. ARLENE BECKER, Chairman

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MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

**EXHIBIT ([huh34aad0.PDF](#))**