

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN ARLENE BECKER**, on March 2, 2005 at 3:45 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)
Rep. Jonathan Windy Boy (D)

Members Excused: Rep. Pat Wagman (R)

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 669, 2/22/2005
HB 740, 2/22/2005
SB 6, 2/22/2005

Executive Action:

HEARING ON HB 669**Sponsor:** REP. GAIL GUTSCHE, HD 99, MISSOULA**Opening Statement by Sponsor:**

REP. GAIL GUTSCHE opened the hearing on **HB 669**. This bill would establish a pilot program for monitoring supervised visitation with and exchange of children in cases of domestic violence. The program would be offered to two communities and funded with State funds. The Department of Public Health and Human Services (DPHHS) would be able to enter into contracts with eligible providers to create safe places for visitation and exchange of children in cases of domestic violence, sexual assault, stalking, or child abuse that co-occurs with domestic violence. This does not include children who have been sexually abused. That requires a different level of expertise.

The exchange would happen when the custodial parent would bring the child/children to the safe place to visit the non-custodial parent. The two parents would not see each other or be in contact with each other. The visit by the children would then be supervised by a neutral third party trained in these issues. It is not a therapy or behavioral change session. It is just for visiting. Fees would be charged on a sliding scale.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.9}

Proponents' Testimony:

Chris Holmes, Programs Manager, YWCA, Missoula, informed the Committee that she was responsible for the supervised visitation program in Missoula County. She is now responsible for the implementation of the project. With domestic violence, judges often will order the offender to see his child only through supervised visits or visitation at some places that charged a great deal. Based on a needs assessment, they found approximately 300 families were not being served for this reason. Their program provides a neutral, safe place for the child to visit. She continued to provide the reasons for the success of their program.

{Tape: 1; Side: A; Approx. Time Counter: 6.9 - 11.1}

Ian White, Visit Monitor, Planet Kids, Missoula, explained they kept their rules and regulations as simple as possible. A parent cannot talk to the child about the other parent. A parent cannot make future plans because most likely it will not happen. There is to be no whispering or overly rough play. Their facility is a very safe place with separate entrances for the two parents.

There are cameras both in and out of the building and panic buttons linked to law enforcement.

{Tape: 1; Side: A; Approx. Time Counter: 11.1 - 14.3}

Linda Stoll, Missoula Board of County Commissioners, concurred with the previous testimonies and submitted a letter from her Commissioners.

EXHIBIT (huh46a01)

Kate Cholewa, Montana Coalition Against Domestic and Sexual Violence, stated there are risks associated when parents visit their children. These programs can establish safe and healthy ways for children to interact with their non-custodial parent while protecting the primary victim of violence.

{Tape: 1; Side: A; Approx. Time Counter: 14.3 - 16}

Terri Kendrick, YWCA, Missoula, submitted a letter from a lady who is a participant in the Planet Kids program. She read a portion of that letter.

EXHIBIT (huh46a02)

{Tape: 1; Side: A; Approx. Time Counter: 16 - 18.1}

Eric Shiedermayer, Catholic Conference, stood in strong support of the bill. He was pleased to see another bill that would help families pick up the broken pieces and put them back together.

{Tape: 1; Side: A; Approx. Time Counter: 18.1 - 19.5}

Opponents' Testimony: None

Informational Testimony:

Kathy Ostrander, Chief, Program Bureau, Child and Family Services Division, DPHHS, was available for any questions.

Questions from Committee Members and Responses:

REP. BILL WARDEN inquired which two communities had not been given grants. **Ms. Holmes** said the two cities were Butte and Billings.

REP. GORDON HENDRICK asked if rural communities could come and use the Missoula facility. **Ms. Holmes** replied that they have a rural outreach plan which includes sending a staff person to the community to do the visit or preferably providing gas vouchers to those who would come to the center in Missoula. They have served families from Sealy Lake and Lolo.

{Tape: 1; Side: A; Approx. Time Counter: 19.5 - 23.6}

REP. TOM MCGILLVRAY questioned how long the funding from the grant would last. **Ms. Holmes** explained that they had received a two-year planning grant that began in 2002 and had just received implementation funding that began in fiscal year October, 2004. They are fully funded until 2006 with Federal funds. The YWCA is working to raise funding and support through foundations.

REP. MCGILLVRAY inquired what the chargeable fees would cover. **Ms. Holmes** said that their sliding fee scale goes up to a maximum of \$20 per visit. Fifty percent of their participants are paying that rate at this time. They have only been open since November, 2004.

REP. RON STOKER asked how large was Planet Kids' budget. **Ms. Holmes** replied that their budget for the fiscal year was \$176,000 and most of that goes to staffing.

REP. MIKE MILBURN inquired how many visits they have had. **Ms. Holmes** said they have had 105 visits since November 1, 2004. They offer visits four days a week: Monday, Wednesday, Friday, and Sundays.

REP. JONATHAN WINDY BOY wondered if there were any counseling services provided. **Ms. Ostrander** replied that referrals for counseling are made for children of domestic violence, and that is through their Department because they are not a part of this pilot program. **Ms. Holmes** stated that they do not have any counseling in their program, but they do refer children to outside counselors if needed.

{Tape: 1; Side: A; Approx. Time Counter: 23.6 - 30.5}

REP. DAVE MCALPIN inquired about who sets the safety standards and are they covered under an insurance policy. **Ms. Holmes** said they are covered under the YWCA liability insurance policy. There are no national safety standards. There are some Federal requirements to provide a safe and neutral facility.

{Tape: 1; Side: A; Approx. Time Counter: 29 - 32}

CHAIRMAN ARLENE BECKER questioned how exchanges worked. **Ian White** replied that Planet Kids had not done that as of yet. They anticipated it would happen on Sundays.

Closing by Sponsor:

The Sponsor closed.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.8}

HEARING ON HB 740**Sponsor:** REP. RALPH HEINERT, HD 1, LIBBY**Opening Statement by Sponsor:**

REP. RALPH HEINERT opened the hearing on **HB 740**. It is a grant request for \$175,000 to allow the Lincoln County Health Board to continue to assist individuals with health issues primarily related to the asbestos-related respiratory problems that exist in the Lincoln County area. The program is called The Asbestos-related Disease Network or ARDNET. The services provided by ARDNET are separate from the services that are being provided by the Center for Asbestos Related Diseases (CARD Clinic). In 2003, a three year rural health outreach grant was obtained for the Lincoln County Health Board to initiate this program. The amount of the grant was \$133,744, started on May 1, 2003, of which \$162,267 was granted for the second year and \$190,267 will begin on May 1, 2005. The grant will run out prior to the next session of the Legislature. He explained the services that would be provided. The requested grant will allow services to be provided for one additional year and allow time for other methods of funding to be found. Hopefully services will be continued through the CARD Clinic. He explained the funding breakdown.

{Tape: 1; Side: B; Approx. Time Counter: 3.8 - 8.9}

Proponents' Testimony:

Eileen Carney, Libby, gave some background on the asbestos issue. She declared that the State of Montana had neglected Libby for fifty years and believed the State would save money by granting this request. ARDNET helps people to stay in their homes which is less expensive than a nursing home. Many have been diagnosed with asbestosis or mesothelioma. Both diseases take a long time to develop. There were people who worked in the mine as late as the 1990's, so there may be a large number of people diagnosed with these diseases down the road. If HB 669 is passed, Libby will then be able to look for more money to help them get through the coming years.

{Tape: 1; Side: B; Approx. Time Counter: 8.9 - 17.6}

Tracy Velazquez, Evaluator, ARDNET, gave her testimony and submitted her written statement.

EXHIBIT (huh46a03)

{Tape: 1; Side: B; Approx. Time Counter: 17.6 - 25.5}

Don Judge, Teamsters Local 190, stood in support of HB 740. Libby is the first and only documented case of where exposure to asbestos, even to people who did not work in the facility, has

been recorded. People who had not worked there were being diagnosed with asbestosis and mesothelioma. The ages ranged from young to old. Eighty percent of the world's vermiculite in the 1950's, 1960's and early 1970's was provided by the mine in Libby. Vermiculite was the chief substance used to insulate homes throughout the country. Between 15 million and 35 million homes were insulated with asbestos-laden and tremolite-laden vermiculite. The twin towers at one point recorded a higher asbestos content in the air when the towers collapsed and the workers were there. The towers were insulated with vermiculite from Libby. He continued that this problem is going to go on for a very long time. He urged the Committee to pass this bill.

{Tape: 1; Side: B; Approx. Time Counter: 25.5 - 32}

Al Smith, Montana Trial Lawyers Association, said that for the past eight years he had been working with and getting to know many of the people in Libby who were struck with asbestosis. The amount of money being requested is small and he urged the Committee to pass the bill.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 0.6}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. STOKER asked how many people in Libby have been infected with asbestosis. **Ms. Velazquez** said that when the screening for asbestosis was done, it was reported that about 1,200 people had tested positive. Some people had told her that they didn't want to get tested just because they didn't want to know.

REP. STOKER inquired if there was any information concerning the time between being exposed and being diagnosed with asbestosis. **Ms. Velazquez** thought it was a bit like smoking. You know that the more you are exposed to it, the greater the risk. She spoke of kids running track where vermiculite was used and kids jumping in stacks of vermiculite. They have not been tested as of yet.

{Tape: 2; Side: A; Approx. Time Counter: 0.6 - 5.2}

REP. STOKER asked if the citizens of Libby who have been diagnosed with asbestosis are a party to the lawsuit against Grace Corporation. **Mr. Smith** explained that there are a number of individual lawsuits filed against W. R. Grace, but there is no class action on behalf of the people of Libby. Grace did a good job of hiding their assets, but some of those assets have been found and are in the bankruptcy court. He added that there are asbestos cases around the world.

Closing by Sponsor:

The Sponsor closed.

{Tape: 2; Side: A; Approx. Time Counter: 5.2 - 10.5}

HEARING ON SB 6

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

Opening Statement by Sponsor:

SEN. JOHN ESP opened the hearing on **SB 6**. He asked the Committee to look at Page 1, Line 25 and explained that the material provided by the Department would be distributed by the Department and they would provide the parent with information about receiving counseling or medical attention.

Proponents' Testimony:

Kathy Ostrander, Child and Family Services Division, DPHHS, said they were in support of the bill. The changes in the bill are due primarily to a time limit that was set on Section 40-6-415 which expired on June 30, 2004. Nothing was in statute that spoke about the dissemination of information. She handed in the pamphlet that is available at all sites where a newborn can be surrendered. Since the bill was enacted in 2001, three newborns have been surrendered.

EXHIBIT (huh46a04)

{Tape: 2; Side: A; Approx. Time Counter: 10.5 - 15.3}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. CAFERRO asked if the safe delivery line would no longer be in use, would the parent contact the department and would the pamphlet no longer be available. **Ms. Ostrander** replied that the pamphlet will still be available. The bill had to be amended to provide the safe delivery because Section 40-6-415 expired on June 30, 2004 and was no longer in statute. The pamphlet refers to the Child Abuse Help Line and people can call that number for information. The pamphlet has a wide variety of information.

Ms. Fox also explained why the bill was needed.

{Tape: 2; Side: A; Approx. Time Counter: 15.3 - 18.2}

REP. CAFERRO inquired that if a family decided to surrender their baby, would they be given the pamphlet immediately. **Ms.**

Ostrander replied, "Yes."

Ms. Fox further explained the necessity of the bill and how the process works together in statute and codes.

Closing by Sponsor:

The Sponsor closed.

{Tape: 2; Side: A; Approx. Time Counter: 18.2 - 20.3}

REP. TERESA HENRY will carry the bill.

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. ARLENE BECKER, Chairman

MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

EXHIBIT ([huh46aad0.PDF](#))