

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN ARLENE BECKER**, on April 11, 2005 at 4:00 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)
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: None

Executive Action: SB 499, Be Concurred In As Amended;
SJ 18, Tabled

EXECUTIVE ACTION ON SB 499

Motion: REP. ROBERTS moved that SB 499 BE CONCURRED IN.

Motion: REP. ROBERTS moved that SB 499 BE AMENDED.

EXHIBIT(huh77a01)

Motion: REP. ROBERTS moved that the amendment, Exhibit (1), BE CONCEPTUALLY AMENDED TO REMOVE FROM NEW SECTION. SECTION 1. (3) "(c) recovery, resilience, and self-determination."

Discussion:

REP. ROBERTS explained that with the liberal interpretation of the law, those three words could prove to be a problem for the Legislature in the future.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.5}

REP. FACEY declared that the amendment by SEN. ESP is good and reflects what is currently happening in practice. The Department will have several "shall's," but he did not see any mandates for the community mental health centers or other organizations.

REP. STOKER asked REP. FACEY if he saw a requirement in the bill or the amendment for all 56 counties to come up with a mental health emergency plan. REP. FACEY said that he did not see any mandate. He pointed to Page 4 of the amendment, "(b) shall review and monitor crisis intervention programs established pursuant to 53-21-139."

Ms. Fox pointed out that on Page 5 of the bill, the whole section on 53-21-139 was stricken. The amendment refers to existing State law. She read from the Montana Code Annotated (MCA), "1) The Department shall, subject to available appropriation, establish crisis intervention programs. The program must be designed to provide 24-hour emergency admission and care of a person suffering from a mental disorder and requiring commitment in a temporary safe environment in the community as an alternative to placement in jail. 2) The Department shall provide information and technical assistance regarding needed services and assist counties in developing county plans for crisis intervention services and for the provision of alternatives to jail placement. 3) The Department may provide crisis intervention programs as a rehabilitative service and a targeted case management service." She said that all three are mandates to the Department and this is current law.

REP. STOKER asked, "With this being current law, have the counties complied with this direction?" Ms. Fox said that the

statute was a narrow piece and before 1991, people with mental illness were being put in jail. That does not seem to be happening now and that is why so many are sent to the Montana State Hospital. They are complying with the law, but the next piece has not been developed for many places. If the person does not come to the attention of law enforcement, help is piecemeal and a patch work across the State.

REP. STOKER did not think that the Legislature should mandate the counties to provide crisis plans and centers. It is too costly.

CHAIRMAN BECKER commented that her bill, HB 395, was directly related to this situation. In Yellowstone County, those in need go to one of the hospitals and the costs are exorbitant.

Ms. Fox explained that two different populations are being discussed. If someone has committed a crime, they would be the ones ending up in jail before they have been determined to have a mental illness. But people cannot be put in jail just because they have a mental illness and no one knows what to do with them. If they are a danger to themselves or others and have not committed a crime, they have to be put somewhere that is considered to be a safe environment. Quite often that is the State Hospital in this area of Helena.

Ms. Fox stated that the amendment is only clarifying the Service Area Authority (SAA) language. The only tie is if there is an SAA, they get to review and monitor any plan a county might have. An SAA covers a group of counties and it would be important for them to see the bigger picture.

REP. ROBERTS spoke on legislation that happened in 2003. Mental health issues should be addressed at the local level. Approximately 90% can be handled locally with appropriate intervention and medication. He further stated that SEN. ESP's amendments address this issue and the interim committee would address the funding issue.

{Tape: 1; Side: A; Approx. Time Counter: 6.5 - 18.2}

REP. EATON only hoped that the bill and the amendments would not be a mandate to the counties. She asked for more clarification.

REP. FACEY said his understanding of the amendment was that there were no mandates. On Page 2, the amendment stated what the Department was going to do. On Page 3, Section 4, SAAs were being asked to collaborate, plan, oversee, etc. He did not see the words like shall, must, etc.

REP. NOONAN, REP. ROBERTS, CHAIRMAN BECKER and REP. CAFERRO continued to discuss the issue of mandates to counties and SAAs.
{Tape: 1; Side: A; Approx. Time Counter: 18.2 - 26.3}

Vote: Motion to amend SB 499 with **REP. ROBERT's** conceptual amendment carried 15-1 by roll call vote with **REP. WINDY BOY** voting no. **REP. WAGMAN** voted by proxy.

Motion: **REP. FACEY** moved that SB 499 BE AMENDED.
[EXHIBIT](#) (huh77a02)

Discussion:

REP. FACEY explained his amendment. It proposed to study the mental health crisis services in the communities and have all stakeholders involved in the process.

CHAIRMAN BECKER wondered if the amendment would take the place of the resolution that is coming forward. **REP. FACEY** did not believe that it would.

REP. ROBERTS resisted the amendment and would be supportive of the resolution.

REP. CAFERRO wondered what would happen if the resolution was not passed.

REP. ROBERTS did not think the amendment was in the title of the bill.

Ms. Fox thought there was not a problem with the title, but there might be a problem with the concept.

REP. MCALPIN questioned if the language would be codified and if it would have the effect of the force of law.

Ms. Fox explained that the amendment, as drafted, would become law but it would become chapter law. Because it is time limited, it would most likely not be codified unless it was requested.

REP. EATON was in favor of a study.
{Tape: 1; Side: A; Approx. Time Counter: 26.3 - 32}

Vote: Motion failed 8-8 by roll call vote with **REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN, REP. WARDEN, and REP. WINDY BOY** voting aye. **REP. WAGMAN** voted by proxy.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.2}

Substitute Motion/Vote: REP. MCALPIN moved that SB 499 BE TABLED. Motion failed 6-10 by roll call vote with REP. BECKER, REP. EATON, REP. HENRY, REP. MCALPIN, REP. STOKER, and REP. WINDY BOY voting aye. REP. WAGMAN voted by proxy.

REP. STOKER was not in favor of the bill.

REP. FACEY said that the current statute does not reflect what is happening. The bill with the amendments are good. There is work to do and he felt this bill would be helpful.

REP. WINDY BOY was not in favor of the bill or the amendments. The bill and the amendments have not been looked at carefully enough.

REP. ROBERTS said that this bill goes well with another bill that was passed in 2003. There is a joint resolution coming that will study the situation more thoroughly.

CHAIRMAN BECKER was not comfortable with the amount of time that has been put on the bill and the amendment. It may go into a conference committee and anything might happen to the bill. The Committee may like what is being passed out, but it may not end up that way.

Motion/Vote: REP. FACEY moved that SB 499 BE CONCURRED IN AS AMENDED. Motion carried 10-6 by roll call vote with REP. BECKER, REP. EATON, REP. HENRY, REP. MCALPIN, REP. STOKER, and REP. WINDY BOY voting no. REP. WAGMAN voted by proxy.

REP. FACEY will carry the bill.

{Tape: 1; Side: B; Approx. Time Counter: 1.2 - 9.4}

EXECUTIVE ACTION ON SB 156

Motion: REP. MCALPIN moved that SB 156 BE CONCURRED IN.

Discussion:

REP. MCALPIN explained the bill. It would raise the Federal Poverty Level (FPL) from 150% to 200%. It would give the Department more flexibility. If money was available, they could increase the number of children in CHIP.

REP. CAFERRO said the Department would have the flexibility to raise the FPL incrementally and go no higher than 200%. The Department had good figures on how many people would qualify at different levels between 150% and 200%. With more money coming into the State from I-149, they could expand the rolls by 3,000. She explained that the Department has the authority to change the percentage levels in TANF.

REP. ROBERTS gave some figures on the cost of increased care for Montana kids. The State's share for 2,700 additional kids up to 165% of FPL is \$.9 million, the cost for 4,700 additional kids up to 185% is \$1.6 million, the cost for 6,500 additional children is \$2.1 million. The concept is good, but with the budget as it is, he could not support the bill.

REP. MCGILLVRAY declared that the Committee had already done some good work on CHIP. The asset test was changed which would allow 3,400 children to cross over to Medicaid and open up those slots in CHIP. If the FPL is raised up, more and more people will take advantage of it. Having extra money is not a bad thing. If a family spends every dime they have, they are usually in financial trouble.

REP. CAFERRO informed the Committee that the bill did not change CHIP policy. CHIP is at a capped amount.

REP. MCALPIN said that prevention at the front end is good for everyone.

Vote: Motion failed 8-8 by roll call vote with **REP. BECKER, REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN,** and **REP. WINDY BOY** voting aye. **REP. WAGMAN** voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 9.4 - 17.5}

EXECUTIVE ACTION ON SJ 18

Motion/Vote: **REP. ROBERTS** moved that SJ 18 BE CONCURRED IN. Motion failed 7-9 by roll call vote with **REP. BECKER, REP. CAFERRO, REP. EATON, REP. HENRY, REP. FACEY, REP. MCALPIN,** and **REP. NOONAN** voting aye. **REP. WAGMAN** voted by proxy.

Motion/Vote: **REP. FACEY** moved that SJ 18 BE TABLED AND THE VOTE REVERSED. Motion carried unanimously.

{Tape: 1; Side: B; Approx. Time Counter: 17.5 - 21.3}

ADJOURNMENT

Adjournment: 5:15 P.M.

REP. ARLENE BECKER, Chairman

MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

EXHIBIT ([huh77aad0.PDF](#))