

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN BILL THOMAS**, on March 10, 2003 at 3:00 P.M., in Room 172 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Bill Thomas, Chairman (R)  
Rep. Arlene Becker, Vice Chairman (D)  
Rep. Mark Noennig, Vice Chairman (R)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Ray Hawk (R)  
Rep. Daniel S. Hurwitz (R)  
Rep. Larry Jent (D)  
Rep. Penny Morgan (R)  
Rep. Holly Raser (D)  
Rep. Don Roberts (R)  
Rep. Ron Stoker (R)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Susan Fox, Legislative Branch  
CJ Johnson, Committee Secretary

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

**Committee Business Summary:**

Hearing & Date Posted: SJ 21 (3/5/03) SB 55 (3/5/2003)  
Executive Action: HB 698 Do Pass As Amended; SJR 21  
Be Concurred In; SB 55 Be Concurred  
In; SB 94 Be Concurred In; HB 706  
Tabled

HEARING ON SJR 21

Sponsor: SEN. VICKI COCCHIARELLA, SD 32, Missoula

Opening Statement by Sponsor:

SEN. COCCHIARELLA said this Joint Resolution of the Senate and the House of Representatives of the State of Montana directs the Department of Public Health and Human Services to work to increase the availability of childcare and to review the status of childcare in Montana.

*{Tape: 1; Side: A; Approx. Time Counter: 6 - 38}*

Proponents' Testimony:

Linda Fillinger, Chief, Early Childhood Services Bureau, Department of Public Health & Human Services, said they provide childcare services to families who are attempting to get off welfare and into the workforce. Their organization also tries to improve the quality of the childcare.

*{Tape: 1; Side: A; Approx. Time Counter: 6 - 48}*

SEN. BOB KEENAN, SD 38, Bigfork, said this bill is a big issue with the Welfare Reform Act of 1996. This bill enables parents to have good childcare which in turn enables parents to go to work. The problems society will be facing in the next biennium will be crucial if the system cannot find good childcare for the needy.

*{Tape: 1; Side: A; Approx. Time Counter: 48 - 59}*

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

The Sponsor closed.

*{Tape: 1; Side: A; Approx. Time Counter: 59 - 67}*

HEARING ON SB 55

Sponsor: SEN. BOB KEENAN, SD 38, Bigfork

Opening Statement by Sponsor:

SEN. KEENAN said this bill was an act providing for a three-month community commitment unless there has been evidence of a previous involuntary commitment for inpatient treatment in a mental health facility.

*{Tape: 1; Side: A; Approx. Time Counter: 67 - 106}*

Proponents' Testimony:

Dan Anderson, Administrator, Addictive and Mental Disorder Division, Department of Public Health and Human Services, said there was an equal protection issue where previously a person could be committed to the State Hospital for three months but to a community commitment for six months. In most cases this makes the time equal; i.e., three months to the State Hospital or community commitment. It does allow, in some cases, if a person has previously been committed to an in-patient facility and the judge believes that because of previous history, a longer community commitment is warranted. Under those limited circumstances, a six-month community commitment would be allowed.

*{Tape: 1; Side: A; Approx. Time Counter: 106 - 125}*

Anita Roessmann, Attorney at Law, Montana Advocacy Program, said this legislation will encourage judges to exercise some critical oversight in the commitment cases and do some careful balancing before they allow someone to be committed. The judges always go with the maximum amount thinking that the provider is going to release the person from the commitment as soon as the person no longer qualifies for a commitment. The reality is that people often ride out their commitments. The judges will exercise greater care imposing a six month commitment under this statute.

*{Tape: 1; Side: A; Approx. Time Counter: 125 - 148}*

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. ROBERTS asked Ms. Roessmann if a patient is getting better, can they, on their own behalf, have someone represent them and the patient is dismissed? Ms. Roessmann said she was not sure what the process would be. The provider would notify the court that the person no longer met the criteria for commitment and was

being discharged. The State Hospital discharges people but the community providers do not do that because the person is "at liberty."

**{Tape: 1; Side: A; Approx. Time Counter: 148 - 164}**

**REP. FACEY** asked Mr. Anderson what type of community services were in Missoula. **Mr. Anderson** said that community services include in-home services, case management, psychiatric care, and day treatment. These are the primary adult services in Missoula.

**{Tape: 1; Side: A; Approx. Time Counter: 164 - 183}**

**REP. NOENNIG** asked Ms. Roessmann if a voluntary commitment can be three months in the hospital or six months in the community. He asked if there is some type of constitutional problem with the commitment of a different term in one facility or was it just a technical problem. **Ms. Roessmann** said there was an equal protection problem with the longer period of commitment for out-patient services. There is also a different commitment criteria and a lesser liberty on an out-patient commitment.

**{Tape: 1; Side: A; Approx. Time Counter: 183 - 298}**

**Closing by Sponsor:**

The Sponsor closed.

**{Tape: 1; Side: A; Approx. Time Counter: 298 - 319}**

**REP. FACEY** will carry this bill on the House floor.

**EXECUTIVE ACTION ON HB 698**

**Motion:** **REP. ROBERTS** moved that HB 698 DO PASS.

**Motion:** **REP. ROBERTS** moved that HB 698 BE AMENDED.

**EXHIBIT** (huh50a01)

**Discussion:**

**Ms. Fox** explained the amendments.

**Vote:** Motion carried 13-0.

**Discussion:**

**REP. GALLUS** asked if this was a diversion charge on the registration. **Ms. Fox** said it was a voluntary donation and must be checked on the register. **REP. GALLUS** then said this bill

would not have any affect on the general fund. **Ms. Fox** said he was correct.

**REP. FACEY** said that taxes are not to be raised unless they know where the taxes are going.

**Vote: Motion carried 11-2 with REPS. HAWK and STOKER voting no.**

#### EXECUTIVE ACTION ON HB 706

**Motion: REP. GALLUS moved that HB 706 DO PASS.**

#### **Discussion:**

**REP. JENT** asked Mr. Olson if HB 706 was really needed. He asked of there is some problem this bill is supposed to fix. **Mr. Olson** said the Department is neither supporting or opposing this bill but rather they are standing as an informational witness. This bill will address the situation that arose regarding the reporting factors that had not been met because there was no sanction provided in the statute.

**REP. NOENNIG** said in 1999 this statute was introduced as a bill and the sanctions portion were left out. Now the Department wants the sanctions put back in.

**REP. STOKER** said if this is not complied with at the federal level at a \$5 higher penalty, how will the federal government force Montana to comply with it either. **Mr. Olson** said that was REP. RICE'S purpose in presenting this bill. This will provide some sanction in case there are employers that are non-reporters.

**REP. NOENNIG** said if there is no sanction federally, there is the allowance of the State to oppose the sanctions. **Mr. Olson** said, "No, there is not. It is completely within the discretion of the State whether to provide a sanction for an agency like the CSCD to pursue non-reporting in a new-hire situation."

**REP. RASER** asked Mr. Olson about contempt action against the employer. **Mr. Olson** said this particular matter would be the subject of a contempt action against the employer. Notice would be provided to the employer of his alleged infraction. The employer would be given with an opportunity to provide an explanation and remedy the situation. The agency would then have the opportunity to bring the situation up to assess the civil penalty against the employer. The employer would have the opportunity to have a "due-process" hearing to determine if the allegations were valid.

**REP. HURWITZ** said he thought this bill was dealing with the mentally ill. **REP. JENT** said that is what the bill contends. It is tagging a penalty on those who don't report someone working for them. This bill already takes care of public policy in penalizing employers. There has already been a debate about whether to adopt a penalty at the state level for people not recording promptly and correctly.

**Substitute Motion/Vote:** **REP. GALLUS** moved that **HB 706 BE TABLED**. Motion carried 8-5 with **REPS. HURWITZ, FACEY, RASER, NOENNIG** and **THOMAS** voting no.

**EXECUTIVE ACTION ON SB 94**

**Motion/Vote:** **REP. FACEY** moved that **SB 94 BE CONCURRED IN**. Motion carried 13-0. **REP. FACEY** will carry the bill.

**EXECUTIVE ACTION ON SJR 21**

**Motion/Vote:** **REP. FACEY** moved that **SJR 21 BE CONCURRED IN**. Motion carried 13-0.

**Motion/Vote:** **REP. FACEY** moved **SJR 21 BE PLACED ON CONSENT CALENDAR**. Motion carried 13-0. **REP. BECKER** will carry this bill.

**EXECUTIVE ACTION ON SB 55**

**Motion/Vote:** **REP. NOENNIG** moved that **SB 55 BE CONCURRED IN**. Motion carried 13-0. **REP. FACEY** will carry the bill.

**ADJOURNMENT**

Adjournment: 4:15 P.M.

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REP. BILL THOMAS, Chairman

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CJ JOHNSON, Secretary

BT/CJ

**EXHIBIT (huh50aad)**