

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE 1-24-05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. ARLENE BECKER, CHAIR			X
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		



HOUSE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 80** (first reading copy -- white) **do pass**.

Signed: *Arlene Becker*
Representative Arlene Becker, Chair

- END -

Committee Vote:
Yes 16, No 0.

190900SC.hkh

1/25 MP



HOUSE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 216** (first reading copy -- white) do pass as amended.

Signed: *Arlene Becker*
Representative Arlene Becker, Chair

And, that such amendments read:

1. Page 1, line 29.

Following: "obligee"

Insert: "or as an aid to the operation of the IV-D program"

2. Page 2, line 13.

Following: "property;"

Strike: "and"

3. Page 2, line 15.

Following: "interest"

Insert: "; and

(1) the information listed in subsection (2)(g) for all Montana employers for the operation of the directory of new hires established under 40-5-922, including information received by electronic transmission"

4. Page 13, line 14 through line 15.

Following: "service" on line 14

Strike: remainder of line 14 through "distrain" on line 15

Insert: ", including a warrant received by electronic transmission"

5. Page 20, line 16.

Following: "process"

Committee Vote:

Yes 16, No 0.

190901SC.hkh

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January 25, 2005

Page 2 of 2

Insert: ", except an execution, attachment, or garnishment of a right to compensation for work loss to secure payment of maintenance or child support"

6. Page 20, line 18.

Strike: "execution, attachment, garnishment, or"

- END -

190901SC.hkh



HOUSE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 127** (first reading copy -- white) **do pass**.

Signed: Arlene Becker
Representative Arlene Becker, Chair

- END -

Committee Vote:
Yes 16, No 0.

190858SC.hkh

1/25 mp



HOUSE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 3

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 255** (first reading copy -- white) **do pass as amended.**

Signed: _____

Arlene Becker

Representative Arlene Becker, Chair

And, that such amendments read:

1. Title, lines 5 and 6.

Following: "SPECIFYING THAT"

Strike: remainder of line 5 through "DISORDER" on line 6

Insert: "A MENTAL DISORDER MAY CO-OCCUR WITH ADDICTION OR
CHEMICAL DEPENDENCY"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "53-21-102"

Insert: "AND 53-21-126"

3. Page 2, line 14.

Following: "alcohol"

Strike: remainder of line 14 through "disorder"

4. Page 2, line 15.

Following: "intoxication"

Strike: remainder of line 15 through "disorder"

5. Page 1, line 18.

Following: line 17

Insert: "(c) A mental disorder may co-occur with addiction or
chemical dependency."

Committee Vote:

Yes 16, No 0.

190859SC.hkh

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MP

6. Page 3, line 23.

Following: line 22

Insert: "Section 2. Section 53-21-126, MCA, is amended to read:

"53-21-126. Trial or hearing on petition. (1) The respondent must be present unless the respondent's presence has been waived as provided in 53-21-119(2), and the respondent must be represented by counsel at all stages of the trial. The trial must be limited to the determination of whether or not the respondent is suffering from a mental disorder and requires commitment. At the trial, the court shall consider all the facts relevant to the issues of whether the respondent is suffering from a mental disorder. If the court determines that the respondent is suffering from a mental disorder, the court shall then determine whether the respondent requires commitment. In determining whether the respondent requires commitment and the appropriate disposition under 53-21-127, the court shall consider the following:

(a) whether the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) whether the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) whether, because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; and

(d) whether the respondent's mental disorder, as demonstrated by the respondent's recent acts or omissions, will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(2) The standard of proof in a hearing held pursuant to this section is proof beyond a reasonable doubt with respect to any physical facts or evidence and clear and convincing evidence as to all other matters. However, the respondent's mental disorder must be proved to a reasonable medical certainty. Imminent threat of self-inflicted injury or injury to others must be proved by overt acts or omissions, sufficiently recent in time as to be material and relevant as to the respondent's present condition.

(3) The professional person appointed by the court must be present for the trial and subject to cross-examination. The trial is governed by the Montana Rules of Civil Procedure. However, if the issues are tried by a jury, at least two-thirds of the jurors shall concur on a finding that the respondent is suffering from a mental disorder and requires commitment. The written report of

the professional person that indicates the professional person's diagnosis may be attached to the petition, but any matter otherwise inadmissible, such as hearsay matter, is not admissible merely because it is contained in the report. The court may order the trial closed to the public for the protection of the respondent.

(4) The professional person may testify as to the ultimate issue of whether the respondent is suffering from a mental disorder and requires commitment. This testimony is insufficient unless accompanied by evidence from the professional person or others that:

(a) the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; or

(d) (i) the respondent's mental disorder:

(A) has resulted in recent acts, omissions, or behaviors that create difficulty in protecting the respondent's life or health;

(B) is treatable, with a reasonable prospect of success;

(C) has resulted in the respondent's refusing or being unable to consent to voluntary admission for treatment; and

(ii) will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(5) The court, upon the showing of good cause and when it is in the best interests of the respondent, may order a change of venue.

(6) An individual with a primary diagnosis of a mental disorder who also has a co-occurring diagnosis of chemical dependency may satisfy criteria for commitment under this part."

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 1-24-05 BILL NO 255 MOTION NO. 1

MOTION: DPAA

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		
REP. ARLENE BECKER, CHAIR	X		

16

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**Montana House of Representatives
Visitors Register**

HUMAN SERVICES COMMITTEE

Date 1/24/05

Bill No. HB-340 Sponsor(s) Rep. B. Wiseman

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Jim Kember	MT ASSOC. OF Chiefs of Police	X		
Aidan Myhre	CHPA	X		
Bill Stupka	MDGC	X		
Mike Batista	DOT	X		
Jim Smith	MSPCA/MCAH	✓		
Juan Miles	L+C Health Dept	X		
Pam Buey	DOJ	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.
/s/HumServVisitorReg.sample2003

**Montana House of Representatives
Visitors Register**

HUMAN SERVICES COMMITTEE

Date 1/24/05

Bill No. HB-60 Sponsor(s) Rep. C. Harris

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Name and Address	Representing	Support	Oppose	Inf.
Jim Kembel	MT ASSOCIATION OF Chiefs of Police	X		
Glean Dyer	MT Assoc. Doctors		X	
Brian McCallough	SELF		X	
KATHLEEN DOUGHTY	MT Nurses Assn	X	X	
Todd Lamrow	DPHHS	X		
BRUCE DEITLE	DPHHS	X		
Jean Miles	LHC Health	X		
Chris Christensen	MT Land Use Ass	X		
LINDA STOLL	MT LOCAL HEALTH OFFICERS GROUP	✓		
Pam Buey	DOJ	✓		
Ed Mantke	DEQ			✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.