

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HUMAN SERVICES & AGING**

**Call to Order:** By Angela Russell, Chair, on January 16, 1991, at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Angela Russell, Chair (D)  
Tim Whalen, Vice-Chair (D)  
Arlene Becker (D)  
William Boharski (R)  
Jan Brown (D)  
Brent Cromley (D)  
Tim Dowell (D)  
Patrick Galvin (D)  
Stella Jean Hansen (D)  
Royal Johnson (R)  
Betty Lou Kasten (R)  
Charlotte Messmore (R)  
Jim Rice (R)  
Sheila Rice (D)  
Wilbur Spring (R)  
Carolyn Squires (D)  
Jessica Stickney (D)  
Bill Strizich (D)  
Rolph Tunby (R)

**Members Excused:** Rep. Thomas Lee

**Staff Present:** David Niss, Legislative Council  
Jeanne Krumm, Committee Secretary

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

**EXECUTIVE ACTION ON HB 102**

**Motion:** REP. WHALEN MOVED HB 102 DO PASS.

**Discussion:**

David Niss stated that questions on HB 102 that arose on the hearing of the bill pertained to lines 2 through 5 on page 3. The bill didn't have to be amended in a similar fashion to lines 13 through 15 of the same page. That language, like the language amended on lines 12, 13, 14 and 15 involves two ideas or two programs. First, there is an alcohol information course and

second, a treatment program. The intent of this legislation (as expressed in the bill summary) prepared by Tom Gomez, was to split the two so that they could be considered separately. That is still the intent. The language on the bottom of page 2 and the top of page 3 requires that the information course must be taken at the place of an approved treatment program, but that language does not require the person to take the approved treatment program. He can take the treatment program any place where there is a certified chemical dependency counselor (CDC), and provided on lines 14 and 15. The intent of the bill is reasonably clear.

REP. CROMLEY asked if there would be additional treatment programs. David Niss stated he did not think so.

Darryl Bruno, Administrator, Chemical Dependency Bureau, stated the intent is to allow CDCs who are not working in approved programs to be able to provide the treatment only. It would allow nonapproved treatment programs; for example, reservation programs provided there is a CDC. It is not the intent of the Department to approve additional programs, certified counselors would provide counseling for repeat offenders. He submitted written information. **EXHIBIT 1**

David Niss stated the language on page 3, line 14 might be causing confusion; referring to use of the word "program" in the initial position on that line. It is not the intent of this legislation to do anything other than to authorize treatment at a program which uses a CDC. For that purpose, the word "program" on line 13 is superfluous because that is the treatment as opposed to any program that has to do with a CDC. If it would make it clearer, the word "program" could be eliminated.

Motion/Vote: REP. JOHNSON moved to amend HB 102. Motion carried unanimously.

Motion/Vote: REP. STICKNEY MADE A SUBSTITUTE MOTION THAT HB 102 DO PASS AS AMENDED. Motion carried unanimously.

#### EXECUTIVE ACTION ON HB 103

Motion: REP. STICKNEY MOVED HB 103 DO PASS.

#### Discussion:

REP. S. RICE provided amendments. **EXHIBIT 2**

REP. WHALEN stated peace officers are concerned about mentally ill people in rural areas. They don't have any place to put the mentally ill. In the last session it was decided to hold mentally ill people in the least restrictive environment; then contact the closest mental health facility so that person can be transported as soon as there is room.

REP. WHALEN asked REP. S. RICE would this bill work for hospitals if the amendment doesn't pass. REP. S. RICE stated that hospitals need to be able to admit patients based on the ability to treat individual patients appropriately. There may be some cases where a hospital, even though it includes mental health facilities, may not be the right place for that person.

REP. WHALEN asked would there be provisions to accept someone on an emergency basis with the understanding the patient would be moved as quickly as possible to a facility that could more adequately handle that individual. REP. S. RICE stated there is no concern because the amendment addresses the committee's concerns that these people not be placed in jail but somewhere else.

REP. STICKNEY stated that the concern that patients cannot be admitted to a hospital unless there is a written agreement in the bill does not change the intention. REP. S. RICE stated the bill is written so all hospitals and medical facilities have to agree in writing, except for those that are in a mental health facility.

REP. STRIZICH stated there is a specific meaning in "detention". He said it is not the intent of the bill to allow hospitals to detain people. When a person refers to a hospital as a detention facility, it is simply because they can't have a determination screening. The mentally ill do not belong in jail. As soon as possible a screening is held. David Niss stated the detention language is in the section of current law already being amended, authorizing hospitals to detain persons.

REP. J. RICE stated the amendment is not to the bill before the committee. The amendment is to the present law. This is going the opposite direction of the bill that the interim committee brought in.

Motion/Vote: REP. S. RICE moved to amend HB 103. EXHIBIT 2 Motion failed 4-16 with REPS. RUSSELL; WHALEN; BECKER; BOHARSKI; BROWN; DOWELL; GALVIN; HANSEN; KASTEN; LEE; J. RICE; SPRING; SQUIRES; STICKNEY; STRIZICH; and TUNBY voting NO.

#### Discussion:

REP. BOHARSKI provided amendments to HB 103. EXHIBIT 3

REP. BOHARSKI stated the term "chronically mentally ill" isn't used anymore in the Montana statutes.

REP. WHALEN asked if in the amendments is the term "mentally ill" being struck and replaced with "seriously mentally ill". REP. BOHARSKI stated that "seriously mentally ill" is the term in the statutes and that is the appropriate term to be used. If it remains "mentally ill", then it pertains to all mentally ill people in Montana.

REP. RUSSELL stated the intent of the bill is to honor service to individuals who end up in jail. Presently, with the establishment of crises intervention centers the intent is that those individuals, (some may have private insurance but most do not), and without it they would fit into this category.

REP. BOHARSKI moved to amend to HB 103. EXHIBIT 3. Motion carried unanimously.

**Motion:** REP. STICKNEY MADE A SUBSTITUTE MOTION THAT HB 103 DO PASS AS AMENDED.

Discussion:

REP. MESSMORE stated the existing law indicated that a person brought to a hospital can be admitted only if the facility has agreed in writing to the person's admission. No one is admitted to a hospital without a physician's order. David Niss stated that not all hospitals have to agree in writing.

REP. KASTEN stated that this bill will put a large strain on finances for the counties because of distances to travel.

**Vote:** Motion carried 17 to 3 with REPS. KASTEN, MESSMORE, and JOHNSON voting NO.

ADJOURNMENT: 4:00 p.m.

  
ANGELA RUSSELL, Chair

  
Jeanne Krumm, Secretary

AR/jck

Table 3

Local Jails that Rank Detention of the Mentally Ill as One  
of the Five Most Serious Problems Affecting the Jail

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<u>Name</u>	<u>Ranking</u>
Blaine	4
Chouteau	1
Daniels	2
Fallon	2
Fergus	4
Flathead	2
Gallatin	3
Glacier	1
Granite	2
Havre	4
Jefferson	4
Lewis & Clark	5
Lincoln	3
Park	1
Phillips	5
Pondera	5
Rosebud-Colstrip	4
Rosebud-Forsyth	3
Sheridan	1
Whitefish	4
Yellowstone	5

1 = Most Serious Problem  
Affecting the Jail

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Source: Montana State Legislature, Joint Interim  
Subcommittee on Adult and Juvenile Detention, Jail  
Survey (Helena, MT: Legislative Council, 1990).

Ex. 1  
1-16-91  
HB 103

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Table 2

Local Jails Used for the Detention of Mentally Ill Persons  
without Criminal Charge Pending a Civil Commitment Hearing

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<u>Name</u>	<u>Mentally ill held pending civil commitment hearing?</u>
Beaverhead	Yes
Big Horn	Yes
Broadwater	Yes
Cascade	Yes
Dawson	Yes
Fergus	Yes
Flathead	Yes
Gallatin	Yes
Glacier	Yes
Hill	Yes
Jefferson	Yes
Lewis & Clark	Yes
Lincoln	Yes
Madison	Yes
Park	Yes
Powder River	Yes
Prairie	Yes
Rosebud-Forsyth	Yes
Sanders	Yes
Silver Bow	Yes

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Source: Montana State Legislature, Joint Interim  
Subcommittee on Adult and Juvenile Detention,  
Jail Survey (Helena, MT: Legislative Council, 1990).

Table 1

Local Jails Used for the Detention of the Mentally Ill  
 and the Number of Mentally Ill Held in Jail in 1989

<u>Name</u>	<u>Routinely handle mentally ill in jail?</u>	<u># Mentally ill persons held</u>
Anaconda-Deer Lodge	Yes	15
Beaverhead	Yes	5
Big Horn	Yes	2
Blaine	No	1
Broadwater	No	3
Cascade	Yes	-NA-
Chouteau	No	10
Daniels	Yes	0
Dawson	Yes	6
Fallon	No	2
Flathead	Yes	48
Gallatin	Yes	19
Glacier	Yes	2
Havre	Yes	0
Hill	Yes	11
Jefferson	Yes	3
Lake	No	4
Lewis & Clark	Yes	104
Lincoln	Yes	22
Mineral	Yes	-NA-
Missoula	No	12
Park	Yes	-NA-
Pondera	No	1
Powder River	Yes	4
Prairie	Yes	0
Ravalli	Yes	6
Richland	No	2
Rosebud-Colstrip	Yes	2
Rosebud-Forsyth	Yes	4
Sanders	No	2
Sheridan	Yes	1
Silver Bow	Yes	15
Stillwater	No	1
Sweetgrass	No	1
Wheatland	Yes	1
Whitefish	No	10

Source: Montana State Legislature, Joint Interim Subcommittee on Adult and Juvenile Detention, Jail Survey, (Helena: MT: Legislative Council, 1990).

1-17-91  
103

HOUSE STANDING COMMITTEE REPORT

January 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 103 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Angela Russell, Chairman

And, that such amendments read:

- 1. Title, lines 14 and 15.  
Following: "SERVICES" on line 14  
Strike: "FOR THE MENTALLY ILL"  
Following: "PROGRAM" on line 15  
Insert: "FOR ADULTS WHO ARE SERIOUSLY MENTALLY ILL"
- 2. Page 6, line 25.  
Following: "shall"  
Insert: ", subject to available appropriations,"
- 3. Page 7, line 3.  
Following: "community"  
Insert: "as an alternative to placement in jail"
- 4. Page 9, line 17 and 18.  
Strike: "the" on line 17  
Insert: "adults who are seriously"  
Following: "1396n(g)" on line 18  
Insert: ", but limited to services provided in crisis intervention programs established under [section 4]"

8:00 AM  
1-17-91

HOUSE STANDING COMMITTEE REPORT

January 16, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 102 (first reading copy -- white) do pass as amended .

Signed: \_\_\_\_\_  
Angela Russell, Chairman

And, that such amendments read:

1. Page 3, line 14.  
Strike: "program"

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 1-16-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR	✓		
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN	✓		
REP. ROYAL JOHNSON	✓		
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE		✓	
REP. CHARLOTTE MESSMORE	✓		
REP. JIM RICE	✓		
REP. SHEILA RICE	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

EXHIBIT 2  
DATE 1-16-91  
HB 103

Amendments to House Bill No. 103  
First Reading Copy

Requested by Rep. Sheila Rice  
For the Committee on Human Services and Aging

Prepared by David S. Niss  
January 16, 1991

1. Title, line 8.  
Following: "HEARING;"  
Insert: "AUTHORIZING DETENTION IN A MENTAL HEALTH FACILITY ONLY  
IF THE FACILITY AGREES IN WRITING;"

2. Page 2, line 14.  
Strike: "that is not a mental health facility"

3. Page 4, line 3.  
Strike: "that is not a mental health facility"

EXHIBIT 3  
DATE 1-16-91  
HB 103

Amendments to House Bill No. 103  
First Reading Copy

Requested by Representative Bill Boharski  
For the House Human Services and Aging Committee

Prepared by Tom Gomez  
January 14, 1991

1. Title, lines 14 and 15.  
Following: "SERVICES" on line 14  
Strike: "FOR THE MENTALLY ILL"  
Following: "PROGRAM" on line 15  
Insert: "FOR ADULTS WHO ARE SERIOUSLY MENTALLY ILL"
  
2. Page 6, line 25.  
Following: "shall"  
Insert: ", subject to available appropriations,"
  
3. Page 7, line 3.  
Following: "community"  
Insert: "as an alternative to placement in jail"
  
4. Page 9, line 17 and 18.  
Strike: "the" on line 17  
Insert: "adults who are seriously"  
Following: "1396n(g)" on line 18  
Insert: ", but limited to services provided in crisis  
intervention programs established under [section 4]"