

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 10, 1983

The twenty-eighth meeting of the Senate State Administration Committee was called to order by Chairman, Senator Pete Story on February 10, 1983 at 10:30 a.m. in Room 331 of the State Capitol in Helena, Montana.

ROLL CALL: All members were present but Senator Stimatz who was excused.

The meeting was called into EXECUTIVE SESSION:

ACTION ON SENATE BILL 166: (re: retired professors)

SENATOR MARBUT MOVED THAT S.B.166 DO PASS.

There was, again, a tie vote. Senators Marbut, Manning and Towe voted aye and Senators Hammond, Tveit and Story voted nay. IT WAS DECIDED TO WAIT UNTIL SENATOR STIMATZ WERE PRESENT TO VOTE AGAIN. NO ACTION AT THIS TIME.

ACTION ON SENATE BILL 314: (re: transfer of retirement credits)

SENATOR HAMMOND MOVED THAT S.B.314 DO PASS.  
MOTION PASSED UNANIMOUSLY.

ACTION ON SENATE BILL 320: (re: increase max. amt. disability pen.)

SENATOR TVEIT MOVED SENATE BILL 320 DO PASS.  
MOTION PASSED UNANIMOUSLY.

ACTION ON SENATE BILL 324: (re: youth treatment center)  
DISCUSSION BY THE COMMITTEE:

There was a concern regarding the dangerous and extreme child. Curt Chisholm of the Department of Institutions, stated that they have other places they have put these types of children. He also stated that the reason for the age cut was because they felt they do need intervention. Children younger than 12 can usually be handled by the family. Question was asked regarding immediate action when necessary and Mr. Chisholm stated that they do have the authority to do something immediately as far as protective custody. This was in answer to Senator Story's questions.

Senator Towe said that anytime a child threatens or does a dangerous act the law enforcement contacts mental health professionals and they contact the county attorney and a petition is filed for committment. They then put the child into a psychiatric ward and if one is not immediately available they would put him in jail until they could transport him to one

STATE ADMINISTRATION  
February 10, 1983  
Page 2

which would be at the earliest possible time.

Mr. Chisholm said that all law officers will be informed of this new law. Senator Towe said that the people in Billings do not want to enlarge a new psychiatric ward even though theirs is full because they feel it is the states responsibility. He mentioned another concern was the child that would not hurt anyone but is disruptive and distructive of material things.

Mr. Chisholm also stated that if a child were tried in court as an adult he could be sent to Warm Springs but that he has no problems with that if the child were that dangerous. Reference is made in the Bill to the Mental Health Commitment Act.

SENATOR TOWE MOVED to STRIKE SECTION 13 in its entirety and renumber subsequent sections; and on Page 15, line 6, following "However," to INSERT "except as provided for in 53-21-130". Amend the title, line 9, STRIKE "53-21-130,".  
AS AMENDMENTS TO S.B.324.  
MOTION PASSED UNANIMOUSLY.

STATEMENT OF INTENT TO S.B.324:  
SENATOR TOWE MOVED THE STATEMENT OF INTENT TO S.B.324.  
ADDING A PARAGRAPH TO WHAT WAS SUBMITTED. (EXHIBIT 1)  
MOTION PASSED UNANIMOUSLY.

SENATOR TOWE MOVED S.B.324 DO PASS AS AMENDED.  
MOTION PASSED UNANIMOUSLY

ACTION ON SENATE BILL NO. 327: (re: alcohol treat. centers trans.  
from Institutions to Health)  
SENATOR TOWE MOVED S.B.327 DO PASS.

DISCUSSION BY THE COMMITTEE:  
Senator Towe said that the alcohol treatment centers were asked for certificates of health. It was said that they are concerned about being so closely affiliated with mental health and that their funds may be shifted from their funds into mental health.

Senator Marbut questioned line 22 on page 1 referring to "non-profit" and Senator Towe said that the law states it is so when none of the participants receive any gains. Senator Marbut asked why they did not use the IRS statutes. Senator reviewed statistics of the institutions and how they were put into the departments they are now in. There is a problem yet and that is with medicaid.

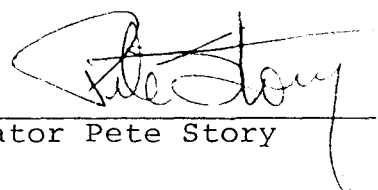
SENATOR MARBUT MOVED THAT S.B.327 DO NOT PASS  
MOTION PASSED. Roll call vote recorded in EXHIBIT 2.

STATE ADMINISTRATION  
February 10, 1983  
Page 3

ACTION ON SENATE BILL 338: (re: electioneering)

MOTION WAS MADE BY SENATOR TOWE THAT S.B.338 DO PASS.  
MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 11:45 a.m. and executive session  
will resume again tomorrow, Friday, February 11th.



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CHAIRMAN, Senator Pete Story

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/10/83

----- SENATE				SEAT #
NAME	PRESENT	ABSENT	EXCUSED	
SENATOR PETE STORY, Chairman	X			45
SENATOR H. W. HAMMOND, Vice Ch	X			34
SENATOR REED MARBUT	X			44
SENATOR LARRY TVEIT	X			33
SENATOR R. MANNING	X			48
SENATOR LAWRENCE STIMATZ			X	7
SENATOR THOMAS TOWE	X			26

Each day attach to minutes.

EXHIBIT 1  
State Administration  
SB 324 STATEMENT OF INTENT

Feb. 10, 1983

Bill Number 914:

An act to establish the Montana Youth Treatment Center, its location and functions, the creation of the necessary laws for commitment operation discharge to the Center, amending and repealing certain sections and providing an effective date.

Under Section 6 of the proposed bill, the Department of Institutions is granted appropriate rule making authority concerning the operation of the Montana Youth Treatment Center. A statement of intent is required for this bill because it grants rule making authority to the Department of Institutions for the purposes of admission, treatment and discharge of youth committed to the Center. It is the intent of the legislature that the Department of Institutions under the Montana Administrative Procedures Act be given the authority to adopt rules setting the admission, treatment, transfer and discharge requirements consistent with court commitment requirements to the new Children's Unit. It is contemplated that such rules, if adopted, will address the following:

- a. The types and severity of psychiatric disturbance that may be appropriately treated at the Center;
- b. The types and severity of behavioral problems that may be appropriately treated at the Center;
- c. Procedures for admission to the Center that are consistent with the due process protection of the Mental Health Act;
- d. Establishment of standards for treatment and care that are consistent with the Mental Health Act and currently recognized professional principles of therapy;
- e. Procedures for discharge, transfer, or conditional release from the Center that consider the treatment needs of the youth and are consistent with the Mental Health Act.

The department shall consult with mental health professionals generally and mental health professionals in Billings, Montana in specific in formulating these rules and procedures.

# STANDING COMMITTEE REPORT

FEBRUARY 10

1983

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **314**

Respectfully report as follows: That **SENATE** Bill No. **314**

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 10 19 83

MR. **PRESIDENT**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **320**

Respectfully report as follows: That **SENATE** Bill No. **320**

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 10 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration Statement of Intent, SENATE Bill No. 324

Respectfully report as follows: That Statement of Intent, Senate Bill No. 324

## STATEMENT OF INTENT RE: SB324

An act to establish the Montana Youth Treatment Center, its location and functions, the creation of the necessary laws for commitment operation discharge to the Center, amending and repealing certain sections and providing an effective date.

Under Section 6 of the proposed bill, the Department of Institutions is granted appropriate rule making authority concerning the operation of the Montana Youth Treatment Center. A statement of intent is required for this bill because it grants rule making authority to the Department of Institutions for the purposes of admission, treatment and discharge of youth committed to the Center. It is the intent of the legislature that the Department of Institutions under the Montana Administrative Procedures Act be given the authority to adopt rules setting the admission, treatment, transfer and discharge requirements consistent with court commitment requirements to the new Children's Unit. It is contemplated that such rules, if adopted, will address the following:

~~DO PASS~~

continued..



STATE ADMINISTRATION  
STATEMENT OF INTENT, S.B.324  
PAGE 2

- a. The types and severity of psychiatric disturbance that may be appropriately treated at the Center;
- b. The types and severity of behavioral problems that may be appropriately treated at the Center;
- c. Procedures for admission to the Center that are consistent with the due process protection of the Mental Health Act;
- d. Establishment of standards for treatment and care that are consistent with the Mental Health Act and currently recognized professional principles of therapy;
- e. Procedures for discharge, transfer, or conditional release from the Center that consider the treatment needs of the youth and are consistent with the Mental Health Act.

The department shall consult with mental health professionals generally and mental health professionals in Billings, Montana inaspecific in formulating these rules and procedures.

# STANDING COMMITTEE REPORT

FEBRUARY 10

83

..... 19 .....

**PRESIDENT**

MR. ....

**STATE ADMINISTRATION**

We, your committee on .....

**SENATE**

**324**

having had under consideration ..... Bill No. ....

Statement of Intent attached.

**SENATE**

**324**

Respectfully report as follows: That .....

introduced bill, be amended as follows:

1. Title, line 9.  
Strike: "53-21-130,"
2. Page 13, lines 3 through 23.  
Strike: Section 13 in its entirety  
Renumber: subsequent sections
3. Page 15, line 6.  
Following: "However,"  
Insert: "except as provided for in 53-21-130"

DO PASS AS AMENDED

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 10, 1983 Bill No. 327 Time

NAME <u>TRANS.</u>	(DO NOT PASS YES )	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBUR	X	
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	

Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman, SENATOR PETE STORY

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

FEBRUARY 10 83  
..... 19 .....

**PRESIDENT**  
MR. ....

We, your committee on **STATE ADMINISTRATION** .....

having had under consideration **SENATE** ..... Bill No. **327** .....

Respectfully report as follows: That **SENATE** ..... Bill No. **327** .....

~~XXXXXX~~ DO NOT PASS

# STANDING COMMITTEE REPORT

..... FEBRUARY 10 ..... 19 83 .....

MR. PRESIDENT .....

We, your committee on STATE ADMINISTRATION .....

having had under consideration ..... SENATE ..... Bill No. 338 .....

Respectfully report as follows: That ..... SENATE ..... Bill No. 338 .....

DO PASS