

MINUTES OF THE MEETING  
HUMAN SERVICES AND AGING COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

The meeting of the Human Services and Aging Committee was called to order by Chairman Budd Gould on February 12, 1987 at 12:30 p.m. in room 312-D of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 647

REP BULGER introduced this legislation which would clarify application of weekly medication reviews in residential mental health facilities. He noted this act also includes outpatient facilities and there is some question as to whether they are obligated to do this review. He stated these facilities have never implemented this process and it was not feasible one should be implemented.

PROPONENTS

JOY MCGRATH, representing the Montana Mental Health Association, presented an amendment to the bill that would require the Department of Health to adopt rules to govern the physician attending the session review of the drug regiment medications of each patient under his care in a mental health facility on an outpatient basis (exhibit 1).

STEVE WALDRON, representing the Montana Community Mental Health Centers, spoke in support of the legislation and stated it was inappropriate to try to review outpatient medications on a weekly basis. He stated this issue is important to the centers as it puts them at extreme liability, as the law requires that there be a weekly medication review of clients, some of whom are only seen once every three (3) months.

KELLY MORRIS, Mental Disabilities Board of Visitors, spoke in support of the legislation and the amendment offered by the Montana Mental Health Association.

CLARK ANDERSON, Director, Mental Health Center for Region 5, urged support of the legislation with the amendment presented by the Montana Mental Health Association, but would not support the legislation alone for three reasons: (1) it is simply not needed, (2) medical help is not that available to see individuals weekly, and (3) the legislation would have tripled their expenses.

OPPONENTS

There were no opponents.

REP BULGER closed the testimony on House Bill 647.

CONSIDERATION OF HOUSE BILL 641

REP MENAHAN, Butte, introduced HB 641, which would provide for medical treatment of children at Montana State Hospital when no other medical treatment is available. He said when the bill was drafted the wrong title was amended, and he read the correct title (exhibit 2): An act to provide for treatment of individuals less than 18 years of age at Montana State Hospital under certain circumstances. Rep Menahan stated there were two (2) under age children at Warm Springs, which is prohibited by law and could result in a lawsuit. He added if the Billings facility for children is at capacity and there is a youth in need of service, there is no place for that child to go. He suggested no children under 12 years of age be placed in the hospital, and a limitation of 60 days be placed on the length of stay (exhibit 2). He noted the legislation sunsets in two (2) years.

CURT CHISHOLM, Deputy Director, Department of Institutions, spoke in support of the legislation to alleviate the temporary shortage of facilities for youth following the sale of the Billings facility to Rivendell. He felt the shortage would probably be limited to 18 months, and currently there are six (6) seriously mentally ill youth requiring treatment. He expressed the state hospital is not the best place for these youth, but the department needs some flexibility in view of the law which does not allow them to admit or commit a psychiatrically ill youth under the age of 18. He noted the department needed a temporary reprieve to that particular obstacle to allow some of those youth committed directly to the department to be placed in the intake unit or another appropriate facility on the campus of the state hospital and provide services to these individuals until more appropriate accommodations are found.

JOAN REBISH, Chairman, Committee for Emotionally Disturbed Children, spoke in support of the legislation as amended. She noted it is well known nationally that children and adults should not be mixed together in any facility, and urged caution with the placement of youth at the state hospital so there would be no contact between the two (2) groups.

OPPONENTS

JOY MCGRATH, Montana Mental Health Association, expressed concern over the lack of planning for emotionally disturbed youth in Montana. She suggested the option of utilizing inpatient psychiatric facilities with beds instead of sending youth to the state hospital. She stated the Warm Springs facility is geared for adults and not to the needs of emotionally disturbed youth, and objected to opening the facilities again without looking at the private sector for services.

KELLY MORRIS, Director, Mental Disabilities Board of Visitors, noted the issues for mental health treatment for youth are very complex. She stated the board's concern is that the problems are not new, and expressed the needs for different treatment geared for youth, i.e. different housing, more structure, more activities. She concluded by expressing their opposition to mixing youth with adults at the state hospital facility.

REP MENAHAN closed testimony on HB 641. He stated a fiscal note was not needed as the funding would come from the general budget of the department of Institutions. He stated his intent is not to open up a children's unit at Warm Springs, only alleviate a problem that currently exists with youth in need of immediate services with no placement open for them.

CURT CHISHOLM, in response to a question from Chairman Gould, described the process the department would follow in the cases of emotionally disturbed youth being placed under their authority. The department would ask the court to find placement locally, including the inpatient psychiatric facility, placement in another inpatient psychiatric care facility would be explored (St James, St Pat's, Billings Deaconess) for up to 10 days allowing for time to work with Rivendell of America for out of state placement, which is contingent on the child being eligible for medicaid assistance, and if his level of care passes the medical necessity test. If no inpatient beds are available, simply because some of these facilities do not want these kinds of children, they would be placed in Montana State Hospital's intake unit, which is a 33 bed unit with four (4) bed wards, one which would have to be emptied of adults to separate them as much as possible from the adult population. The intent is to only allow that child to remain in the intake unit for up to ten (10) days; which again gives the department time to find proper placement, including an out of state facility. He stated this situation has already happened once, with Rivendell of America finding placement in Salt Lake City for a child, covered by medicaid. Mr Chisholm noted some district judges have threatened, if they have a child they feel needs immediate treatment, respective

of the law, would court order that child immediately to Montana State Hospital.

In response to a question from Rep Simon, Rep Menehan stated he had no objections to asking the department to develop a long range plan for these youth and for a service delivery system, but that he was not trying to open the door to new treatment facilities. He stated he hoped the new family services bill will help solve some of these problems. Rep Menahan continued with the issue of funding by adding out of state facility placement services should not come out of the institutions budget but out of the mental health budget.

In response to an inquiry from Rep Sands, Mr Chisholm noted federal law prohibits youth and adults from being detained together in a jail facility, but stated he was not aware of any specific federal prohibition against youth and adults in mental care facilities, even through the department would admit it is not appropriate to mix those populations on the same campus.

#### CONSIDERATION OF HOUSE BILL 637

REP CAL WINSLOW, Billings, introduced this legislation which would submit to the qualified electors of Montana an amendment to article XII, section 3, of the Montana constitution to allow the legislature greater discretion in providing economic assistance and social and rehabilitation services to those in need. He stated the U.S. constitution states we should provide for the common defense and promote the general welfare of the people, whereas the Montana constitution states we should provide for the common defense and provide for the general welfare of the people. He said under court interpretation of the Montana constitution 18 months ago, the courts have taken away the ability of the legislature to set any priorities in the areas of human services. Rep Winslow stated general assistance rolls have moved from 700 to 2,000, the AFDC caseload is totally out of control, and the Medicaid program has gone from a \$33 million program in 1976 to \$176 million by the year 1989. He said unless decisive and difficult decisions are made on the part of the legislature, we are fast approaching the point where 35% to 50% of the entire general fund budget will go in the area of human services. Rep Winslow noted he wanted the committee to recognize this bill does not deal only with general assistance, but gives the legislature the ability to set limits and priorities for the state in all areas of human services. He expressed his concern if action is not taken in the growth of the human services programs, a public initiative will be introduced to wipe the programs out, including services to those who are truly needy. He added it

is difficult to address this issue without building the perception that you are out to get one group of people or another, which is not the case. He explained this bill will only pass on to the voters the ability to give back to the legislature what has to be the legislature's ability to set priorities and determine need. He added that without this ability we will have exactly what we have today - no control on an out of control situation. Rep Winslow said we can't set a limit on taxation if we can't set a limit on expenditures and priorities.

#### PROPONENTS

REP GENE DONALDSON, Helena, spoke in support of the legislation and noted the legislature should have the right and responsibility to set priorities in spending. He stated he felt we are rapidly approaching a crisis situation in the human services area. Rep Donaldson stated if the legislature does not address this issue, the public will, and when they do, perhaps the recipients will be the ones who will be hurt. He noted in the years he has served in the legislature he has found the legislature is a compassionate group and do what is right in setting priorities.

REP BOB MARKS, Clancy, stood in support of the legislation. He stated he felt the system is so out of control that a risk exists for opportunity of businesses in the state unless something can be done to control the costs that are falling back on the taxpayers who are trying to remain here; those people who are providing the jobs for the people who are striving to get them. Rep Marks stated the legislature needs the authority to set limits and flexibility to work, which it does not have now due to the court's liberal interpretation of the constitution. He added the state cannot do everything for everybody, it will go broke, then there will be nothing for anybody.

REP SIMON spoke in support of the legislation and noted the sensitivity Rep Winslow has for the needy of the state. He noted there has been a shift in the way Montana has done business in recent years due to court decisions, with the representative body's authority eroded to where the courts are making all the decisions for the state. Rep Simon stated that instead of a body of 100 people sensitive to the needs of people because they are elected by those people, we now have a situation where seven (7) people are making those priority decisions.

DAVE LEWIS, Director, Department of Social and Rehabilitative Services (SRS), noted the rapid growth in the human services budget, particularly the SRS budget over the last two (2) years, has caused a lot of problems for the state in

appropriating its very scarce funds. Mr Lewis said what keeps drawing us back to this point and issue is that at the present time the SRS budget is over 1/2 a billion dollars for the biennium, with a projected \$550 million for the coming biennium. He stated he had notified the Human Services subcommittee yesterday the medicaid budget had to be increased from \$281 million to \$316 million based on the exccellerated growth in the program since the executive budget was developed last summer. He added these type of increases are causing major trauma for everyone. He stated everyone is interested in what the lowest priority programs are when dealing with the SRS budget, and he said when he looks at all of the people who are served: foster care, DD services for the mentally retarded, vocational rehabilitation, AFDC for families with small children, the medicaid budget, the lowest priority the department has are the able bodied unemployed. Mr Lewis added he is not saying those people do not need assistance, but is saying if he does not have enough money to provide services to the DD community or medicaid, he has to propose, in all honesty, that reductions are made in the programs for the able bodied unemployed. He explained the department has been in court two times on this issue; losing to the supreme court once which stated "The state's objective of saving money must be balanced against the interest of the misfortunate people under the age of 50 in receiving financial assistance from the state". He added in other words we have to show the supreme court, under the existing constitution, that the state's interest in classifying these recipients exceeds the need of those people to receive services, and he stated he didn't know how to accomplish that. He continued by explaining what this constitutional amendment says is that the legislature does have the right to set priorities; it does not say that anyone will be cut off of services. He said presently the legislature does not have that right and every year the human services budget will take more and more money for human services for badly needed programs and leave a lot less for everything else. He noted legislators don't have the ability to go back to constituents and say they really looked at setting priorities within all of the state expenditures because one big chunk of the state budget is really safe from legislative scrutiny. He concluded by saying the legislature doesn't have the ability to talk about setting priorities and reducing services unless we make this change in the constitution.

#### OPPONENTS

TEENA LINDERMAN, Montana Low Income Coalition (MLIC) and LIGHT of Missoula, read her prepared testimony (exhibit 3) in opposition to the legislation. She stated the following points in her testimony: (1) budget crisis cannot be equated

with human lives, (2) the constitution provides a safety net during times of economic bust for the state, (3) the SRS budget comprises only 18% of the state budget, and (4) most general assistance recipients work for their checks.

MARK CARPENTER, Anaconda MLIC, read his prepared testimony in opposition to HB 637 (exhibit 4).

DON JUDGE, AFL-CIO, expressed the organization's opposition to the legislation, and stated Montana's ability and commitment to support those who are in need is being called into question. He stated he believed the question was not really can we help but how can we not help. He added the department of Labor forecasts 39,000 Montanans officially out of work in January, not including those too discouraged to find employment or those who have taken part time work because no full time employment is available; which would reveal the real number of unemployed. Mr Judge stated last March that total was about 63,000 people, which is equal to the combined populations of Missoula, Malta, Lewistown, Libby, Ennis, Polson, Thompson Falls, Cut Bank and Laurel. He added in Montana only 29% of the unemployed receive any type of unemployment compensation benefits.

STEVE HEGGE, Butte, read testimony for Karen Anderson, Butte, Community Union, in opposition to the legislation (exhibit 5). Her testimony included her beliefs our state constitution is unique by guaranteeing the right of assistance to all citizens. Mr Hegge explained his experience of being unemployed and living in tent cities.

JIM HEMINGWAY, Missoula, spoke in opposition to the legislation on behalf of the handicapped and the senior citizens.

JEANNE-MARIE SOUVIGNEY, League of Women Voters of Montana, read her prepared testimony (exhibit 6) which stated the need for reform in the state welfare system should not be addressed by allowing the legislature to refuse to provide for our truly needy.

LOWELL JOHNSON, Concerned Citizens Coalition, Great Falls, opposed the constitutional amendment because it would allow the legislature greater discretion in providing economic assistance and social rehabilitation services to those in need.

ORAL RILEY, Montana Senior Citizens Association, spoke in opposition to this bill, stating giving the legislature this authority would be a tragic mistake. He added penalizing the victims of the economy is no solution to the problem.

BILL PERRY, Butte, read a prepared statement from Tom Hahn, Butte Community Union, in opposition to the proposed legislation (exhibit 7) and expressed his own opposition.

VERBIE ELLIS, representing AFDC mothers and GA recipients, read her prepared text in opposition to HB 637 (exhibit 8). She suggested opening up gambling in the state to create jobs and increase tax revenues, and expressed her support for the four percent (4%) accommodations tax.

SAM RYAN, Montana Senior Citizens Association

TOM POWERS, Butte

JIM SULLIVAN, Butte Community Union

REP WINSLOW closed testimony on HB 637 by stating this bill does not change the constitution, but gives the public the opportunity to decide whether they want to change the constitution and give the legislature the ability to set limits on their dollars. He stated the state's financial dilemma is a dilemma of the legislature and public. He expressed his amazement when groups like the senior citizens oppose this bill, because within the next few days the subcommittee will consider optional services affecting that group, i.e. dentures, hearing aids, eyeglasses, as well as limitations on nursing homes and the medicaid waiver which maintains individuals in their homes versus nursing home care. These must be considered for reduction or elimination because the legislature cannot set priorities in other programs. He stated the public will not continue to let the budget be eaten up by human service programs. Rep Winslow added we are quickly approaching the point in the state where we will have more people on assistance payments than we have people working. He noted we do have a problem with getting the state back on its feet, which he hopes the legislature will address, in the meantime, this amendment gives the people the right to decide what are the needs. He described as unfair public perception that they are sending legislators to Helena to decide how to limit their taxes and set priorities when the fact is there is no choice because of the court interpretations, and that spiral will continue to grow without the priority setting ability. With that Rep Winslow closed the testimony on HB 637.

In response to questions from Rep Kitselman, Mr Lewis restated testimony from the special session relative to 100 to 150 irrigator positions in the Dillon area that could not be filled, and an exemption was obtained from the federal government to allow migrant workers to come in to fill the positions. He explained GA benefits were \$212 a month plus



food stamps and he believed the jobs paid around \$4.00 an hour, above the GA benefit level.

Responding to Rep Russell on the same incident, Mr Judge stated the actual level of experience necessary to meet the qualifications expected of the applicants was so high that many of those who traditionally performed those jobs on a seasonal basis would not be eligible. He said the requirement was at least six (6) months of actual physical experience in performing irrigating work and be able to move 40 sections of pipe an hour in order to apply for the job. The pay level was in excess of \$4.00 an hour and an incentive based on how many pieces were moved.

#### CONSIDERATION OF HOUSE BILL 627

REP STRIZICH introduced this legislation which would require the department of Institutions to establish and maintain two additional youth evaluation programs; prohibiting an evaluation of a youth from being performed at Mountain View School or Pine Hills School except under certain circumstances. He stated the bill addresses two 2 problems: the detention of youth in communities that are found to be in violation of laws, and the evaluation of troubled youth when found necessary by the youth justice system.

#### PROPOSERS

STEVE NELSON, Board of Crime Control, spoke in support of the legislation and presented exhibit 15 to the committee covering the legal and programmatic background of the legislation and conclusion of the rationale for this legislation.

RICHARD MEEKER, Chief, Juvenile Probation Department, First Judicial District, spoke in behalf of the Juvenile Probation Officers Association of Montana in support of the legislation. He stated a critical area is the impact detention will have on the child and the need to separate them from adults. He also elaborated on the negative impact that can occur with the evaluation process and improper placement.

JOY MCGRATH, Mental Health Association of Montana, expressed their support for the legislation.

CURT CHISHOLM, Department of Institutions, stated the legislation would ask the department to do things differently, and stated he would answer any questions from the committee concerning this bill.

REP STRIZICH closed testimony on House Bill 627 and noted there were no simplistic answers to the problems in

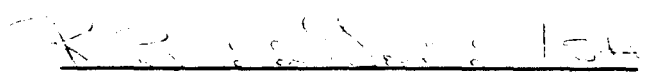
addressing troubled youth in the state but sees this legislation as a positive step in the right direction.

In replying to Chairman Gould, Rep Strizich commented on his proposed legislation which is aimed at placing an excise tax on dangerous drugs, which would be treated separate and apart from any criminal conviction . He stated he expects the legislation to generate \$400,000 to \$500,000 a year, which would be earmarked for the local and state operation of this program.

In response to a question from Rep Sands, Rep Strizich stated the evaluations are done by the department of Institutions.

CURT CHISHOLM, replying to a question from Rep Sands, stated he thought the intent of the legislation was not to build new buildings but lease facilities in major metropolitan regional areas. He stated some funding would be required to secure the facility to make it feasible for the types of adolescents that are being placed in Pine Hills and Mountain View Schools for detention.

The meeting was adjourned at 2:48 p.m.

  
Budd Gould, Chairman

bg/gmc/hs2.12

## DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 12, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	✓		
REP. BOB GILBERT, VICE CHAIRMAN	✓		
REP. JAN BROWN	✓		
REP. DUANE COMPTON	✓		
REP. DOROTHY CODY	✓		
REP. DICK CORNE'	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. LES KITSELMAN	✓		
REP. LLOYD MC CORMICK	✓		
REP. RICHARD NELSON	✓		
REP. JOHN PATTERSON	✓		
REP. ANGELA RUSSELL	✓		
REP. JACK SANDS	✓		
REP. BRUCE SIMON	✓		
REP. CAROLYN SQUIRES	✓		
REP. TONIA STRATFORD	✓		
REP. BILL STRIZICH	✓		

Amend House Bill 647

2/11

1. Page 1, lines 19 through 21.

Strike: "At" on line 19 through "facility." on line 21

Insert: " The department of health and environmental sciences shall adopt rules governing attending physician review of the drug regimen of each patient under his care in a mental health facility, except that the drug regimen of inpatients in hospitals shall be reviewed no less than weekly."

2. Page 2.

Following: line 2

Insert: "NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of health and environmental sciences to make rules on the subject of the provisions of this act is extended to the provisions of this act."

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2-1-89  
H.C. 1

HOUSE BILL 641 AS AMENDED

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR TREATMENT OF INDIVIDUALS LESS THAN 18 YEARS OF AGE AT MONTANA STATE HOSPITAL UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 53-21-506, MCA, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Section 53-21-506, MCA is amended to read:

"53-21-506. No commitment to Montana state hospital.

(1) An individual less than 18 years of age may not be voluntarily admitted or committed by a court to the Montana state hospital unless such individual is transferred to district court pursuant to 41-5-206.

(2) An individual less than 18 years of age may be temporarily admitted to the Montana state hospital by the department of institutions if the court finds that the individual is seriously mentally ill; or if the court finds that reasonable grounds exist that the individual is suffering from a mental disorder as defined in 53-21-102 and requests an evaluation not to exceed sixty (60) days for the sole purpose of determining whether the individual is seriously mentally ill, and:

(a) the treatment space provided for in Section 5, Chapter 14, Session Laws enacted by the Forty Ninth Legislature in Special Session, June 1986 is fully utilized and:

(b) other appropriate inpatient psychiatric treatment space is not available.

NEW SECTION. Section 2. Effective date. This act is effective upon passage and approval.

NEW SECTION. Section 3. Subsection (2) terminates on June 30, 1989.

EXHIBIT

DATE

2-12-67

NO.

637

①

Mr. Chairman & Committee  
members

My name is TSL who  
representing M.I.C. & LIGHT  
line of M.I.R.

We certainly can sympathize  
of the dilemma that you face  
regarding the budget crisis &  
realize that all of you are concerned  
citizens of M.T.

However we are here to oppose  
HB 637 on the following points.

You can't equate budget crisis  
w/ human lives. A person  
~~who is unemployed~~ who is un-  
employed is not usually respon-  
sible for his condition. A  
single person has no individual  
control over the workings

(2)  
of the economy or the job market.

One of the intentions of this constitutional ~~proposed~~ provision Article 12, Sec. 3, was to protect the workers from the natural fluctuations of M.T. economy. It has historically been a boom or bust state.

This provision provides a safety net during times of economic bust for MIT.

And insures a pool of workers for boom times. The majority of G.R. recipients have in the past contributed to the

treasury of our state thru paying taxes. <sup>The total % of state budget contributed by all GRS programs is approx. 15% of the total</sup>  
Most G.R. recipients work for their checks by providing

2125  
H0637

(8)

valuable services to their local communities for the betterment of their community. The 2. of participation in the welfare program proves that the large majority of GR recipients want jobs.

A constitution is fundamental basis to the beliefs, attitudes, & morals of a ~~whole~~ whole generation of Americans. It should not be tampered with lightly.

GR recipients are not normally eligible for public housing assistance. So there you see if GR is cut these people have no choice but to live on the streets.



(11)

There are families w/  
children on G.R.

I hope you will consider  
these points carefully before  
making your decision.

Montana has always  
been proud to take care  
of their own, in their  
time of need.

Thank You.

Irena Linderman  
Missoula

Mark Carpenter  
121 Warren St  
Anaconda, Mt.  
59711

EXHIBIT #4  
DATE 2/2/87  
HB #651

Mark Carpenter 2-12-86 Anaconda  
I oppose H.B. 637 Because -

I feel that if this goes through it not only  
will cut the needy, But there is a possibility of  
losing AFDC and Heating Assistance of ANY Program for the  
needy the STATE WOULD PUT  
MONEY TOWARD

I appreciate what the Legislature is here to do But I think  
you should take into consideration the needs of the  
Low-Income People, Put yourself in their place.

I feel The wording should stay the same as originally  
written, not altered.

WHEN THE CONSTITUTION WAS ORIGINALLY  
WRITTEN THE WRITERS FELT THE NEED  
TO REMIND PEOPLE TO HELP ONE  
ANOTHER. BY CHANGING THE WORDING OF  
THE CONSTITUTION ARE WE TELLING  
EACH OTHER WE SHOULD NO LONGER CARE  
ABOUT THE MORE UNFORTUNATE OF THE STATE?

February 12, 1987.

Mr. Chairperson and Committee Members:

I feel it is my duty to address House Bill #637 and in doing so insure that our residents most in need of assistance, the unemployed, continue to thrive and be allowed to reenter the job market in Montana when jobs become available.

Surely the people of Montana who are unemployed should be protected from the extra burden of becoming more faces in the long list of the homeless and hungry.

I believe our state constitution is unique in the fact that all of our citizens are guaranteed assistance needed to maintain their lives.

All citizens include those who because of misfortune, disabilities or age who have a right to receive economic, medical and supportive care.

Let's not turn on our own in times when all of the country must pull together and create a strong united society.

Thank You,  
Karen S. Andersen  
420 So. Dakota Butte, Montana  
BCU / MLC chairperson

The League of Women Voters of Montana opposes HB637.

The League supports income assistance to meet the basic needs of all persons who are unable to work, whose earnings are not sufficient to meet basic needs, or for whom jobs are not available. We understand the frustration at what can seem to be high welfare costs...the frustration of trying to make state budget ends meet when our economy is so depressed and so many are out of work. We understand your frustration in trying to establish a program to aid those in need at a reasonable cost to taxpayers. But we urge you not to take those frustrations out on citizens who need government assistance just to meet minimum basic needs.

This bill can be very misleading, as is the wording proposed for submission to the electorate on page three, because the bill does much more than allow the legislature to determine eligibility, duration and level of economic assistance. **It allows the legislature to decide whether to provide such services, even when the legislature has determined there is a need.** It puts the very existence of the poor, of those who cannot meet minimal basic needs, at the mercy of a political process, a legislature that changes every two years.

You should not be lulled into envisioning a person who is unwilling to work when you vote on this bill. We must not forget what it is like to be unable to work - the desperation, the anger, the frustration at being unable to provide for even the most basic needs of food, shelter and clothing. We cannot forget the pain that exists for so many who cannot find work at being unable to provide for families, for children. We ask that you remember them when you act on this bill. I think they would trade places with you in a moment for the chance to work and provide for themselves and their families.

The need for reform in our state welfare system should not be addressed by allowing the legislature to refuse to provide for our truly needy, the ones who are unable to meet minimum basic needs. Thank you.

Jeanne-Marie Souvigney  
February 12, 1987

THE CONSTITUTION OF MONTANA MUST, AS IT PRESENTLY DOES, CONTINUALLY PROVIDE FOR THE BASIC NEEDS OF ITS LARGEST VULNERABLE CITIZENS. MINIMUM AIDE FOR FOOD AND SHelter SHOULD NOT BE TURNED ON AND OFF AT THE WHIM OF THE LEGISLATURE OR ALLOWED TO RISE AND FALL WITH THE ECONOMIC FORTUNES OF THE STATE. TODAY'S DIFFICULT ECONOMIC TIME IS THE PRIMARY, IN FACT VIRTUALLY THE ONLY, REASON THAT THE IDEAS OF CUTTING OFF AIDE TO THE STATE'S NEEDIEST PEOPLE IS GAINING HEED. THIS REINFORCES THE NEED FOR THE AIDE GUARANTEE TO ALL MONTANA CITIZENS IN NEED OF WELFARE SUPPORT TO LIVE AND SUSTAIN LIFE. AS EVIDENCED BY THE INTRODUCTION OF HOUSE BILL 637 AND PREVIOUS EFFORTS TO ELIMINATE THE RIGHT OF ALL THE PEOPLE OF MONTANA TO THE AIDE GUARANTEE IS TOO GREAT FOR THE FINANCIALLY STRESSED MEMBERS OF THE LEGISLATURE. A CONSTITUTIONAL AMENDMENT IS THE ONLY WAY TO ENSURE THAT ALL MONTANA CITIZENS WILL CONTINUE TO RECEIVE A HUMANE AND NECESSARY AIDE GUARANTEE. ALL THE

TOM HAIN  
BOARD OF DIRECTORS

Honorable Committee Members:

I am a concerned citizen, who opposes a constitutional amendment which would allow legislature greater discretion in providing economic assistance and social rehabilitation services to those in need!

I think perhaps there is a lack of understanding to the term, "to those in need," by the people presenting this amendment. This terrifies me, it really does!

Human integrity can be a fragile thing. When people don't work, because there are no jobs, do you just buy them a bus ticket? With all the intelligence these great halls hold, can't jobs be created?

I'm afraid a constitutional amendment such as this, will bring about homelessness, hunger, crime and transients! The integrity of both those who pass such an amendment, and those who are in need of assistance will be greatly affected!

Lydia J. Lindberg  
Great Falls, MT

EXHIBIT ADATE 2/12/67HB #109

2-12-67

Mr. Friedman

The name is Wilbur Johnson, I am with  
the concealed Citizens Coalition. From what I  
understand, a concealed citizen is opposed to a constitutional  
amendment which would allow legislation confer  
discretion on carrying over economic assistance  
and social rehabilitation services to those in need.

When people don't worry, because there are  
no jobs, do you just buy them a bus ticket?

I believe that there is a lack of understanding  
to the term "to those in need" by the people  
presenting this amendment.

It scares the heck out of me. I think  
what will happen if this amendment becomes  
law is that there will be a lot of homeless people,  
hunger, crime, & transients.

What about us people who are 50 years  
or over and able bodied, yet cannot find a  
job. Will we be turned into the  
streets.

Through a - express. HB. 637

Wilbur L. Johnson

3/4 3rd St #11, #109

Great Falls, Mt. 59401

Article 12 Section 3 is a compact between all Montanans to take care of each other. We want this compact to remain, we cherish it, and we gladly pay the price to fulfill its vision.

Most recently our legislature has attempted to <sup>critically</sup> severely limit assistance to unemployed people. Unemployed people held this to be a legislative intrusion of the Montanans' agreement to help each other when in need of assistance. We still feel that way now in these difficult economic times. Only by honoring our agreements when they are needed gives them life.

Many families are using two jobs to <sup>meet</sup> ~~make~~ their <sup>budgets</sup> needs. ~~That~~ In a time when some families are unable to secure their first job, we need to provide



assistance, preferably through <sup>full time</sup> employment to keep families and individuals ~~to~~ healthy and prosperous.

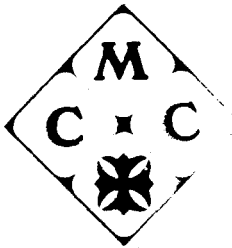
If we are unwilling to share <sup>the work</sup> evenly then we must be willing to share the ~~best~~ fruits of the work.

~~Repeating~~

Montana benefits from ~~this~~ Article 12 Section.

It is an expression of our concern <sup>for</sup> and faith in each other. We ~~the people of Montana~~ have this <sup>concern</sup> and faith. We want the legislature to ~~find~~ ~~ways~~ manifest our support rather than <sup>seek</sup> ~~to take~~ ways to mitigate and detract from this compact all Montanans have with each other.

Tim Kearney  
118 North Idaho Street  
Butte, Montana



# Montana Catholic Conference

February 12, 1987

CHAIRMAN GOULD AND MEMBERS OF THE HOUSE HUMAN SERVICES COMMITTEE:

I am John Ortwein representing the Montana Catholic Conference. The Montana Catholic Conference is the liaison between the two Roman Catholic Bishops in the State of Montana in matters of public policy.

The responsibility for alleviating the plight of the poor falls upon all members of society. As individuals, all citizens have a duty to assist the poor through acts of charity and personal commitment. But private charity and voluntary action are not sufficient. We also carry out our moral responsibility to assist and empower the poor by working collectively through government to establish just and effective public policies.

This past Monday morning the Montana Low Income Coalition asked the Joint Appropriations Subcommittee on Long-Range Planning to consider a program to weatherize homes of impoverished Montanans. The plan would create 236 jobs. Jobs the Montana Low Income Coalition would propose to take people off the welfare rolls. Members of the committee-- people want to work. But when work is not available the Montana Constitution now states that those who are in need of assistance by reason of age, infirmities or misfortune should be provided for.

We urge you to vote "no" on H.B. 637.

# MONTANA LOW-INCOME COALITION



**P.O.Box 1029  
107 West Lawrence  
Helena, Montana 59624  
(406) 449-8801**

<i>Statewide</i>	MONTANA ALLIANCE FOR PROGRESSIVE POLICY MONTANA HRDC DIRECTOR ASSOCIATION MONTANA LEGAL SERVICES EMPLOYEES LOW INCOME SENIOR CITIZENS ADVOCATES MONTANA SENIOR CITIZEN ASSOCIATION NORTHERN ROCKIES ACTION GROUP
<i>Helena</i>	LAST CHANCE PEACEMAKERS COALITION
<i>Missoula</i>	LOW INCOME GROUP FOR HUMAN TREATMENT NATIVE AMERICAN SERVICES AGENCY
<i>Great Falls</i>	CONCERNED CITIZENS COALITION
<i>Butte</i>	BUTTE COMMUNITY UNION
<i>Bozeman</i>	BOZEMAN HOUSING COALITION

EXHIBIT 1

DATE 2/12/87

HB 1257

February 12, 1987

Mr. Chairman, Members of the committee: For the record, my name is Marie Christopher and I represent the Montana Low Income Coalition.

The Montana Low Income Coalition, which represents thousands of poor people across the state of Montana, is opposed to this latest attempt to force poverty stricken Montanans to fend for themselves without the aid of society, in the form of General Relief benefits.

MLIC and its member groups are opposed to any amendment which would take away a constitutional right to welfare benefits or increase the legislature's power to limit these benefits.

This legislation would be absolutely against the interests of the citizens of the state of Montana.

Marie Christopher  
132-C W. Woolman  
Butte MT 59701  
Phone: 723-4310

M.L.I.C.  
Phone: 449-8801

EXHIBIT # 14  
DATE 2/17/71  
HB 22

EXHIBIT # 14  
DATE 2/17/71  
HB 22

EXHIBIT # 14  
DATE 2/17/71  
HB 22

EXHIBIT # 14  
DATE 2/17/71  
HB 22

10 times more  
than 4 years

10 times more  
than 4 years

10 times more  
than 4 years

10 times more  
than 4 years

There is a large number of people  
such as the poor in the South  
Islands and elsewhere. They are  
are being supplied in some manner  
by voluntary contribution. We should  
not let the rest of society, which has  
duty in supporting people in trouble.  
Many of these people have been here for  
over many years of their lives.

Now nearly 20,000 people are living in  
poverty just within degree of falling into  
the welfare.

This Legislature should look for ways  
to provide jobs for those being left out.  
This problem was faced in the thirties  
and people finally were provided  
with jobs and while poverty wasn't  
eliminated and at least were in homes  
and eating.

House Bill 1637

EXHIBIT #15  
DATE 2/2/57  
NO. #1637

I agree to changing the wording of the  
Constitution of Article 12 Section 3 of the  
State for more purpose of to empower the State  
of Montana to create chapters and  
Mentorships, many Mentorships on the State  
Constitution, with the power of legislation  
will have to them with the State  
Government in event of local times and  
that's temporary, with Human Rights.

Robert Campbell  
Great Falls,

JH  
5-15-87  
HRC

**HOUSE BILL 627**  
**BY**  
**REPRESENTATIVE BILL STRIZICH**

**BACKGROUND**

**LEGAL -** The federal Juvenile Justice and Delinquency Prevention Act calls for the removal of all juveniles from adult jails by the end of this decade.

National jail standards developed by the National Sheriff's Association, the American Corrections Association and the American Bar Association call for the removal of juveniles from adult jails.

An Oregon federal court case (D.B. vs. Tewksbury) condemned the practice of using adult jails for juveniles.

**PROGRAMMATIC -**

Juvenile justice officials often use the 45-day evaluation programs at Mountain View, and Pine Hills for detaining youth, rather than holding them in jail.

The practice of conducting evaluations at a correctional facility is disruptive to the treatment program. A Board of Crime Control task force in the 1978, the 1983 "Plan for Emotionally Disturbed Children", and the 1986 "Governors Council on the Reorganization of Youth Services" all recommended removing 45-day evaluations from youth correctional facilities.

Montana does not have the youth population to justify separate juvenile detention facilities. The average number of youth being held in Montana's jails on a given day is less than five, while the minimum size for a cost effective juvenile detention facility is 20.

The explosion (roughly four fold increase) of youth being placed in high cost intensive treatment programs indicates a need for state controlled evaluation programs to determine appropriateness of placements.

Pine Hills School for Boys is currently overcrowded, and Mountain View has nearly double the population it was budgeted for.

**CONCLUSION**

The small size of the Montana's detained youth population requires that service of juvenile detention be combined with another service population.

Evaluation of youth can best be performed outside the institutional setting.

Youth evaluations, and youth detention are both services provided to youth awaiting a court disposition. These services are short term in nature, do not involve elaborate treatment programs, and have similar client characteristics.

The numbers of youth being served are adequate to justify special programming. The average population of youth being detained or evaluated in Montana is about 30.

#15

2.7287

# 637

[illegible]

151 - 1



INSTITUTIONAL EVALUATIONS  
THREE YEAR AVERAGE

151  
21227  
H/L 607

		MOUNTAIN VIEW SCHOOL			PINE HILLS SCHOOL			COMBINED TOTAL
		YOUTH	DAYS	ADP	YOUTH	DAYS	ADP	
JUD. DISTRICT	1							
BROADWATER		0.00	0.00		0.00	0.00		
LEWIS & CLARK		4.67	210.00		6.29	282.86		
SUBTOTAL		4.67	210.00	0.58	6.29	282.86	0.77	1.35
JUD. DISTRICT	2							
SILVER BOW		2.67	120.00		3.14	141.43		
SUBTOTAL		2.67	120.00	0.33	3.14	141.43	0.39	0.72
JUD. DISTRICT	3							
DEER LODGE		1.67	75.00		2.00	90.00		
GRANITE		0.00	0.00		0.29	12.86		
POWELL		1.67	75.00		0.57	25.71		
SUBTOTAL		3.33	150.00	0.41	2.86	128.57	0.35	0.76
JUD. DISTRICT	4							
MINERAL		0.67	30.00		0.29	12.86		
MISSOULA		4.33	195.00		7.71	347.14		
RAVAILLI		1.67	75.00		4.00	180.00		
SUBTOTAL		6.67	300.00	0.82	12.00	540.00	1.48	2.30
JUD. DISTRICT	5							
BEAVERHEAD		1.67	75.00		1.71	77.14		
JEFFERSON		0.33	15.00		1.71	77.14		
MADISON		0.00	0.00		0.86	38.57		
SUBTOTAL		2.00	90.00	0.25	4.29	192.86	0.53	0.77
JUD. DISTRICT	6							
PARK		0.67	30.00		0.29	12.86		
SWEETGRASS		0.00	0.00		0.00	0.00		
SUBTOTAL		0.67	30.00	0.08	0.29	12.86	0.04	0.12
JUD. DISTRICT	7							
DAWSON		0.33	15.00		1.14	51.43		
MCCONE		0.00	0.00		0.00	0.00		
PRAIRIE		0.00	0.00		0.00	0.00		
RICHLAND		0.00	0.00		2.00	90.00		
WIBAUX		0.00	0.00		0.00	0.00		
SUBTOTAL		0.33	15.00	0.04	3.14	141.43	0.39	0.43
JUD. DISTRICT	8							
CASCADE		11.33	510.00		8.00	360.00		
SUBTOTAL		11.33	510.00	1.40	8.00	360.00	0.99	2.38
JUD. DISTRICT	9							
GLACIER		0.67	30.00		1.14	51.43		
PONDERA		0.00	0.00		0.00	0.00		
TETON		0.00	0.00		0.00	0.00		
TOOLE		0.67	30.00		2.57	115.71		
SUBTOTAL		1.33	60.00	0.16	3.71	167.14	0.46	0.62
JUD. DISTRICT	10							
FERGUS		1.00	45.00		1.71	77.14		
JUDITH BASIN		0.00	0.00		0.00	0.00		
PETROLEUM		0.00	0.00		0.00	0.00		
SUBTOTAL		1.00	45.00	0.12	1.71	77.14	0.21	0.33
JUD. DISTRICT	11							
FLATHEAD		7.33	330.00		10.29	462.86		
SUBTOTAL		7.33	330.00	0.90	10.29	462.86	1.27	2.17
JUD. DISTRICT	12							
CHOUTEAU		0.00	0.00		0.29	12.86		
HILL		1.33	60.00		5.71	257.14		
LIBERTY		0.00	0.00		0.00	0.00		
SUBTOTAL		1.33	60.00	0.16	6.00	270.00	0.74	0.90

## VISITORS' REGISTER

HUMAN SERVICES AND AGING

COMMITTEE

BILL NO. HOUSE BILL NO. 627DATE FEBRUARY 12, 1987SPONSOR REP. STRIZICH

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Norm Nelson	3078 N. Robson St	/	
Dean Kerkich	1721 Lincoln St	/	
Ray Mathias	1121 1/2 1st St	X	
John Wilson	7111 14th St	X	
Norman Hall	1115 1/2 5th St		
Tim Kearney	1630 3rd St		X
Steve Kora	501 5th St		X
Coryn Kordge	709 N. Main		X
John Kordge			
John Kordge		/	
John Kordge			

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## HUMAN SERVICES AND AGING COMMITTEE

DATE FEBRUARY 12, 1987

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## COMMITTEE

SPONSOR AMERICAN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Vern Thompson	Mtola		X
Vernice H. H.	Mtola		X
John Dodge	MT STATE AFL-CEC		X
Chas. H. H.	Mtola		/
William J. H.	Mtola		/
Edith H. H.	Mtola		X
Ken Duran	Mt Low Income Coalition		X
Wm. H. H.	Mtola		X
Edith H. H.	Mtola		X
Doris H. H.	Mtola		X
Wm. H. H.	Mtola		X
Wm. H. H.	Mtola		X
Wm. H. H.	Mtola		X
Wm. H. H.	Mtola		X
Wm. H. H.	Mtola		X
Bruce Simon	HD 91	X	
BOB MARKS	HD 75	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## HUMAN SERVICES AND AGING COMMITTEE

DATE FEBRUARY 12, 1987

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## HUMAN SERVICES AND AGING

BILL NO. HOUSE BILL NO. 647

SPONSOR REP. BULGER

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

CS-33