

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

The seventeenth meeting of the Human Services and Aging Committee was called to order by Chairman R. Budd Gould at 12:30 p.m. on February 19, 1987 in Room 312-D of the State Capitol.

ROLL CALL: The roll call was read with all members present except Rep. Jack Sands.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 35:

REP. JAN BROWN, House District No. 46, sponsor of the resolution, was requested by a constituent in Helena to carry the resolution that would name the SRS building after Ted Carkulis. She asked the committee to table the resolution because the chairman brought to her attention that the SRS building ought to be named Social and Rehabilitative Services so people would know where they were going and attach somebody's name to it. She also had a letter from the Association of County Directors which stated the association would rather that a plaque be placed in the SRS building with the names of the directors.

CHAIRMAN GOULD explained that buildings like the Mitchell Building that houses the Department of Revenue, Department of Administration and so forth could stand a person's name, but when people are looking for the rehabilitative and social service areas, they should not be confused with a name looking for it.

REP. NELSON moved to table the resolution; the motion CARRIED unanimously.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 33:

REP. STELLA JEAN HANSEN, House District No. , sponsor of the resolution stated the resolution asks the Senate and House of Representatives to urge Congress to develop a national health care system. She commented it was not asking for a complete socialized medicine but asking that some of this cost containment medicare assignment and so forth be put into a national system to avoid some of the problems that are not able to be addressed in the session of the legislature. The U.S. Congress is urged to develop a fair and stable comprehensive and consistent health care system to bring needed health care services to all people of the U.S. She stated whether the resolution is passed today or not, this is coming fast because of the problems we have had in

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the health care profession. She stated that if the health care profession were willing to police themselves and regulate their rates so they could insure health care for all citizens, in a system of their own, she was sure the government would not get involved in it. But as you can see, the whole thing is out of hand now. We can't get a handle on it, so in the interest of trying to solve the problems this is probably the only way to go by asking the Congress to tackle the problems that we aren't able to here in Montana.

PROPOSERS:

EARL REILLY, Vice President of the Montana Senior Citizens Association, Helena, stated he supported HJR No. 33, because it brings the subject of health care to the floor for discussion. He stated the health care system is probably the most important issue facing the nation today and the problem will not go away. It must be completely discussed by consumers and providers alike.

SUE FIFIELD, representing the Montana Low-Income Coalition, spoke in support of the resolution. She stated it was obvious to them in dealing with medical needs that something needs to be done to help low income people with their medical needs and help the state with the budget as far as medical needs goes.

OPPOSERS:

There were none.

REP. HANSEN closed.

QUESTIONS FROM THE COMMITTEE:

REP. KITSELMAN reported that the Business and Labor Committee had sponsored a committee bill to address many of the same things and wondered why the senior citizens hadn't come forward on that bill. EARL REILLY responded it was his understanding that HB No. 415 had been tabled. REP. KITSELMAN explained there was a committee resolution. EARL REILLY said he would want any resolution he could get to bring this out and under discussion. They would favor both resolutions.

REP. SIMON asked if Rep. Hansen had some statistics or information to back up the statement that corporations and businesses have depleted their health care or have drastically

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reduced their health care? REP. HANSEN replied she didn't have statistics but has been told that businesses have dropped health care plans and there are people out of work that were on health care plans.

REP. SIMON commented Rep. Hansen stated the resolution should not be misinterpreted as putting a stamp of approval on socialized medicine. He said his first reaction was they were talking about almost a socialized medicine kind of plan. He asked how they could explain to Congress when the resolution was sent to them that we really don't mean a socialized medicine plan when this nearly says we want a comprehensive socialized medicine in this country? REP. HANSEN thought what we have right now, health plans, socialized medicine is what medicare and medicaid really is. REP. SIMON said medicare does not cover all of the people and it is not comprehensive to all of the people. The resolution comes down to saying to Congress to develop a socialized medicine.

REP. RUSSELL added, on page 2, lines 1 through 3, that it may not be affecting Montana but he understood a lot of people are put on less than 40 hours just so companies don't have to pay benefits. He didn't know that there were statistics to back that up, but it is happening throughout the country.

CONSIDERATION ON HOUSE BILL NO. 825:

REP. MC CORMICK, House District No. , sponsor of HB No. 825, stated he introduced the bill for the society for social justice in Great Falls and the main crux of the bill was that they represent people on relief rolls and they try to get them social security. If they win the case, the person on relief will get all his back pay. There is a law that says if a person is taken off relief and put on social security and gets back pay, the attorney or whoever helped the person get the social security cannot take any of the money awarded. It does say in the social security law that SRS is responsible to pay the persons representing an individual to get them off the relief rolls. That is what this bill does.

PROPONENTS:

There were none.

OPPONENTS:

NEIL HAIGHT, Montana Legal Services Association Representative, stated they were the ones that have contracted with

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SRS to represent general assistance recipients in SSI disability claims. The object is to get these people off the general assistance rolls. As of now, since the program started, they had 432 referrals, 16 cases were closed with 105 that were successful and 7 lost. Some clients moved or decided to go to private counsel; there are 24 of those. He said it has been a very successful program and figured they were saving the state \$2,500 in the first year for every successful case. Mr. Haight stated he had spoke to Mr. Lewis of the Society for Social Justice and he had some concerns that they had the contract and the Society hadn't had a chance to bid on it and so forth. Mr. Haight stated he understood that concern and thought at that time, things were fairly well settled that the cases Mr. Lewis was interested in were the social security cases. This is where on a successful case, the social security administration retains 25 percent of any back award. They don't necessarily award the full 25 percent. They determine an attorney's fee that's properly payable and then will take that money out of that 25 percent and pay it to the attorney, and in the case of Mr. Lewis, they would pay it to him. The cases MT Legal Services represent, 90 or 95 percent of them are SSI cases in which the social security administration does not withhold any payment. If the SSI case is successful and there is a back award, that payment goes to the client. They do withhold county general assistance that has been paid to that client during the pendency of that claim. The rest is paid over to the client. At a later time, the attorney's fee is determined and by time he can bill the client, the client probably has none of that money. Consequently the collection of attorney's fees on SSI cases as opposed to SSA is fairly rare. Under these circumstances, the private bar does not particularly care to handle SSI cases. SRS has contracted to have this job done at a maximum payment of \$390 per case. A lot of cases average around \$175 per case.

Mr. Haight didn't understand exactly why Mr. Lewis can't collect the fee from the client if he can get it. SRS can't pay him because he is not under contract. If this should go out for bid, they would have no objection to that. They are operating under a current contract. SRS just learned of this and are still working up a fiscal note on the benefits of the contract they are working under. Mr. Haight felt once SRS becomes acquainted with the situation they will not want to be precluded from contracting with somebody wanting to represent these people on general assistance

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because there are a great many who should be on SSI and everyone on SSI saves the state that many dollars.

REP. MC CORMICK closed by saying that the Society for Social Justices was going to be at the hearing but there wasn't a hearing so they are the ones that filed the case in federal court in Billings and the judge ruled that Social Security did have money to pay these people that represent the people that need them to get them off relief and onto social security.

QUESTIONS FROM THE COMMITTEE:

REP. CODY commented on page 2, lines 15 through 20, says in a new section that the department's services may not contract with any agency, organization or person to provide legal assistance. Why would they want that in a bill?

REP. MC CORMICK responded that Art Lewis, Head of Social Services in Great Falls, wanted to bid to do this last May and was told he could. Then he received a letter saying the bid had been let for this year to Legal Services. Mr. Lewis felt the bid should be let statewide for anyone wanting to bid on it. During a State Administration Committee hearing, Mr. Lewis's men testified that they had got 40 people off the rolls in the 55 counties and that social services, which represents Cascade County had 26 off. That is why they were arguing that they should have a chance to bid on this.

REP. CODY asked if that shouldn't be in there then, that it actually should be just the opposite and the bids should be opened to anyone in the state. REP. MC CORMICK replied either that or it should go out on a statewide bid.

EXECUTIVE SESSION:

ACTION ON HOUSE JOINT RESOLUTION NO. 33 :

REP. HANSEN moved that HJR No. 33 DO PASS. She believed the resolution in the Business and Labor Committee asked the Congress to address the mandatory medicare assignment.

REP. KITSELMAN stated the bill deals with the problems with senior citizens, realizing there are problems and asks the federal government to address those issues. He stated that HB No. 415 alluded to earlier, didn't take into account the ability of people to pay and where you have a general health insurance program for those who do have \$100,000 or even

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\$10,000 in the bank, whereas a lot of young people do not today. If the problem is going to be addressed, it should be aimed at all levels and all abilities to take care of those that can.

REP. GILBERT agreed with Rep. Simon that the meat of the whole resolution is on lines 7 through 10 on page 2. What is being talked about is a comprehensive plan for all Americans regardless of their income. All Americans would be covered by a comprehensive all encompassing health plan. He thought Rep. Hansen's concern was for those who cannot afford the care and sympathized with that but felt this would go too far. He moved to DO NOT PASS HJR 33.

REP. HANSEN stated if it is a comprehensive health care plan for everyone and if you want to call it socialized medicine, then that's what it is but that's the only way to get everybody that needs it into the system. She made a substitute motion to table the bill.

CHAIRMAN GOULD stated the motion was nondebatable. The motion carried with two opposing votes.

ACTION ON HOUSE BILL NO. 825:

REP. MC CORMICK thought Section 2 should be amended to add that SRS can contract with any agency or organization. He moved that HB No. 825 DO PASS AS AMENDED.

LEE HEIMAN believed the amendment struck "not" on page 2, line 16 and "or person" on line 17, so the section would read "department of social and rehabilitation services may contract with any agency or organization to provide recipients legal assistance in obtaining supplemental security income benefits from the federal government".

REP. GILBERT felt the amendment was discriminatory when talking about contracting with an agency or organization because it excluded a person; the independent lawyer who operated out of a one room office would be forbidden to contract. REP. MC CORMICK stated to leave "or person" in and just take out the "not". The question was called on the amendment; the motion CARRIED. REP. MC CORMICK moved DO PASS AS AMENDED.

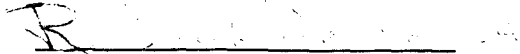
REP. HANSEN moved that "PROHIBITING" be stricken from the title on line 8. The motion CARRIED. REP. MC CORMICK moved DO PASS AS AMENDED.

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REP. GILBERT stated Lee Heiman would have to take care of the technical amendments to allow the bill to read correctly.

The question was called; the motion CARRIED with 9 favorable and 8 opposing votes.

The meeting adjourned at 1:15 p.m.


CHAIRMAN R. BUDD GOULD

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 19 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	✓		

STANDING COMMITTEE REPORT

FEBRUARY 10, 19 57

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 825

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. R. SUDO GOULD,

Chairman

**SUBROGATE RIGHT OF STS TO REPAYMENT OF CA BENEFITS OUT OF SSI LUMP SUM
AWARD**

1. Title, line 8.

Strike: "PROHIBITING"

Insert: "ALLOWING"

Strike: "FROM CONTRACTING"

Insert: "TO CONTRACT"

2. Page 2, line 15.

Strike: "Prohibited"

Insert: "Legal assistance"

3. Page 2, line 16.

Strike: "not"

FIRST

reading copy (**WHITE**)

color

ROLL CALL VOTE
HUMAN SERVICES AND AGING COMMITTEE

DATE FEB. 19, 1987 BILL NO. HB # 825 NUMBER 2

NAME	AYE	NAY
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	✓	

TALLY

9 8

Shirley Harris
Secretary

Budd Gould
Chairman

MOTION: REP. MC CORMICK moved DO PASS AS AMENDED
motion CARRIED with 9 favorable and 8 opposing votes.

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE FEB. 19, 1987 BILL NO. HJR # 33 NUMBER 1

NAME	AYE	NAY
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	✓	

TALLY

15 2

Shirley G. Herrin
Secretary

Stella Jean Hansen
Chairman

MOTION: REP. HANSEN moved to table HJR # 33 - motion CARRIED
with 15 favorable and 2 opposing votes.

Footnote: Yes-she did vote against her own motion. SH

VISITORS' REGISTER
 HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HOUSE JOINT RES. NO. 33 DATE FEBRUARY 19, 1987
 SPONSOR REP. HANSEN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Sue Fifield	Madison Community Center	X	
John P. Hansen	1017 S. 1st St. Madison	X	
Robert Hansen	Madison	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HUMAN SERVICES AND AGING

COMMITTEE

BILL NO. HOUSE JOINT RES. NO. 35

DATE FEBRUARY 19, 1987

SPONSOR REP. JAN BROWN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. _____ HOUSE BILL NO. 825 _____ DATE FEBRUARY 19, 1987 _____

SPONSOR REP. MC CORMICK _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Neil Haight	Helena		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.