

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 25, 1987

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Dorothy Eck on March 25, 1987, in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present, except Darryl Meyer.

ACTION ON H.B. 428: Sen. Hims1 moved that H.B. 428 BE CONCURRED IN. The vote on H.B. 428 was unanimous. Senator Jack Haffey will be asked to carry.

ACTION ON H.B. 690: Sen. Hims1 moved that H.B. 690 BE CONCURRED IN. The vote on H.B. 690 was unanimous. Sen. Hims1 will carry.

ACTION ON H.B. 327: Karen Renne reintroduced the amendments to H.B. 327 and explained that the amendment clarifys for the coroner that the parents CAN object to an autopsy, if a physician certifies that SIDS was the cause of death of an infant.

Sen. Hager: Can a doctor absolutely determine if SIDS is the cause of death?

Sen. Norman: If a coroner feels that he should order an autopsy, then the doctor would have some explaining to do. If the coroner believes the death should be examined, he will order an autopsy no matter what anyone says.

Sen. Williams: Who will bear the costs of the autopsy?

Sen Eck: The federal governemnt or the state. I also don't see where this bill absolutely orders an autopsy.

Sen. Norman: A coroner has the authority to order an autopsy on anyone who dies in Montana, by this bill and others, if he cites evidence that this should be done.

Sen. Jacobson: The amendment is largely redundant. It just changes the language somewhat.

Karen Renne: It does tell the coroner that he has to make certain statements to the parents and it spells out the coroner's duties.

Sen. Jacobson moved that the amendments DO PASS; the amendments passed unanimously. Sen. Jacobson moved that H.B. 327 BE CONCURRED IN AS AMENDED. The vote was unanimous. Sen. VanValkenberg will carry the bill.

ACTION ON HJR 37: Karen Renne explained that the first amendment removes a factual error in the bill by striking lines 16-18, Page 1, in their entirety. Sen. Jacobson moved that the amendment DO PASS. The vote was unanimous.

Sen. Jacobson moved to delete lines 23-25. Sen. Williams made the substitute motion of substituting the cost of care is "escalating", striking the rest of line 23, and leaving lines 24-25. The substitute amendment received a unanimous DO PASS. Sen Williams moved that HJR 37 BE CONCURRED IN AS AMENDED. The vote was unanimous and Senator Hager will carry.

CONSIDERATION OF HOUSE BILL NO. 825: Rep. Lloyd McCormick, District # 38, sponsor of H.B. 825, stated that the major purpose of the bill is to ensure

that SRS may contract for certain legal services for general relief recipients who may be eligible for SSI benefits and that the lawyers handling those cases may be reimbursed.

DISCUSSION ON H.B. 825: Sen. Hims1: I understand that there is an item in the SRS budget to pay for this now.

Rep. McCormick: SRS does have a contract with legal services to do that, but so many people don't know about this service through SRS and the Dept. of Legal Services. The bill is to help people to be more aware. This won't cost the state any money and conflict with any legal service contract; but the attorney will be assured of getting his fee.

Rep. McCormick closed by submitting a court case for payment of fees to an attorney. Example # 1.

ACTION ON H.B. 825: Sen. Hager moved that H.B. 825 BE CONCURRED IN. The vote was unanimous. Sen. Hager will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 571: Rep. Fritz Daily, District # 69, Sponsor of H.B. 571, stated that the reason for this bill, which raises the age of children whose welfare may be endangered from 16 to 18, is to control the problem that law enforcement officials have with people who provide alcohol to the 16-18 year-old group. The county attorney from Butte has requested the bill, and he will testify.

PROPOSERS: Bob McCarthy, County Attorney, Butte-Silverbow, stated that people over eighteen commit an offense if they supply intoxicating substances to persons less than eighteen, or if they induce them into prostitution. This bill addresses the adults; without this law, the courts are not winning cases involving unlawful transactions. This bill is intended to protect children.

Bob Butocovich, Butte-Silverbow Sheriff, testified that they have run into numerous cases trying to prove that juveniles have been involved in unlawful transactions with adults. Now the juvenile is charged and fined with illegal possession, while the adult gets off free. The bill's proponents hope to reduce juvenile drinking in the state.

DISCUSSION OF H.B. 571: Sen. Eck: will the twenty-one year old drinking age law affect this?

Bob McCarthy: We will probably want to expand the law to 18-20 year-olds as minors in possession. Then 18 to 20 year-olds could be charged with possessing and providing. We would want to have the expansion to attempt to make a case.

ACTION ON H.B. 571: Sen. Williams moved that H.B. 571 BE CONCURRED IN. The vote was unanimous. Sen. Jacobson will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 200: Rep. Joan Miles, District # 45, testified that the purpose of H.B. 200 is to clarify the duties of SRS in regard to child rehabilitation and to revise outdated language so that it concurs with more up-to-date SRS statutes. It also clarifies that SRS will provide services to eligible children.

PROPONENTS TO H.B. 200: Norma Harris, SRS Legal Counsel, testified that the bill does replace outdated language and will be consistent with language in other SRS codes, and it specifies clearly the duties that SRS has to children who are declared eligible by the department. The bill also clarifies SRS visits to various types of group homes for licensing purposes.

ACTION ON H.B. 200: Sen. McLane moved that H.B. 200 BE CONCURRED IN. The vote was unanimous. Sen. McLane will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 480: Rep. Joan Miles, District #45, sponsor of H.B. 480, testified that the bill is a request of SRS to expand the criteria of children eligible for AFDC to include unborn children of pregnant mothers and children of unemployed parents who would not otherwise be entitled to such aid because the child is living at home with the parents.

PROPONENTS: Lee Tickell, SRS, Administrator of Economic Assistance, stated that the bill is a housekeeping measure and makes sure that the category of unemployed parents is included in the statutes.

DISCUSSION OF H.B. 480: Sen. Hims1: Does a child become eligible for aid if a parent becomes unemployed.

Lee Tickell: Before 1985, the parent went on general assistance when unemployed. This strengthens the legislation passed in 1985.

Sen. McLane: Does this money get paid back when the parents find employment?

Lee Tickell: No.

Sen. Eck: Does the state have the option to include children under AFDC or GA?

Karen Renne: Yes.

ACTION ON H.B. 480: Sen. McLane moved that H.B. 480 BE CONCURRED IN. The vote was unanimous, in favor of the bill. Sen. Hims1 will carry H.B. 480.

CONSIDERATION OF HOUSE BILL NO. 641: Rep. Menahan, District # 67, testified that the purpose of the bill is to allow for the temporary admittance of 12-18 year-olds to Montana State Hospital, if there seems to be a danger of suicide or they are seriously mentally ill, and if there is no where else for them to go. The bill provides for evaluation within thirty days to determine how long a youth should be held.

PROPONENTS: Curt Chisholm, Dep. Dir., Dept. of Institutions, stated that the state does operate an in-patient psychiatric youth hospital (by Rivendale corporation in Billings), but they have only forty beds available. The courts mandated that the state find additional appropriate treatment space. St. Peters Hospital has agreed to keep youth for thirty days and this bill would give the courts permission to place youth at extra facilities at Warm Springs, if all other facilities are full. There are some concerns over separation of youth from adult patients. This bill sunsets June 30, 1989, when Rivendale should have built additional facilities in the state.

Joy McGrath, Montana Mental Health Association, stated that because no one had expected the number of youth needing treatment for serious mental illness to exceed forty, the state at present does not have enough youth beds available, and is having to revert to using the facilities at Warm Springs again. She introduced several amendments to avoid potential problems associated with housing youth with adult patients. The first deals with separation of youth from adult patients at Warm Springs and supervision for these youth; and the second asks for the Department of Health to present an updated report to the next legislature on the facilities for these youth in Montana and if the state is meeting needs. The report will also be available to the public. Exhibit # 2.

Kelly Morse, Board of Visitors, stated that the board approves the placing of children in the state hospital temporarily and supports the above amendments. She also stated that Rivendell is remodeling to have up to 118 beds and that their primary mission is to serve the children of Montana. The court can't sentence youth here for any length of time; they must review the patient within thirty days.

DISCUSSION OF H.B. 641: Sen. Eck: Any kid in jail is mentally disturbed. There may be a problem here of setting a precedent here of sending kids to Warm Springs, if we know this available.

Curt Chisholm: If the court says we have to take these youth for treatment, we will first try to place them in the other facilities available to us. If all else fails, then we will take them to Warm Springs, but hope to keep them there for only ten days. There is no place on that campus to separate youth from adults, so we oppose the amendments. Rivendell says they keep children an average of ninety days, and they will be starting construction in Butte in April and are adding another twenty beds in Billings now.

Sen. McLane: What you are asking for is very temporary?

Curt Chisholm: Yes, that is correct, and we will want to sunset this legislation as soon as we can. We don't want to have send children to Warm Springs, except as absolutely necessary.

Sen. Eck: You have kept youth longer than ten days at Warm Springs?

Curt Chisholm: Yes, this pertained to those charged with murder. If they had been in adult court, it would have been very legal to have kept them at Warm springs.

Joy McGrath: We agree that this is a very temporary measure. There is no intention for treatment under this law; it is just a holding pattern and evaluation. But the Department of Mental Health would like an assurance of separation of youth. If they have more than four, the separation will be more difficult, but we would like that assurance.

Sen. Eck: What is the average age of that intake unit?

Curt Chisholm: Our intake is down now, so we would have bed space available.

Sen Eck: What additional costs do you see? The wards have four beds. Do they still use a common eating space?

Curt Chisholm: Yes, they do, but we do assign a staff over the full twenty-four hours to see that no inappropriate behavior happens. There is often little difference between older teenagers and young adults. A youth charged with murder would be in the forensic unit now being constructed.

Rep. Menahan: In closing, I hope you will see the problem we are having temporarily in placing youth for treatment in the state. This bill tries to do the best for the children, and I hope for your favorable consideration.

ACTION ON H.B. 641: Karen Renne stated that the amendments to the bill are technical ones which reorganize the language of the bill but make no changes in substance. They simply make it grammatically correct.

Sen. Jacobson moved that the amendments receive a DO PASS. The vote in favor was unanimous. Sen. Jacobson then moved that H.B. 641 BE CONSURRED IN AS AMENDED. The vote in favor was unanimous.

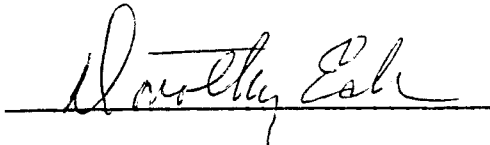
CONSIDERATION OF HOUSE BILL NO. 674: Rep. John Mercer, District # 50, sponsor of H.B. 674, stated that this bill clarifies the waiving of adoption investigations for adult adoptions and for children being adopted by a stepparent or a relative. The bill also clarifies what information should be included in an adoption investigation, in other situations.

Sen. Rassmussen: Why do they want to waive the investigation?

Rep. Mercer: In most the cases the courts have found them unnecessary, i.e. cases like these. The bill also clarifies who has the authority to waive the investigation.

ACTION ON H.B. 674: Sen. Hager moved that H.B. 674 BE CONCURRED IN. The vote in favor was unanimous. Sen. Hager will carry the bill.

The committee adjourned at 2:55 P.M.



CHAIRMAN

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3-23-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer			
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Tom Hager	X		
Matt Hims1	X		

Each day attach to minutes.

DATE 3-23-87

COMMITTEE ON

Senate Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
Beign Holland	Belle Silver Bow County, MT	571	X	
Robert M. ...	Belle Silver Bow County, MT Missoula County At-Large Association	571	X	
Bob Buttrick	Belle Silver Bow County			
Jay McGrath	Leg Comm. Chair M.S.C.O.A. Mental Health Association	571 641	X	X Amend

(Please leave prepared statement with Secretary)

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

NB 825

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-25-87
BILL NO. 825
No. DV 85-2283

LLOYD E. HARTFORD,)
)
 Plaintiff,)
)
 vs.)
)
 YELLOWSTONE COUNTY, a)
 subdivision of the State of)
 Montana,)
)
 Defendant.)

NOTICE OF ENTRY OF JUDGMENT

TO: YELLOWSTONE COUNTY, Defendant, and to DAVID W. HOEFER, its attorney of record:

PLEASE TAKE NOTICE that a Judgment was entered in the above action on the 26th day of September, 1986, a copy of which judgment is attached hereto and by this reference made a part hereof.

The undersigned hereby certifies that the foregoing Notice of Entry of Judgment was served upon the following individual by mailing to his correct address this 27th day of September, 1986:

David W. Hoefler
Deputy County Attorney
Yellowstone County Attorney's Office
P. O. Box 35025
Billings, MT 59107

DATED this 27th day of September, 1986.

VERNON E. WOODWARD, P.C.
1603 24th Street West, Suite 311
P. O. Box 21177
Billings, MT 59104-1177

By: Vernon E. Woodward
Vernon E. Woodward
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE THIRTEENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF YELLOWSTONE

LLOYD E. HARTFORD,

Plaintiff,

-vs-

YELLOWSTONE COUNTY, a subdivision
of the State of Montana.

Defendant.

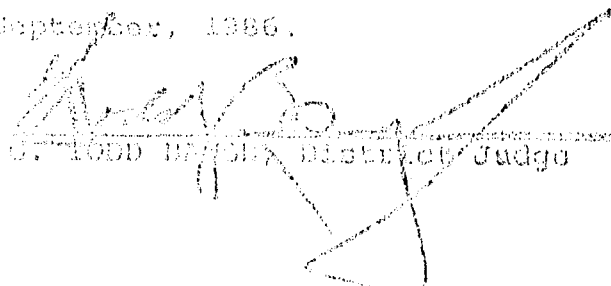
No. DV 85-2263

JUDGMENT

This action came before the Court on cross motions for summary judgment. The issues were briefed, a decision was rendered and it is hereby

JUDGED, ADJUDGED AND DECREED that the plaintiff, Lloyd E. Hartford, recover from the defendant, Yellowstone County, the sum of \$475.34, with interest thereon at the rate of ten percent per annum as provided by law. Plaintiff is also awarded his costs of action in the amount of \$40.00.

Dated this 22nd day of September, 1986.


G. TODD PARCK, District Judge

cc: Vernon W. Woodard
Lloyd Hartford

FILED WITH CASE NO.

THIS DOCUMENT IS THE PROPERTY OF THE DISTRICT COURT OF THE THIRTEENTH JUDICIAL DISTRICT OF THE STATE OF MONTANA. IT IS TO BE KEPT IN THE OFFICE OF THE CLERK OF THE COURT AND IS NOT TO BE REPRODUCED OR DISTRIBUTED OUTSIDE THE COURT WITHOUT THE WRITTEN PERMISSION OF THE CLERK OF THE COURT.

Mental Health Association of Montana

A Division of the National Mental Health Association

State Headquarters
555 Fuller Avenue
Helena, Montana 59601
(406) 442-4276

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 3-25-87

BILL NO. 641

3/25/87

Amendments to HB641

New Section 2.: Separation of patients less than 18 but not less than 12 from adults. If an individual less than 18 but not less than 12 years of age is admitted to the Montana State Hospital under (section 1) he must be separated from adult patients.

New Section 3. Supplemental funding. The department shall request supplemental funding from the 51st Legislature if the effects of the provisions in (sections 1 and 2) have an adverse impact on the Montana State Hospital budget and their ability to meet staffing requirements.

plan.

New Section 4. Report and/ The department shall report to the 51st Legislature on the effects of (sections 1, 2 and 3) including how many youth have been referred to and/or placed at Montana State Hospital, how many youth are on the waiting list for the Rivendell of Billings facility. The department shall present to the 51st legislature a plan and a proposed budget to address the need for additional short-term court-committed beds and court-ordered evaluations for the determination of whether an individual is seriously mentally ill and the need for long-term inpatient psychiatric care for adolescents presently unserved or underserved.

The department shall coordinate with the department of SRS their efforts relative to planning services for emotionally disturbed children. (SB361)



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Helena
- Vivian Gibson—Vice President
Outlook
- Bonnie Hyatt-Murphy—Secretary
Livingston
- Charles Averill—Treasurer
Choteau
- Jim Bergman
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Billings
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DELEGATE DIRECTOR TO NATIONAL M.H.A.

Joan-Nell Macfadden
Great Falls

DIRECTOR-AT-LARGE

Jayne Winegardner
Billings

STANDING COMMITTEE REPORT

MARCH 25 1987

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 428

THIRD reading copy (BLUE)
color

UTILIZATION OF FUNDS GENERATED BY TAXATION OF ALCOHOLIC BEVERAGES

CONNELLY (MAFFET)

Respectfully report as follows: That HOUSE BILL No. 428

HE CONCURS IN

~~DEPASS~~

~~CONCURRENCE~~

SENATOR ECK

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

19. 37

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 690

TIPO reading copy (BLUE)
color

AUTHORIZE MANUFACTURE, POSSESSION, AND DISTRIBUTION OF CERTAIN COMPOUNDS

GLASER (HMSL)

Respectfully report as follows: That HOUSE BILL No. 690

BE CONCURRED IN

UNANIMOUSLY

BY THE COMMITTEE

SENATOR ECK

Chairman.

STANDING COMMITTEE REPORT

SCR 327

March 31, 1987

MR. PRESIDENT

Public Health, Welfare & Safety

We, your committee on

House Bill

327

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

third reading copy (blue)
color

SUDDEN INFANT DEATH SYNDROME INVESTIGATION AND AUTOPSY REQUIRED

BULGER (VALVALKENBERG)

Respectfully report as follows: That..... House Bill..... No..... 327.....

BE AMENDED AS FOLLOWS:

1. Page 2, line 11.

Following: " subsection "

Strike: " (2) "

Insert: " (3) "

2. Page 2, following line 15.

Insert: " (2) If the alleged cause of death is sudden infant death syndrome, the coroner shall inform the parents or guardians that:

(a) an autopsy is required to establish the cause of death;

(b) the cost of the autopsy will be borne by the state; and

(c) if they object to an autopsy and the infant's attending physician certifies that the death was caused by sudden infant death syndrome, an autopsy is not required under subsection (3)."

Renumber: subsequent subsections

AND AS AMENDED.
BE CONCURRED IN

DO PASS

DO NOT PASS

Chairman.

Senator Eck

STANDING COMMITTEE REPORT

SCRM337

.....March 25..... 1937.....

MR. PRESIDENT

Public Health, Welfare & Safety

We, your committee on.....

House Joint Resolution 37

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

third reading copy (blue)
color

JOINT RESOLUTION ASKING DOCTORS TO JOIN "PARTICIPATING PHYSICIANS PROGRAM"

GLASER (ENGER)

Respectfully report as follows: That.....House Joint Resolution..... No. 37.....

BE AMENDED AS FOLLOWS:

1. Page 1, lines 16 through 18.
Strike: lines 16 through 18 in their entirety
2. Page 1, lines 19 through 21.
Following: "escalating"
Strike: remainder of line 19 through "inflation" on line 21
3. Page 1, lines 22 and 23.
Following: "increased"
Strike: remainder of line 22 through "inflation" on line 23

AND AS AMENDED,
BE CONCURRED IN

DO PASS

DO NOT PASS

.....
Chairman.

Senator Eck

STANDING COMMITTEE REPORT

MARCH 25

87

19.....

MR. PRESIDENT

We, your committee on..... **SENATE PUBLIC HEALTH, WELFARE AND SAFETY**

having had under consideration..... **HOUSE BILL** No. **825**

THIRD reading copy (BLUE)
color

**SUBROGATE RIGHT OF SRG TO REPAYMENT OF GA BENEFITS OUT OF SSI LUMP SUM AWARD
McCORMICK (HAGER)**

Respectfully report as follows: That..... **HOUSE BILL** No. **825**

BE CONCURRED IN

~~BY~~

~~UNANIMOUSLY~~

.....
SENATOR ECK

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

19 27

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 571

THIRD reading copy (BLUE)
color

**RAISE FROM 16 TO 18 THE AGE OF CHILDREN WHOSE WELFARE MAY BE ENDANGERED
DAILY (JACOBSCH)**

Respectfully report as follows: That HOUSE BILL No. 571

BE CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

SENATOR LICK

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

19. 87

MR. PRESIDENT

We, your committee on..... SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration..... HOUSE BILL No. 200

THIRD reading copy (BLUE)
color

CLARIFYING THE DUTIES OF SRS REGARDING CHILD REHABILITATION

MILES (McLANE)

Respectfully report as follows: That..... HOUSE BILL No. 200

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

.....
SENATOR ECK

Chairman.

STANDING COMMITTEE REPORT

.....MARCH 25..... 19.87.....

MR. PRESIDENT

We, your committee on.....SENATE PUBLIC HEALTH, WELFARE AND SAFETY.....

having had under consideration.....HOUSE BILL..... No.480.....

.....THIRD..... reading copy (.....BLUE.....)
color

CLARIFYING THE ELIGIBILITY OF CHILDREN OF UNEMPLOYED PARENTS

MILES (HMSL)

HOUSE BILL

480

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XSSXSSX~~

~~XSSXSSX~~

.....
SENATOR ECK

Chairman.

STANDING COMMITTEE REPORT

SCRN8641

March 25, 1937

MR. PRESIDENT

We, your committee on Public Health, Welfare & Safety

having had under consideration House Bill No. 641

~~third~~ reading copy (blue color)

TREATMENT OF MINORS AT MONTANA STATE HOSPITAL

MERRILL (JACOBSON)

Respectfully report as follows: That..... No.....

House Bill

641

BE AMENDED AS FOLLOWS:

1. Page 1, line 24.

Following: "institutions"

Strike: "is"

2. Page 1, line 25.

Following: "(1)(1)"

Insert: "for not more than 30 days is"

3. Page 2, lines 1 and 2.

Following: "53-21-102"

Strike: ", BUT WHOSE TEMPORARY ADMISSION SHALL NOT EXCEED
30 DAYS"

4. Page 2, line 3.

Following: "(ii)"

insert: "if"

5. Page 2, lines 16 and 17.

Following: "termination."

Insert: "(1)"

Following: "approval"

Insert: ".""

Strike: "and"

Insert: "(2) Section 1(2)"

AND AS AMENDED,
BE CONCURRED IN

DO PASS

DO NOT PASS

Chairman.

STANDING COMMITTEE REPORT

MARCH 25

19..... 87

MR. PRESIDENT

We, your committee on..... SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration..... HOUSE BILL..... No. 674

BLUE reading copy (THIRD)
color

ADOPTION INVESTIGATIONS

MERCER (HAGER)

Respectfully report as follows: That..... HOUSE BILL..... No. 674

BE CONCURRED IN

SENATORS

MEMBERS

.....
SENATOR DICK

Chairman.