

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: By CHAIRMAN PETE STORY, on MARCH 17, 1989,  
at 8:00 A.M.

ROLL CALL

Members Present: Senator Gary Aklestad, Senator Loren  
Jenkins, Senator Esther Bengtson, Senator Matt Himsl,  
Senator Paul Boylan, Senator Tom Keating, Senator H.W.  
"Swede" Hammond, Senator Pat Regan, Senator Fred Van  
Valkenburg, Senator Dennis Nathe, Senator Greg  
Jergeson, Senator Gerry Devlin, Senator Richard  
Manning, Senator Sam Hofman, Senator Lawrence Stimatz,  
Senator Ethel Harding, Senator Pete Story

Members Excused:

Members Absent: Senator Judy Jacobson, Senator Larry Tveit

Staff Present: Curt Nichols, LFA; Deb Thompson, Secretary

Announcements/Discussion: None

DISPOSITION OF SENATE BILL 452

Discussion:

Senator Keating offered an amendment to SB 452 (Exhibit 1). He pointed out that licensed professional counselors had the same training and offered the same types of services and were less expensive than clinical social workers and psychologists. He said the amendment would put licensed professional counselors into the same category so they would be allowed Medicaid payments from eligible recipients. He said this was expanding the availability of services but there would be an offset elsewhere in that the higher priced substitutes would not be utilized as much.

Questions:

Senator Aklestad asked about adding more services. Senator Keating replied that the types of available services would be added thus avoiding higher priced substitute. He pointed out that licensed professional counselors, social workers and clinical psychologist are all in the same section of the law for eligibility for insurance third party payments. This would give some fairness to the application of the law. He noted that two thirds of the licensed professional

counselors were already in clinics and already eligible for Medicaid payments through the clinics.

Russell Cater said there would possibly be a proliferation of counselor services. He said that overall there could be an increase in the budget.

Senator Jenkins presented an amendment to HB 452 (Exhibit 2). He said during the testimony it was indicated that the state would move up to federal standards but in the bill on page 9 in the rule making authority that there doesn't contain a minimum. The amendment would ensure consistency with federal standards. Senator Jenkins moved the amendment.

The question was called. The motion passed unanimously.

Senator Aklestad moved to request the committee ask for a fiscal note on the Keating amendment #1. Senator Regan commented that it was a waste of time. The question was called. The motion passed with two No votes. HB 452 will wait for a fiscal note.

#### HOUSE BILL 301:

Senator Regan presented an amendment to HB 301 (Exhibit 3). She said there was a problem if the Governor does not reappoint a workers compensation judge and termination pay will have to be taken care of. Senator Regan moved the amendment.

Senator Van Valkenburg pointed out that those positions are entitled under law for severance pay. The agency would be the ones to wait for their money. He also said that the workers compensation judge had been reappointed by the Governor and all that remained was a matter of Senate confirmation.

Senator Regan withdrew the amendment.

Senator Devlin distributed amendment #4. (See Exhibit 4) He said rather than appropriating \$12,000 to the Board of Public Education, the funds would go to the Attorney General for defense of the open meeting litigation. Senator Devlin moved the amendment. The question was called. The motion passed unanimously.

Senator Nathe presented an amendment for the Rocksprings School (Exhibit 5). Representative Roger Knapp (549) had a letter from the Rocksprings School Board saying that they

had filled out the forms but had no record of their isolation status. He pointed out that the codes do not allow for the Superintendent of Public Instruction to waive the application deadline. The status would have been granted if the application had been received.

Senator Hoffman asked what would happen to the school if the Legislature had not been in session. Representative Knapp replied that they would be out the funds but would continue by registering warrants.

Senator Hims1 commented that this was not an appropriations committee. He said the expenditure was supposed to have been made.

Kathy Fabiano, Central Services Manager of Office of Public Instruction, said the payment had not been made since the Rocksprings School neglected to turn in their application. She said they qualify for isolation status and have for several years but they need to apply every year. She pointed out that the Foundation distribution was made in January and their payment was not what it was supposed to be. She said that the Superintendent does not have the flexibility under Statute to make the payment. This amendment would give OPI the spending authority in the State Special Revenue Fund Equalization Program to make the payment to the school.

Senator Aklestad said the department was appropriated the money last session for this type of activity so the money should be there. Kathy Fabiano said there was legislation this Session to allow the Superintendent to waive the deadline. Senator Aklestad asked if this would be appropriating additional money when the department was already appropriated the money. He said the department needs authorization to let the school district have that money.

Chairman Story pointed out this was the only mechanism to get this money out the fastest. Senator Van Valkenburg pointed out that the \$8,000 would revert at the end of the year. Kathy Fabiano said the account is earmarked for equalization payments only so at the end of the year it could not be used for anything else.

The question was called. The motion passed unanimously on amendment 5.

Senator Van Valkenburg distributed amendment 6 (See Exhibit 6). He said this would add 1.1 million dollars in federal money to the Department of Family Services for three areas:

foster care, day care and subsidized adoption.

Doug Mathis from the Department of Family Services explained the amendment. He said this would allow DFS to spend federal money to take care of the caseload for those three programs.

Senator Jenkins asked if subsidized adoption was included. Doug Mathis replied that this subsidy is for difficult to place children who have medical problems that the adoptive parents would not be able to afford the adoption without a subsidy.

Senator Aklestad asked if there was matching money. Doug Mathis replied it was 70-30 appropriated level. He said the subcommittee already increased the budget to compensate.

The question was called. The motion passed unanimously on amendment #6.

Chairman Story said he would carry HB 301. Senator Regan moved HB 301 as amended. Senator Aklestad inquired about page 4, line 15, workers compensation in the Highway Patrol why they need additional money or authorization. Flo Smith from the Budget Office replied that the rates increased tremendously even though the experienced rating was considered.

The question was called. The motion To Concur HB 301 passed unanimously.

(1-B-000)

HOUSE BILL 723:

Senator Keating moved HB 723 Be Concurred In.

Senator Regan commented that travel is and can be a problem. She pointed out that on page 19, line 24 and page 20, line 5 someplace the language dealing with travel had been stricken. She said it is unreasonable to require someone to go to work when they have no way of getting there.

Senator Hammond pointed out that the travel problem may lead to the department finding other places for work to be done rather than just in the center and find work close to those people.

Senator Keating commented that people could claim travel charges to go across town and the department would be paying for inter-urban transportation. He pointed out that it was

ten miles just across the city of Billings. He suggested a 40 mile limit.

Senator Harding said in 1987 the Human Services Committee passed a bill to provide the recipient transportation costs so the job would get them off welfare.

The question was called on the motion To Concur HB 723. The motion passed with Senator Regan voting no.

SENATE BILL 465:

Senator Devlin distributed an amendment (Exhibit 7) to exclude stubble fields in Eastern Montana. He pointed out that the department was not interested in Eastern Montana so he felt that the counties were concerned with should be designated. He said the amendment would also cap the fees charged.

Senator Devlin moved the amendment. Senator Keating asked why not take the money out of General Fund rather than rule making on fees and having fee collectors. Senator Devlin pointed out that they have had some success with the federal paying and that the general fund was short anyway. He said the industry was in agreement but just did not want an open-ended bill so that is why the limitation was suggested. Senator Van Valkenburg said the problem with general fund is that this is a revenue bill and they cannot appropriate general fund in it now.

The question was called. The motion passed unanimously on the amendment.

Senator Van Valkenburg moved SB 465 do pass as amended with three no votes.

ADJOURNMENT

Adjournment At: 9:37 a.m.



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PETE STORY, Chairman

DAILY ROLL CALL

FINANCE AND CLAIMS

COMMITTEE - 1989

DATE 3-17-89

NAME	PRESENT	ABSENT	EXCUSED
Senator Gary Aklestad			
Senator Loren Jenkins			
Senator Esther Bengtson			
Senator Matt Himsl			
Senator Paul Boylan			
Senator Tom Keating			
Senator Judy Jacobson			
Senator H.W. "Swede" Hammond			
Senator Pat Regan			
Senator Larry Tveit			
Senator Fred Van Valkenburg			
Senator Dennis Nathe			
Senator Greg Jergeson			
Senator Gerry Devlin			
Senator Richard Manning			
Senator Sam Hofman			
Senator Lawrence Stimatz			
Senator Ethel Harding			
Senator Pete Story			



Amendments to House Bill No.452  
House Third Reading Copy

For the Committee on Senate Finance and Claims

Prepared by LFA  
March 13, 1989

1. Page 6, following line 24.  
Insert: "(L) services of professional counselors licensed under  
Title 37, Chapter 23, MCA;"  
Renumber: subsequent subsections

AMENDMENTS TO HOUSE BILL NO. 452  
(Third Reading Copy)

By request of Senator Loren Jenkins

1. Page 9, line 20  
Following: "prescribing"  
Strike: "minimum"
  
2. Page 9, line 24  
Following: "standards"  
Strike: "must include, as a minimum,"  
Insert: "shall be consistent with"



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SENATE FINANCE AND CLAIMS  
EXHIBIT 3  
DATE 3-17-89  
BILL NO. HB 361

Amendment to HB301

Third Reading Copy

Committee on Finance and Claims

March 17, 1989

1. Page 6, line 12.

Insert: "DEPARTMENT OF ADMINISTRATION  
Termination pay - judge worker's  
compensation court 1989 14,156 State Special"

Termination pay in the amount of \$14,156 is being requested should the worker's compensation court judge not be reappointed by the governor.

Amendments to House Bill No.301  
Third Reading Copy

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4  
3-17-89  
BILL NO. ~~HB 301~~

For the Committee on Senate Finance and Claims

Prepared by LFA  
March 13, 1989

1. Page 4, following line 7.

Insert: "Defense of open meeting litigation 12,000 General Fund"

SENATE FINANCE AND CLAIMS  
SECTION NO. 5  
DATE 3-17-89  
BILL NO. HB 301

Amendments to HB Bill No. 301  
3rd Reading Copy

Requested by Rep. Knapp  
For the Senate Finance and Claims Committee

Prepared by Andrea Merrill  
March 14, 1989

- 1. Page 3..
- Following: line 12
- Insert: "Rock Spring School District No. 2,  
Rosebud County 1989           \$8,063  
State Special"

SENATE FINANCE AND CLAIMS  
AMENDMENT NO. 6  
DATE 3-17-89  
BILL NO. HB301

Amendment to HB301  
Third Reading Copy  
Committee on Finance and Claims  
March 17, 1989

1. Page 6, line 12.

Insert: "DEPARTMENT OF FAMILY SERVICES

Foster care	1989	990,864	Federal Special
Day care	1989	137,432	Federal Special
Subsidized adoption	1989	68,157	Federal Special"

This budget amendment will allow the department to cover increased foster care, day care and subsidized adoption caseloads. Current level state funds are adequate to cover the required state match. Total federal spending authority for the department increases \$1,166,453 due to this amendment.

Amendments to Senate Bill No. 465  
First Reading Copy

For the Committee on Senate Finance and Claims

Prepared by LFA  
March 17, 1989

1. Page 2, line 14.

Strike: "on a statewide basis"

Insert: "in Lincoln, Flathead, Lake, Sanders, Mineral, Missoula,  
Ravalli, Granite, Powell, Silver Bow, Lewis & Clark, Deer  
Lodge, Jefferson, Broadwater, Gallatin, Beaverhead, Madison,  
Park, and Meagher counties"This amendment specifies the counties where this statute is  
applicable.

2. Page 2, lines 18 and 19.

Strike: "the costs incurred by the department"

Insert: "\$23,300 per year"

This amendment limits the annual fees to \$23,300.

3. Page 2, line 21.

Strike: "program."

Insert: "program, and shall be applied equitably to those  
required to pay permit fees."

ROLL CALL VOTE

FINANCE AND CLAIMS

COMMITTEE

DATE 3-17-89 BILL NO. 452 NUMBER \_\_\_\_\_

*1st Amendment*

NAME	AYE	NAY
Senator Gary Aklestad		✓
Senator Loren Jenkins	✓	
Senator Esther Bengtson		✓
Senator Matt Hims1		✓
Senator Paul Boylan		✓
Senator Tom Keating	✓	
Senator Judy Jacobson		
Senator H.W. "Swede" Hammond		✓
Senator Pat Regan	✓	
Senator Larry Tveit		
Senator Fred Van Valkenburg	✓	
Senator Dennis Nathe		✓
Senator Greg Jergeson	✓	
Senator Gerry Devlin		✓
Senator Richard Manning	✓	
Senator Sam Hofman	✓	
Senator Lawrence Stimatz	✓	
Senator Ethel Harding	✓	
Senator Pete Story	✓	

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Debbie Thompson - 319  
Secretary

Pete Story  
Chairman

Motion: \_\_\_\_\_  
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VISITORS' REGISTER

Finance & Claims COMMITTEE

BILL NO. 301,

DATE 3-17-89

SPONSOR Bardanave

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Roger Knapp	# HD-27	X	
Kathy Jochian	OPT	X	

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