

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Judy Jacobson, Chairman, on April 10, 1991, at 8:00 a.m.

ROLL CALL

Members Present:

Judy Jacobson, Chairman (D)
Greg Jergeson, Vice Chairman (D)
Gary Aklestad (R)
Thomas Beck (R)
Esther Bengtson (D)
Don Bianchi (D)
Gerry Devlin (R)
Eve Franklin (D)
Harry Fritz (D)
H.W. Hammond (R)
Ethel Harding (R)
Bob Hockett (D)
Thomas Keating (R)
Dennis Nathe (R)
Lawrence Stimatz (D)
Larry Tveit (R)
Eleanor Vaughn (D)
Mignon Waterman (D)
Cecil Weeding (D)

Members Excused: Sen. Richard Manning (D)

Staff Present: Teresa Olcott Cohea(LFA).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None.

HEARING ON HOUSE BILL 764

Presentation and Opening Statement by Sponsor:

Representative Harriet Hayne, House District 10, said HB 764

was proposed by the Legacy Legislature, Senior Advocacy Group and all of the Montana Veterans groups and organizations. It designates the continued use of the 2 cent cigarette tax to fund the state share of the building fund for the Glendive Veterans nursing home, and to provide for the operation and maintenance of the Columbia Falls and Glendive facilities. This is not a new tax, it is presently in place and will continue. The funding for the construction of the Glendive site remains in trust and in accordance with the LFA and the Department of Revenue estimates, collections will be sufficient by June 30, 1991 to pay for the state's share of the construction of the facility. This bill is also intended to absorb the cost of operation and maintenance of both the Columbia Falls and the Glendive Veterans Nursing Homes, without the need of general fund money. She said the reason they want to continue the use of the 2 cent tax on cigarettes is to insure the future maintenance and operation of these two veterans nursing homes.

Proponents' Testimony:

Hal Manson, representing the American Legion of Montana, explained they had worked hard last session to get the 2 cent tax, which was mainly to build the nursing home in the eastern part of Montana. They have noticed over the years that funding of the nursing home in Columbia Falls has had some problems and they have to consider that when this home is built in the eastern part of the state we will also have to fund the operation of that. In western Montana, all that is available is Columbia Falls and that is full and has a waiting list on the nursing beds. It is possible a new nursing wing will have to be built at Columbia Falls or some other location in the western part of Montana.

George Poston, speaking for the United Veterans Committee of Montana, urged the committee's support of HB 764. (Exhibit 1)

Dick Baumberger, representing the Disabled American Veterans of Montana, said he hopes the Glendive operation will be operational by the time the legislature meets again in two years, and hopes the committee will concur with HB 764.

Opponents' Testimony:

Tom O'Connell, Administrator of the Architecture and Engineering Division, said his constituents are the state buildings on the existing inventory at state facilities. He said there are current needs in those buildings that are not being met. The state dollars cannot take care of all the needs for the facilities on a state-wide basis. With the limited funding available in this state we are trying to protect the state's investment in its facilities. He said we are not keeping up with the care and maintenance of the state facilities. He referred to fact sheets which were distributed to the committee (Exhibits 2 and 3). He said if the two cents goes towards maintenance of Veterans Homes, there would be a decrease in funds available for Capitol projects. There would not be a completed nursing home in Glendive until the spring of 1994. The money, in his opinion, has been set aside by statute to construct and repair state

facilities. We have never used this money for the operation of facilities. He does not believe there was an intent to use cigarette tax dollars to operate the facility. He asked the committee to carefully consider what they are doing with this money. This session there were \$242 million worth of requests from this fund. We are funding \$7 million of those requests. He does not believe we can dilute those funds any further. If HB 764 passes, it will leave approximately \$4.6 million a biennium to take care of all these needs on a state-wide basis. He does not think \$4.6 million can take care of those needs. He doesn't think \$7.8 million is taking care of those needs. The Veterans home in Columbia Falls has 93,000 square feet. With the addition of the Glendive nursing home we will have about 200,000 square feet of Veterans home facilities. What this bill would do is take 33 percent of the available cash for one percent of the facilities. Someone will lose with this bill. He doesn't feel it is fair to spend 33 percent of the available cash for one percent of the buildings the state is responsible for.

Questions From Committee Members:

Senator Harding asked Mr. O'Connell about the money that was set aside for the Glendive home.

Mr. O'Connell said the money that was appropriated last session was one million nine hundred ninety one thousand dollars of state funds and \$3.6 million of federal funds. To date this tax has generated approximately \$1.7 million. By the end of the biennium we will have sufficient funds to take care of this facility. That money is set aside and can only be spent for the construction of the Glendive nursing home. We are waiting for the federal share before beginning construction.

Senator Harding asked regarding the federal money, if he was responsible for generating the reports to get the money, and has that been done.

Mr. O'Connell said in conjunction with the Department of Institutions they have submitted a grant request to the Veterans Affairs Office in Washington, D. C. requesting participation from the federal government. As of this date we have not received that money. He anticipates they will be successful this summer.

In answer to a question by Senator Fritz, Mr. O'Connell explained there is approximately 16 million square feet of state buildings they are responsible for. The Columbia Falls veterans Home has approximately 92,000 square feet and the new facility would have approximately 70,000 square feet. Between the two of those, that represents one percent or less of the total area of state buildings this fund has to take care of on a maintenance and repair basis.

Senator Fritz asked the percentage of square footage the university system has. Mr. O'Connell said he thinks it is

approximately 60 percent of the 16 million square feet.

Senator Keating asked Mr. O'Connell about the \$7.8 million as funds available for capitol projects. Does that include the \$1.7 million that this two cent tax has raised.

Mr. O'Connell said no, it doesn't as that isn't available for construction. That has been encumbered by the last legislature for the construction of the facilities. This is revenue we anticipate in the next two fiscal years plus any other unobligated cash balance we had at the end of the last biennium.

Senator Keating said HB 234, the Pavlovich bill appropriates the \$1.9 million to the Department of Administration for construction and remodeling and land purchase and design of the state nursing home and \$3.7 million federal special so that is spending authority for that money.

Mr. O'Connell said that bill was necessary because the bill was not a continuing appropriation but ended June 30, 1991. Without that bill there wouldn't have been spending authority to construct the facility.

Senator Keating asked if this was spending authority, and Mr. O'Connell said that was correct. Senator Keating said the construction money for the Veterans home is available.

Mr. O'Connell said HB 764, in his opinion, sets aside money for construction, operation and maintenance of Glendive or Columbia Falls. It would set aside a construction budget for x number of veterans homes.

Senator Keating asked if there is enough money for the construction of the Glendive facility, and Mr. O'Connell said yes there was. Senator Keating asked regarding the operation and maintenance of the nursing homes, the Columbia Falls home and the one in Glendive, how much money does this tax raise. Mr. O'Connell said their estimates for the next biennium is \$2,167,000.

Senator Keating asked if in the future that money would be used for the operation and maintenance of two nursing homes. Mr. O'Connell said potentially for the construction and that would require legislative approval for the construction of another nursing home.

Senator Beck asked where the funds have been coming from prior to this time and if the Columbia Falls home was self supporting.

Bob Anderson, Special Services Division, Dept. of Institutions, said the Columbia Falls Veterans Home operates out of 3 funding sources. General Fund represents about 30 percent, veterans reimbursement about 30 percent and third party reimbursement represents about 40 percent. It is a \$2.6 million operation,

\$785,000 of General Fund, \$1 million of third party and \$790,000 VA.

Closing by Sponsor:

Rep. Hayne said this bill keeps the 2 cent cigarette tax as a continuing source of revenue for the veterans nursing home facilities.

EXECUTIVE ACTION ON HOUSE BILL 876

Motion:

Senator Franklin moved HB 876 be concurred in.

Discussion:

Senator Harding asked if this was now \$14,000 and Senator Jacobson said it was \$14,000 for the biennium. There is also some federal monies at stake.

Senator Nathe asked if this bill is necessary to continue the MIAMI project.

Paulette Kohlman, Montana Council for Maternal and Child Health said this bill removes the sunset. Without this bill the MIAMI project spending program would die and there would be no place to spend the money. The additional \$14,000 is extra things the bill adds.

Senator Jergeson asked if this needed an appropriation to meet the transmittal deadline.

Senator Waterman said we talked about a number of components of this program, like the general relief and the changes that were in the Aklestad and Keating bills in the general assistance and the welfare programs. They still need a vehicle to implement those programs.

Senator Nathe said he was surprised to see the \$14,000 appropriation.

Ray Hoffman, Dept. of Health said it is difficult to say, but it is the appropriation causing the problems in the committee. He would assure the committee he could find the \$14,000 somewhere within the department's budget. The rest of the bill is very much needed.

Senator Aklestad said he would like a clarification on the bill. He asked if there were three principles of this bill. He only sees two; the expansion of \$14,000 and the expansion of programs

going towards Indian Affairs, which is not necessarily to coincide with HB 2. Does this bill demand us to pass it to coincide with HB 2.

Senator Jacobson said the program will sunset if this bill doesn't pass.

Senator Keating asked Dr. Espelin about the high rate of morbidity among our Native Americans. Dr. Espelin said in the last session when this bill was in committee, in the original concept of MIAMI, the Indian population was not addressed correctly. He said at that time he was working with the state health department and he didn't think that point had been missed. After going back and looking, we found that the Indians are five or six percent of our population, about 10 percent of our births, but only 26 percent of our infant mortality. That is why they wanted the additional Indian person on the advisory committee and to get the advisory committee up to speed on the cultural differences that exist in the state.

Senator Jacobson said she would like to leave the bill alone. She said they have been robbing from other funds to keep MIAMI going because it is so important. She thinks we should leave the \$14,000 in and pass the bill.

Senator Bengtson asked if there is any interaction with SRS or WIC programs.

Senator Jacobson said the WIC program is in health, it is not in SRS. Senator Bengtson asked if there were any programs in SRS that deal with this.

Maxine Ferguson, Board of Health, said they work very closely with the Dept. of SRS in drafting this for MIAMI legislation and implementing the provisions. It provides funding for medicaid eligible women for certain kinds of services. It maximizes state dollars. With the targeted case management and the general fund, it has already been appropriated through HB 2. We can maximize the state dollars and serve many high risk pregnant women. In response to WIC, she said they require, in contracting with local counties, that they coordinate with the WIC program.

Senator Aklestad made a substitute motion to amend the bill on page 12, line 1, the figure of \$14,000. Would amend section 6 to strike the appropriation. Take section 6 out and have it coincide with the title of the bill.

Senator Jacobson said she resists the motion. There is a possible rules problem if you change this from an appropriation bill to a general bill.

Senator Aklestad said at the time the decision was made, it was an appropriation bill.

The Aklestad motion failed.

Recommendation and Vote:

Senator Jacobson said they would now vote on the original motion made by Senator Franklin that HB 876 Be Concurred In. The motion carried with Senators Hammond, Devlin and Aklestad opposed.

EXECUTIVE ACTION ON HOUSE BILL 299

Motion:

Senator Devlin moved to amend HB 299 on line 2, page 3. It would be clarified in the new language that it would be a court approved treatment plan.

Senator Jacobson said that would not be a problem because it is done anyway.

Senator Devlin moved to amend HB 299. Motion carried.

Discussion:

Senator Aklestad asked if the bill is in the Governor's budget. Senator Jacobson said the money is all out, there isn't any. Senator Aklestad asked if the general fund money has been taken out, and Senator Jacobson said yes it had been.

Senator Nathe said he would like someone to explain the need for this bill.

Tom Olsen said the primary purpose of the bill is to put into legislative intent that the Dept. of Family Services prioritize permanency planning for placement of children.

Senator Nathe said that is implied in the operation of that department without it being in statute. He thought it didn't do anything except permanency planning and he would assume that anyone interested in the welfare of children would want to see stability in their lives.

Tom Olsen said that is, in theory, what the Department of Family Services should be doing, but in practice, the department has not done that very well in the past. There are several reasons for that, and one is they are very short staffed and also, it is hard for them to identify when kids have been in placement for a long period of time without going back and find their files. The judges have such overloaded dockets that it is difficult for the judge to bring the case back up for review. He said they tend to lose kids in foster care for up to two years. He doesn't feel foster care should be long term. It should be short term, and if it isn't possible to get the child back in the family, they

should be placed in a permanent home. This bill gives the department the authority to do that, and it tells them to prioritize that.

Senator Nathe asked when dealing in foster care, does permanent home mean adoption. Mr. Olsen said yes, adoption or another permanent plan. It doesn't have to be adoption, but adoption is usually the first option. Senator Nathe said we have expanded the reasons or the authority of the state to remove children from situations and into foster care for their protection, and now we are accelerating the adoption of children out of foster care. Mr. Olsen said that was correct.

Senator Hammond said he has concerns with them making a permanent assignment. Once they have been adopted, what recourse is there, and does the department look at them again. Mr. Olsen said they stay in touch with a special needs child throughout the adoption, but if it is a child who does not have special medical or physiological needs, when the child is adopted, the department considers that to be the adoptive family.

Senator Hammond said his fear is that once the children are out of the foster care role, the Department of Family Services feels it has been taken care of and many times they haven't taken care of it. He thinks it is a way to alleviate somebody's problems, but not the child's problems.

Mr. Olsen said this is a good faith effort to alleviate the child's problems. If the child remains in foster care for an extended period of time, the child is in limbo. Children are generally very happy to have a family of their own and to realize they are going to be cared for and loved and that it is going to be a long term situation.

Senator Waterman said in the over all care of young children, she thinks it would be best and the most ideal situation to be born and reared in a natural home where there are loving parents or parent, but this is not always the case. When they fall into the state system of care, it is very important we make every effort as early as we can to reunite the child with the family and that requires social workers. If that cannot happen, we need to move quickly to make some other permanent placement.

Senator Hammond said he was responsible for starting the Northern Montana Youth Ranch and helped place many foster children in that area. He said it was because the social workers were not very professional in what they were doing that problems were caused. He said he has many fears with this bill because there have been children taken away from families that should have never been taken away from. He feels there have been foster children who have been ignored and that grandparents would gladly have taken them and the grandparents' wishes were ignored. If this bill goes through, there is an age they can adopt them and do quite well, but he has seen instances where an older child is adopted

and it does not work.

Senator Keating asked Mr. Olsen if at the present time the department has a lever with the parents to make them face up to their responsibility by threatening to take the children away from them. Mr. Olsen said yes.

Senator Keating asked if the department could establish permanent adoption without this bill. Mr. Olsen said yes, they can, and they are doing that right now, but this bill puts into legislative intent what they plan to do.

Senator Keating asked to what extent does the court determine what the department does. Mr. Olsen said the court determines entirely what they do in terms of removal of children from the home.

Senator Keating asked where the court gets its expertise to make its decision. Mr. Olsen said the court gets its expertise from the social workers and other members of the community that provide information on the case.

Senator Keating asked if the passage of this bill will put greater pressure on parents to accept their responsibility if they are threatened with the loss of their child.

Mr. Olsen said right now when a child goes into care they try to bring about unification through a treatment plan. If the parents problem is alcohol or drug abuse, they will be required to go to counseling. If their problem is they keep hitting their child, they will be required to go to parenting courses. If they don't know how to take care of their child nutritionally, they will see a nutritionist. In most cases the parents will say they will do these conditions, but there are other cases where the parent will not agree to go to any of the treatment plans. Right now, the department does not have the authority to exercise their authority over a child in the family for the reason that the parents will not comply with the court order as far as the treatment plan goes.

Senator Harding said it bothers her about what Sen. Hammond said about grandparents not being able to take these children, and she wants to follow through on that and see where other family rights are. Where does the rest of the family fit into the Department of Family Services' plan for these children.

Mr. Olsen said it is the Department of Family Services' policy that if there is a suitable home within the extended family, that is where that child would be placed.

Recommendation and Vote:

Senator Harding moved HB 299 As Amended, Be Concurred In. The motion carried with Senators Hammond, Aklestad, Tveit, Bengtson

and Nathe opposed. Senator Franklin will carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 569

Amendments, Discussion, and Votes:

Senator Waterman moved the amendment. Senator Waterman said this is a management information system that would allow them to track where individuals are in the system and would also allow them to do claiming for the appropriate placements and develop the continuing community based care that has been recommended in HB 100.

Senator Aklestad asked where the funds would go otherwise.

Terry Cohea, LFA, said on page 2, line 17 the bill has been amended to provide that this appropriation is contingent on two things. First, it is contingent upon reconciliation of an account in SRS placing the money in the general fund. The first approximately \$900,000 of the money from that source is placed in the general fund appropriated to SRS for the TEAMS project. Any remaining balance, up to \$627,000, is appropriated for this project. If this appropriation did not exist and the money were reconciled out of the SRS account, it would go to the general fund, it would not go to family services, unless the legislature appropriated that somewhere else.

Senator Aklestad asked if we were using general fund. Ms. Cohea answered that any state money that is reconciled from this account is deposited in the general fund.

Senator Jacobson asked how often that account is reconciled. Ms. Cohea said the agency testified that they have not reconciled since 1985. This is a result of an audit finding that they had not reconciled recently. In HB 2 the TEAMS appropriation is contingent upon that reconciliation and this is the second appropriation in this bill.

Senator Jacobson asked if this was not money that, while it is general fund money, it was not recognized in either the governor's budget or the LFA budget, as money flowing into the general fund. Ms. Cohea said that was correct.

Senator Keating asked regarding the information system, is this a requirement, and is the department looking at federal sanctions if this isn't done.

Mr. Olsen said yes, the federal government provides funding for related money, which is their foster care federal money, requires that they keep a lot of data, with a 2 percent margin of error. If they do not keep the data, and have them on hand, they will be sanctioned by the federal government and will lose a percentage

of their funds.

Senator Keating asked how much of a loss if it was not initiated. Mr. Olsen said approximately \$150,000, and they reserve the right to upgrade that for further non compliance.

Senator Hammond asked what kinds of data are kept. Mr. Olsen said right now they have a payment data that pays for foster care and they can tell where the child is in foster care, and who the payments are made to.

Senator Hammond asked if they did not have anything of a personal nature in order to keep track of the success of where the child is. Mr. Olsen said no, they did not.

Recommendation and Vote:

Senator Waterman moved HB 569 Be Concurred In As Amended. The motion passed.

EXECUTIVE ACTION ON HOUSE BILL 696

Amendments, Discussion, and Votes:

Senator Bianchi presented an amendment to HB 696. (Exhibit 4). He said on page 2, lines 14 and 15, concerning the fee paid by the genetic program, it includes the health insurance policy of the group of state public employees. He said this amendment would treat the state of Montana self-insured program like the other self-insured programs across the state. Senator Bianchi moved the amendments.

Senator Jacobson referred the committee to a letter regarding this issue from state auditor Andrea Bennett.

Senator Hockett said he requested the review as to why one group in the list was being assessed a fee and none of the rest were being assessed for this genetic program. The amendment that was put together would allow the other groups to be assessed the same fee, so they are all being treated alike. This is the reverse of what Senator Bianchi wants to do. He wants to remove the one group that is on the list, and Senator Hockett said he is suggesting we add the rest of them to the list. (Exhibits 5 and 6).

Senator Harding said if we are going to do this, all the insurance plans would be under this plan and it could be cut down. She would suggest the committee look into this before voting on the bill.

Senator Hockett said he had asked about reducing the fee also and he couldn't get an answer in the time available, but he would support Senator Harding. If we include all these people the fee

could go down.

Senator Waterman said there may be some information from the people here. She asked Ray Hoffman to address including others in this proposal.

Ray Hoffman said when the fee was initially discussed, the insurance commissioner told the Department of Health that it could not assess a fee against all insurance policies, that it could only assess that fee against those that had offices within the state of Montana because that was the only thing the insurance commissioner had the ability to collect the fee from.

Senator Jacobson said the committee will have to meet either this afternoon or maybe tomorrow morning, and since there are so many questions, she would be willing to hold this bill.

Senator Waterman suggested that rather than rehashing this in committee, that we ask a couple people to sit down with someone from the auditor's office to try and devise a solution for this.

Senator Jacobson asked Senator Harding and Senator Waterman to try to get some answers.

EXECUTIVE ACTION ON HOUSE BILL 5

Amendments, Discussion, and Votes:

Senator Keating moved we reconsider previous action on HB 5.

Senator Jacobson said the reason Senator Keating is doing this is that we had that bill in this morning and Senator Keating told her yesterday we should hold it and see the effect HB 5 would have if we did anything with HB 764. She hopes the committee will support his motion.

Senator Keating's motion carried.

EXECUTIVE ACTION ON HOUSE BILL 927

Discussion:

Senator Jacobson said this is a bill by Rep. Harrington revising general relief and requiring a vocational specialist. There is no money in the bill at this point. The agency said it is minimal and they would be able to cover it.

Senator Hammond asked if this person was on board now and all they needed to do was to be able to provide a spot for them.

Marcia Dias said that is correct. It is not an addition of a new position and it is not training of people on board. It is giving

additional responsibility to a vocational counselor that is already with the program.

Amendments, Discussion, and Votes:

Senator Keating moved the amendment (Exhibit 7).

Senator Jacobson said these amendments are needed to clean up inconsistencies caused by previous amendments. The LFA has reviewed the amendment and they are technical in nature.

The motion to amend carried.

Recommendation and Vote:

Senator Keating moved HB 927 As Amended Be Concurred In. The motion carried unanimously.

Marcia Dias said previously there was a fiscal impact because they were attempting to expand the time limits that a person could be on general assistance and that was one of the things amended in and then amended out.

EXECUTIVE ACTION ON HOUSE BILL 454

Amendments, Discussion, and Votes:

Two amendments were presented to HB 454 (Exhibits 8 and 9).

Senator Jacobson said since time was short for this meeting, they would go on to another bill that does not have amendments.

EXECUTIVE ACTION ON HOUSE BILL 520

Discussion:

Senator Jacobson said HB 520 has no amendments and that it is Rep. Cocchiarella's bill to increase per diem and lodging expenses. Senator Jacobson said the revised fiscal note is the pink one.

Senator Hammond asked if everything was taken out but the lodging.

Ms. Cohea explained the fiscal note, and said the bill, as it stands now, increases lodging and the morning meal by 50 cents. The revised fiscal note shows the cost to agencies, but the bill itself does not appropriate money for that. The bill has no general fund impact minus revenues, unless you go into HB 2 and increase budgets. There is an unexpected bonus to the general fund because under current practice, accommodation tax collections related to state employees travel are returned to the

general fund. If the lodging reimbursement is increased, the accommodation tax paid on that lodging increases. The amount coming back to the general fund increases. The net increase to the general fund will be approximately \$35,000 from this bill.

Senator Bianchi asked if this doesn't increase the noon meal to \$4. Ms. Cohea said the evening meal would be unchanged, but it was 50 cents for breakfast and 50 cents for lunch.

Senator Aklestad asked if the governors budget reflected an increase to lodging. Ms. Cohea said it was not included in the budget.

Bob Marks, Dept. of Administration, said the governor's plan was to allow the \$6 increase for lodging only and the agency would have to assume it. The same would apply to the 50 cents.

Senator Waterman asked how we could increase the appropriation to cover it.

Ms. Cohea said each agency that has travel expense for in state travel would need to calculate the increase and make an appropriation to every agency in HB 2. She said if you were going to do it in this bill you would have to change the title substantially and would probably need a ruling from the legislative council if this could be made into an appropriation act. You would have approximately 70 agencies in which the appropriation would need changed. She said fiscal notes are to tell the legislature the fiscal impact. It is up to the legislature to choose to appropriate the funds or not.

Senator Waterman asked whether the agencies have to absorb this increase. Ms. Cohea said the increased cost to all of state government from the bill is shown on the pink sheet. You will note that the general fund cost, if you chose to appropriate it, in state agencies would be approximately \$274,000 for the biennium and it shows the other funds. When you net out the increase in accommodations tax, the cost to the general fund would be \$306,000 for the biennium.

Recommendation and Vote:

Senator Bianchi moved HB 520 Be Concurred In. The Motion Carried, with Senator Fritz opposed. Senator Bianchi will carry the bill.

Senator Waterman said she was opposed to not going back into HB 2.

EXECUTIVE ACTION ON HOUSE BILL 728

Motion:

Senator Jacobson said this bill would coordinate the food programs and nutritional services and establish a state advisory council, and the general fund is gone.

Senator Waterman moved HB 728 Be Concurred In.

Recommendation and Vote:

The motion that HB 728 Be Concurred In carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 491

Motion:

Senator Jacobson said in section 4 there is appropriated \$100,000 to be used for respite care for foster children.

Senator Franklin moved HB 491 Be Concurred In.

Discussion:

In answer to a question by Senator Devlin, Senator Jacobson said HB 489 provides additional clothing allowance and HB 491 provides respite care for the foster parents. They are both the same program but one bill does not hinge on the other. One increases the clothing allowance from \$100 a year to \$300 a year. This one provides a small amount of money for respite care.

Senator Hammond asked regarding respite care, how many days a week. Mr. Olsen said most respite care programs provide 1 day or 1 night out per month for foster parents.

Senator Keating asked if these monies generate any matching money. Mr. Olsen said he thinks it is all general fund.

Senator Waterman said the issues were discussed in the subcommittee and there was testimony by foster parents. We are talking about children that are autistic, multiple handicapped, children that you don't hire a 13 year old babysitter for.

Senator Jacobson said the discussion was in the subcommittee. The bills were in full appropriation. The subcommittee didn't act on the bills.

Senator Waterman said they did not act on bills that appropriate in welfare. The bills went through the process.

Senator Keating said there is also a respite care in developmentally disabled budgets and other budgets. He said they have approved respite care funds in some other programs. He asked the director if there were any funds in this foster care program. Mr. Olsen said right now they have no specific respite care funds.

Senator Keating said they didn't make an appropriation in the subcommittee because there was a bill coming later to do something.

Senator Aklestad asked how this would work with families all over the state. If a foster care parent in Gt. Falls wanted to go out for the evening, who would come in and take care of the child. Mr. Olsen said in each of the regions they would develop foster care respite networks through volunteers. This is usually done by the Foster Parents Association. They develop and train their own resources in many areas.

Senator Aklestad asked if the network would be set up statewide and would the funding be for training. Mr. Olsen said the money is to pay the parents. It is like a highly trained babysitter that handles very difficult children.

Senator Aklestad asked if the money would go to the individual that comes in and babysits. Would this person be someone from the community, or someone from family services.

Mr. Olsen said it would not be a member of family services staff. It would be a volunteer from the community. In some cases it would be a foster parent who has been trained and currently has no children. We will be reimbursing them for their services, they would not be a full time paid employee of the state.

Senator Bengtson asked if there was a pay scale that these respite workers would be paid.

Mr. Olsen said he could not answer that question, as he doesn't know what the rate of pay would be. There would be a pool of foster parents that agree to provide the care. If you are at the top of the list they would provide respite care for the family that requests those services.

Senator Devlin asked how it would be determined who gets respite care. Mr. Olsen said it would depend region by region and circumstance by circumstance. If the family has a very difficult child, we may require that family take one night a week off. We will take the money that is available and look at the number of special need children in the region, and divide up the money.

Senator Devlin asked if there were any federal programs that we could match. Mr. Olsen said right now there are no programs.

Senator Bengtson asked how many foster parents are in the state.

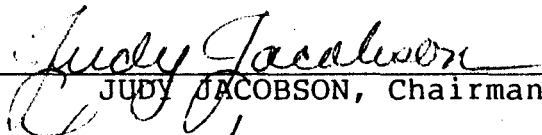
Mr. Olsen said there are approximately 2,000 foster parents in the state.

Recommendation and Vote:

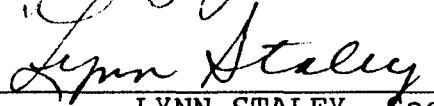
Senator Franklin's motion that HB 491 Be Concurred In carried unanimously. Senator Jacobson will carry the bill.

ADJOURNMENT

Adjournment At: 10:00 a.m.



JUDY JACOBSON, Chairman



LYNN STALEY, Secretary

JJ/lis

ROLL CALL

FINANCE & CLAIMS COMMITTEE

DATE 4-10-91
8:00 a.m.

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON CHAIRMAN	✓		
SENATOR JERGESON, VICE CHAIRMAN	✓		
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BENGTON	✓		
SENATOR BIANCHI	✓		
SENATOR DEVLIN	✓		
SENATOR FRITZ	✓		
SENATOR HAMMOND	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR KEATING	✓		
SENATOR MANNING			✓
SENATOR NATHE	✓		
SENATOR STIMATZ	✓		

Each day attach to minutes.

ROLL CALL

FINANCE & CLAIMS COMMITTEE, CONTINUED

DATE _____

_____LEGISLATIVE SESSION_____

NAME	PRESENT	ABSENT	EXCUSED
SENATOR TVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING	✓		
SENATOR FRANKLIN	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 10, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 876 (third reading copy -- blue), respectfully report that House Bill No. 876 be concurred in

Signed:

Judy H. Jacobson
Judy H. Jacobson, Chairman

LP 4/10/91

Amd. Coord.

L 10 91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 10, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 299 (third reading copy -- blue), respectfully report that House Bill No. 299 be amended and as so amended be concurred in:

1. Page 3, line 2.

Following: "plan"

Insert: "approved by the court"

Signed: _____

Judy H. Jacobson
Judy H. Jacobson, Chairman

215 7-10-91
Amd. Coord.

Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 10, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 927 (third reading copy -- blue), respectfully report that House Bill No. 927 be amended and so amended be concurred in:

1. Title, lines 12 and 13.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "53-3-109"

Strike: "AND 53-3-215"

2. Page 5, line 6 through page 6, line 5.

Strike: section 2 in its entirety

Renumber: subsequent sections

3. Page 6, line 7.

Following: "(1)"

Strike: "A"

Insert: "During the final month of eligibility, a"

4. Page 7, line 9.

Strike: "3"

Insert: "2"

5. Page 7, line 11.

Strike: "3"

Insert: "2"

Signed:

Judy H. Jacobson
Judy H. Jacobson, Chairman

LB 4/10/91
Amd. Coord.

Sec. of Senate
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 11, 1911

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 520 (third reading copy) do hereby respectfully report that House Bill No. 520 be concurred in.

Attest: *John D. Ford*
July 11, 1911

W. H. Ford
Amd. Coord.

W. H. Ford
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 10, 1964

MR. PRESIDENT:

We, your committee on Finance and Chair having had under consideration House Bill No. 728 (third reading copy) do hereby respectfully report that House Bill No. 728 be amended as

Signed

Judy d. Johnson, Clerk

LE 4/10/64
And, Coord.

Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Passed July 3, 1904
Approved July 3, 1904

MR. PRESIDENT:

We, your committee on Finance and Claims, having had under consideration House Bill No. 491 (third reading copy) do hereby respectfully report that House Bill No. 491 be enacted.

Signed: _____
July 3, 1904

L. B. Nichols
Amd. Coord.

J. H. D. [illegible]
Sec. of Senate

Madam Chairman Members of the committee I'm George Poston speaking for the UNITED VETERANS COMMITTEE OF MONTANA

Prior to the 1989 Legislative Session, the people in charge of the L R B P Funds were approached for the availability of funding for some VETERANS NURSING HOMES in Montana. The Veterans were informed that there was an approved prioritized listing of projects and the V N H project would be considered after #47 which was new roofs on the animal barns at NSU.

Since it appeared to the Veterans that their chances of getting money from the L R B P fund was slim or None The Montana Veterans Groups Got together and lobbied through the 1989 session HB 202 which was a 2 cent Cigarette tax proceeds to be used to build Veteran Nursing Homes.

This BILL HB 764 is to insure that that 2 cent cigarette tax is used as it was originally intended TO BUILD, MAINTAIN AND OPERATE VETERAN NURSING HOMES IN MONTANA.

The United Veteran committee of Montana hopes you will lend your support for the passage of this good legislation intended to finance the needed Veteran Nursing Homes here in Montana.

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 1
DATE 4-10-91
BILL NO. HB 764

REVENUE ESTIMATES
LONG RANGE BUILDING PROGRAM FUND
1992-93 BIENNIUM

Unobligated Beginning Cash Balance	1,159,125
------------------------------------	-----------

Revenues:

Cigarette Tax	6,507,037
Interest Earnings	400,000
Supervisory Fees & Other	142,000
Mansfield Center Funds	<u>1,000,000</u>

Funds Available in the 92-93 Biennium	9,208,162
---------------------------------------	-----------

Expenditures:

A & E Operating Exp.	(1,355,595)
----------------------	-------------

Funds Available for Capital Projects	<u>7,852,567</u>
--------------------------------------	------------------

If \$.02 goes towards Maintenance of Vets Home decrease in funds
available for Capital Projects: (2,167,195)

(FY 92: 942,052)

(FY 93: 1,225,143)

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 2
DATE 4-10-91
BILL NO. HB 764

REVENUE ESTIMATES
LONG RANGE BUILDING PROGRAM FUND
1992-93 BIENNIUM

Unobligated Beginning Cash Balance	1,159,125
Revenues:	
Cigarette Tax	4,339,842
Interest Earnings	400,000
Supervisory Fees & Other	142,000
Mansfield Center Funds	<u>1,000,000</u>
 Funds Available in the 92-93 Biennium	 7,040,967
Expenditures:	
A & E Operating Exp.	(1,355,595)
 Funds Available for Capital Projects	 <u><u>5,685,372</u></u>

**REVENUE ESTIMATES
LONG RANGE BUILDING PROGRAM FUND
1992-93 BIENNIUM**

Unobligated Beginning Cash Balance	1,159,125
Revenues:	
Cigarette Tax	6,507,037
Interest Earnings	400,000
Supervisory Fees & Other	142,000
Mansfield Center Funds	<u>1,000,000</u>
Funds Available in the 92-93 Biennium	9,208,162
Expenditures:	
A & E Operating Exp.	(1,355,595)
Funds Available for Capital Projects	<u><u>7,852,567</u></u>

If \$.02 goes towards Maintenance of Vets Home decrease in funds
available for Capital Projects: (2,167,195)

(FY 92: 942,052)

(FY 93: 1,225,143)

**REVENUE ESTIMATES
LONG RANGE BUILDING PROGRAM FUND
1992-93 BIENNIUM**

Unobligated Beginning Cash Balance	1,159,125
Revenues:	
Cigarette Tax	4,339,842
Interest Earnings	400,000
Supervisory Fees & Other	142,000
Mansfield Center Funds	<u>1,000,000</u>
 Funds Available in the 92-93 Biennium	 7,040,967
 Expenditures:	
A & E Operating Exp.	(1,355,595)
 Funds Available for Capital Projects	 <u><u>5,685,372</u></u>

LONG RANGE BUILDING PROGRAM
FACT SHEET

Long Range Building Program
1986 Biennium - 1992 Biennium

<u>Biennium</u>	<u>LRBP Fund (Cash)</u> <u>Approved by Legislature</u>	<u>LRBP Fund</u> <u>Requests</u>
1986-1987	\$10.52 million	\$136 million
1988-1989	\$ 6.24 " "	\$145 " "
1990-1991	\$ 5.51 " "	\$150 " "
1992-1993	\$ 7.63 " "	\$242 " "

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 3
DATE 4-10-91
BILL NO. HAB 7624

LONG RANGE BUILDING PROGRAM
FACT SHEET

Long Range Building Program
1986 Biennium - 1992 Biennium

<u>Biennium</u>	<u>LRBP Fund (Cash)</u> <u>Approved by Legislature</u>	<u>LRBP Fund</u> <u>Requests</u>
1986-1987	\$10.52 million	\$136 million
1988-1989	\$ 6.24 " "	\$145 " "
1990-1991	\$ 5.51 " "	\$150 " "
1992-1993	\$ 7.63 " "	\$242 " "

Proposed Amendment to House Bill No. 696

Page 2, lines 14 and 15.

Following "policy" on line 14

Strike: remainder of line 14 through line 15

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 4
DATE 4-10
BILL NO. HB 696

*Sen. Biondi amendment
to HB 696*

Amendments to House Bill 696
Third Reading Copy

1. Title, line 15.

Strike: "AMENDING SECTION 33-2-712"

Insert: "AMENDING 50-19-201"

2. Page 2, lines 9 through 21.

Strike: Section 1 in its entirety

Insert: "NEW SECTION. Section 1. 50-19-201. Definitions.

As used in this part, the following definitions apply:

(1) "Department" means the department of health and environmental sciences.

(2) "Newborn" means any infant under 28 days of life.

(3) "Person" means any individual, firm, partnership, association, corporation, or any other entity whether organized for profit or not.

(4) "Plan" means any plan, fund or program established or maintained for the purpose of providing for its participants or beneficiaries, through the purchase of insurance or otherwise, services for the diagnosis, prevention, treatment, or cure of human illness, disease, injury or disability.

(5) "Issuer" means any insurer, health service corporation, the state of Montana or any political subdivision thereof, or employee welfare benefit plan under the Federal Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq."

Renumber: subsequent sections

3. "NEW SECTION. Section 2. Genetics program fee. For each Montana resident insured or covered under any individual or group disability or health plan on February 1 of each year, the issuer shall pay 70 cents to the department. The fee must be paid on or before March 1 of each year and be deposited in the general fund for the purpose of funding the voluntary statewide genetics program."

Renumber: subsequent sections

4. NEW SECTION. Section 4. Codification instruction. (Sections 1 through 3) are intended to be codified as an integral part of Title 50, chapter 19, part 2, and the provisions of Title 50, chapter 19, part 2 apply to (sections 1 through 3).

5. Page 3, line 10, following line 9.

Strike: line 10 through line 11 in its entirety.

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 5

4-10

HB 696

*Sen. Hockett
amendment*

Self-Insured Groups Not
Impacted by Mandated Benefits

Tanya Ask
Blue Cross & Blue
Shield of Montana
House Bill 696
3/6/91

Missoula

St. Patrick Hospital
Washington Corporation
City of Missoula
Missoula County
Zip Beverage
Missoula Electric

Butte

Western Energy
Twin Bridges School
Dillon School District
St. James Hospital
Montana Resources
Madison County
Butte/Silver Bow
AASCO Foundry

Great Falls

Deaconess Medical Center
Columbus Hospital
Lewistown Hospital
MAIDS
Hill County
Blaine County
Choteau Schools
Sun River Schools
Pacific Hide and Fur
Great Falls Gas Co.
D.A. Davidson
Havre Clinic

Miles City

Colstrip Schools
First Security Bank Miles
Custer County
Glendive Memorial Hospital
Francis Mahon Hospital
Plevna Schools
Bainville School
Rosebud County
Rosebud County Hospital
Glasgow School District
Wolf Point School District
Plentywood School District

Bozeman

Bozeman Deaconess Hospital
Gallatin County
Sweetgrass County
Belgrade Schools
Bozeman Schools

Billings

Conlins Furniture
Molerway Freight Lines
Beal Mfg.
MAIDS
IBEW Electricians Trust
Montana Contractors, Statewide
Henry's Safety Supply
Bighorn County
Musselshell County
Melstone Schools
Roundup Schools
Columbus Schools
Bob's Supermarkets
St. John's Nursing Home
Cenex Refinery
City of Billings
Billings School District
Montana BancSystems
Rocky Mountain BancSystems
Roscoe Steel
Coke West
Deaconess Medical Center
Billings Clinic
Waggoners Trucking

Helena

State of Montana — *pay general tax*
Montana Power Company
Lewis and Clark County
Broadwater County
Jefferson County
IBM
Helena School District
Townsend School District
Clancy School District

Kalispell

Kalispell Regional Hospital
Semitool, Inc.
St. John's Lutheran Hospital
Flathead County
Pacific Power
N.W. Telephone
Columbia Falls Schools
Libby School District
Noxon Schools
Sanders County
Lincoln County High School
Salish and Kootenia College
Outlaw Inn
Arlee School
Charlo School
Timber Trust Oregon

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 6
DATE 4-10
BILL NO. HB 696

Amendments to House Bill No. 927
Third Reading Copy

Requested by Rep. Harrington
For the Committee on Finance and Claims

Prepared by Lee Heiman
April 8, 1991

1. Title, lines 12 and 13.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "53-3-109"

Strike: "AND 53-3-215"

2. Page 5, line 6 through page 6, line 5.

Strike: section 2 in its entirety

Renumber: subsequent sections

3. Page 6, line 7.

Following: "~~1~~"

Strike: "A"

Insert: "During the final month of eligibility, a"

4. Page 7, line 9.

Strike: "3"

Insert: "2"

5. Page 7, line 11.

Strike: "3"

Insert: "2"

Seymour Jacobson

*These amendments are needed
to clean up inconsistencies caused
by previous amendments.*

Thanks -

Lyndee Diaz

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 7

DATE 4-10

BILL NO. HB 927

Amendments to HB454
Senate Finance and Claims Committee

1. Page 5, line 12
Following: "system"
Insert: "excluding community colleges"
2. Page 15, line 1
Following: "that a"
Insert: "first level"

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 8
DATE 4-10
BILL NO. HB454

AMEND HOUSE BILL 454, THIRD READING COPY

Senate Finance and Claims

April 10, 1991

Senator Ethel M. Harding

1. Page 5, line 23.

Strike: subsection (6) in its entirety

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 9
DATE 4-10
BILL NO. HB 454

COMMITTEE ON Finance & Commerce

DB 764 x
Executive action

(Please leave prepared statement with Secretary)