

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By REP. ED GRADY, Chair, on January 13, 1993, at
8:00 AM

ROLL CALL

Members Present:

Rep. Ed Grady, Chair (R)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. J.D. Lynch (D)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)

Members Excused: SEN. TOM BECK

Members Absent: NONE

Staff Present: Sandra Whitney, Legislative Fiscal Analyst
Mary LaFond, Office of Budget & Program Planning
Judy Murphy, Committee Secretary

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

Committee Business Summary:

Hearing: SB 39 and SB 40
Executive Action: SB 39 and SB 40 AND MONTANA ARTS
COUNCIL

HEARING ON SB 39 and SB 40

Tape No. 1:A

Informational Testimony:

SEN. KEATING gave a presentation on SB 39 and SB 40.
SB 39 is an act providing for discontinuing licensed acute

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hospital care on the Galen campus of the Montana State Hospital; amending section 53-21-601, MCA; repealing section 50-17-104, MCA; and providing an effective date.

SB 40 is an act providing the Montana State Hospital at Galen cease to provide intermediate nursing care; amending section 53-21-601, MCA; and providing an effective date.

SEN. KEATING said a committee has made a thorough investigation of the services at Galen and determined the clients of the acute care hospital would be better served at Warm Springs; and the nursing home patients better served at Lewistown and private nursing homes. The committee has recommended abandoning these two services at the Galen campus. The only service remaining at the Galen campus would be a 99 bed unit for the chemical dependency program. The chemical dependency program is a merger of the drug and alcohol treatment programs.

SEN. KEATING requested amendments to SB 39 and SB 40 which would establish the Montana Chemical Dependency Treatment Center more clearly in the codes. The Montana Chemical Dependency Center at Galen shall provide detoxification, evaluation, treatment, referral, and rehabilitation to persons in Montana who are referred for treatment of alcoholism or other chemical dependency. If the bills pass, it would mean the Montana Chemical Dependency Center would be the only program on the Galen campus. **EXHIBIT 1**

Dan Anderson, Administrator of the Mental Health Division, stated the primary purpose of these two amendments is to give clear delineation and statute to the chemical dependency program at Galen. **Mr. Anderson** pointed out that in SB 39 it states an infirmary will be established at Warm Springs to provide for the sub-acute medical needs of residents of Warm Springs. Under **SEN. KEATING'S** amendment to SB 39, the Warm Springs infirmary would not provide for the sub-acute medical needs of residents at Galen or MSP.

Rick Day, Director of the Department of Corrections and Human Services, said the nursing and acute care situations at Galen have been scrutinized. He would like the department to work with the committee to clearly identify the mission and budget necessary to continue operating this facility if the legislature fails to pass these amendments. The department supports the technical amendments which clearly establishes the chemical dependency program and offers the committee a second set of amendments. **EXHIBIT 2** The second set of amendments requests the committee look at services and give direction to the department to consolidate and reinvest the savings into the system to provide quality care.

Darrell Bruno, Administrator of the Alcohol and Drug Abuse Division, supports SB 39 and SB 40.

Questions, Responses, and Discussion:

SEN. J.D. LYNCH stated the committee recommended these two bills, however a majority of the legislators on the committee were opposed to the two bills. A full senate hearing is scheduled for Friday morning, January 15, 1993. He is opposing these two bills and supports SEN. KEATING'S amendments.

SEN. KEATING told the committee the department wanted to clarify the treatment center but was also thinking about the facilities in the future.

SEN. JACOBSON asked SEN. KEATING to have the bills moved to the subcommittee for the purpose of amendments to clarify the detox center; then have the full hearing in Finance and Claims; then return the bills to the subcommittee for further review of the administration's ideas for additional proposals.

EXECUTIVE ACTION ON SB 39 and SB 40

Tape No. 1:A

Motion/Vote: SEN. LYNCH made a motion to approve the amendments to SB 39 and SB 40. The motion CARRIED unanimously.

Motion/Vote: REP. MENAHAN made a motion to send the amendments to SB 39 and SB 40 to Senate Finance and Claims. The motion CARRIED 6 to 1 with SEN. LYNCH voting nay.

EXECUTIVE ACTION ON MONTANA ARTS COUNCIL

Tape No. 1:A

Motion/Vote: SEN. FRANKLIN made the motion to return to the Arts Council's budget. The motion CARRIED unanimously.

Questions, Responses, and Discussion:

Sandra Whitney, Legislative Fiscal Analyst, said at its regular hearing the subcommittee did not address the Arts Council request to approve federal grants as a biennial appropriation. Approval of that request would result in a biennial appropriation of \$618,017 federal funds, \$153,276 for honorariums and \$464,741 for grants.

The Arts Council also has federal grants for FY 1993 which extend into FY 1994. The estimated amounts of these grants and matching coal tax funds which will be carried into FY 1994 are: a) coal tax funds of \$105,000; and b) federal funds of \$71,570. The Arts Council requests continuing authority for these funds. If the subcommittee approves this request, it may wish to consider including it as a line item in the appropriations bill. EXHIBIT 3

Arlynn Fishbaugh, Executive Director of the Montana Arts Council, asked the subcommittee for continuing appropriation authority for appropriations requested to continue into the FY 94-95 biennium.
EXHIBIT 4

Carleen Layne, Accountant and Deputy Director for the Montana Arts Council explained that some projects which are started one year will continue into the next. Ms. Layne stated that Cultural Trust is a match with federal funds. The MAC must have the authority to spend the money.

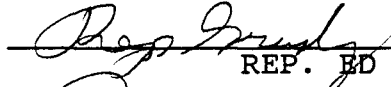
Motion/Vote: SEN. LYNCH made a motion to restore the federal grants for FY 1993 which extend into FY 1994. Item number two on **EXHIBIT 3** The motion **CARRIED** unanimously.

Motion/Vote: SEN. LYNCH made a motion to restore the Arts Council request to approve federal grants as a biennial appropriation. Item number one on **EXHIBIT 3** The motion **CARRIED** unanimously.

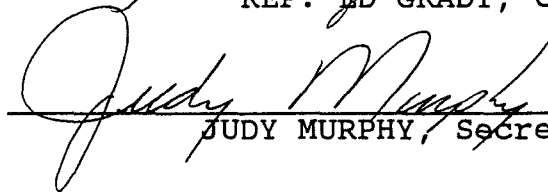
A motion was made to adjourn.

ADJOURNMENT

Adjournment: 8:50 am



REP. ED GRADY, Chair



JUDY MURPHY, Secretary

ED/jm

HOUSE OF REPRESENTATIVES

INSTITUTIONS/CULTURAL EDU. SUB-COMMITTEE

ROLL CALL

DATE

1-13-93

NAME	PRESENT	ABSENT	EXCUSED
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK			✓
SEN. EVE FRANKLIN, VICE CHAIRMAN	✓		
SEN. J.D. LYNCH	✓		
REP. RED MENAHAN	✓		
REP. LINDA NELSON	✓		
REP. ED GRADY, CHAIRMAN	✓		

Substitute Bill for SB 39 and SB 40

A Bill for an act entitled: "An act requiring the Department of Corrections and Human Services to assess its inpatient mental health and chemical dependency facilities and consolidate those programs where appropriate, amending sections: 53-21-411, 53-21-601 and 53-21-603, MCA, repealing Section 53-21-602 and 50-17-104, MCA and providing an effective date.

NEW SECTION: Section 1: Consolidation of Programs. (1) The Department of Corrections and Human Services must provide the following inpatient services:

- (a) intensive psychiatric services;
 - (b) nursing home services for persons with mental illness who do not require active psychiatric treatment; and
 - (c) chemical dependency detoxification, evaluation and treatment.
- (2) The Department must assess the suitability, efficiency and appropriateness of its institutional facilities in Warm Springs, Galen and Lewistown. Based on this assessment, the Department may consolidate required inpatient services in one or two facilities.
- (3) Any decision to consolidate programs must take into account needs of patients, quality of services, efficiency of programs operations and potential alternative uses or sale of discontinued facilities.
- (4) Any proceeds for the sale of discontinued facilities must be used to enhance consolidated programs and facilities.

Section 2. Section 53-21-411 is amended to read:

53-21-411. ~~Location and~~ Function of center for the aged. (1) ~~The institution located at Lewistown is the Montana center for the aged.~~ The primary function of the Montana center for the aged is the care and treatment of persons 55 years of age or older. Priority must be given to patients referred from the Montana state hospital.

(2) Appropriate admissions to the Montana center for the aged are persons unable to maintain themselves in their homes or communities due to a mental disorder, as defined in 53-21-102, associated with the aging process, but who do not require the intensity of treatment available at the Montana state hospital.

(3) Admissions to the center are voluntary. The department of corrections and human services may adopt rules concerning specific admission criteria, treatment, and discharge procedures.

Section 3. Section 53-21-601 is amended to read:

53-21-601. ~~Location and~~ primary function of hospital. (1) ~~The agency providing comprehensive health care services at Galen and Warm Springs, Montana, is the Montana state hospital and as its primary function provides:~~

- (a) care and treatment of mentally ill persons;
- ~~(b) diagnosis, care, evaluation, treatment, referral, and rehabilitation of persons affected with chemical dependency;~~
- ~~(c) care and treatment of institutional residents or clients of the department's community and residential programs who require acute hospital care or nursing care;~~
- ~~(d) treatment of tuberculosis and silicosis (commonly called miner's consumption);~~

~~(e) detoxification of those persons who seek relief from the disabling effects of alcohol and other chemical substances; and~~

~~(f) contingent upon space and funds, the treatment of pulmonary diseases and other medical or organic disorders.~~

~~(2) The campus facility at Warm Springs, Montana, is the component designated as the mental health facility, as defined in 53-21-102, of the department of corrections and human services for the care and treatment of mentally ill persons.~~

~~(3) The designated campus facilities at Galen, Montana, are the components designated as the department's residential treatment facilities for those persons suffering from chemical dependency.~~

~~(4) The campus facility at Galen, Montana, licensed to provide acute hospital and intermediate nursing care, is the facility component designated for the care and treatment of the medical and organic disorders described in this section.~~

Section 4. Section 53-21-603 is amended to read:

53-21-603. Alcoholic treatment center. (1) There is a Montana Chemical Dependency an alcoholic treatment center, located at the Montana state hospital. ~~The admittance and discharge procedures for alcoholics are the same as for ill persons.~~

~~(2) As used in this section:~~

~~(a) "alcoholism" means a chronic illness or disorder of behavior characterized by repeated drinking of alcoholic beverages to an extent which endangers the drinker's health, interpersonal relations, or economic functioning or to an extent which endangers the public health, welfare, or safety;~~

~~(b) an "alcoholic" is a person suffering from the illness of alcoholism.~~

~~(3) (2) The alcoholic treatment Montana Chemical Dependency Center shall provide detoxification, ~~care~~, evaluation, treatment, referral, and rehabilitation to persons in Montana who are referred for the treatment of the illness of alcoholism or other chemical dependency the complications thereof."~~

NEW SECTION: SECTION 5. Repealer.

Section 53-21-602 MCA is repealed.

NEW SECTION: SECTION 6. Repealer.

Section 50-17-104, MCA is repealed.

NEW SECTION: SECTION 7. Effective date [this act] is effective July 1, 1993.

Section 50-17-104, MCA is repealed.

DCHS Proposed Amendments to SB 39

Page 1, Line 8

Following "hospital;"

Insert: "and locating the Montana Chemical Dependency Center at Galen"

Following "amending"

Delete: "section"

Insert: "sections 53-21-603 and"

Line 9

Following "repealing"

Delete: "section:"

Insert: "sections 53-21-602 and"

Page 2, Line 11:

Following: "of"

Delete: "Galen"

Following: "Warm Springs"

Delete: " , and the Montana State"

Line 12

Delete: "Prison"

Page 2, Lines 24-25

Delete lines

Page 3, Line 1

Delete: Line 1

Delete: Lines 7-9

Delete Lines 17-20

Page 4, Following Line 1

Insert: "Section 2. Section 53-21-603 MCA is amended to read:

53-21-603. Alcoholic chemical dependency treatment center. (1) There is a Montana Chemical Dependency ~~an alcoholic treatment center located at Galen, Montana the Montana state hospital. The admittance and discharge procedures for~~ alcoholics are the same as for ill persons.

~~(2) As used in this section:~~

~~(a) "alcoholism" means a chronic illness or disorder of behavior characterized by repeated drinking of alcoholic beverages to an extent which endangers the drinker's health, interpersonal relations, or economic functioning or to an extent which endangers the public health, welfare, or safety;~~

~~(b) an "alcoholic" is a person suffering from the illness of alcoholism.~~

~~(3) (2) The alcoholic treatment~~ Montana Chemical Dependency Center shall provide detoxification, care, evaluation, treatment, referral, and rehabilitation to persons in Montana who are referred for the treatment of the illness of alcoholism or other chemical dependency the complications thereof."

Line 3

Following: "MCA"

Delete: "is"

Insert "and Section 53-21-602 MCA are"

EXHIBIT L
DATE 1-13-93
SD

1/11
10:10 am

DCHS Proposed Amendments to SB 40

Page 1, Line 8

Following "care;"

Insert: "and locating the Montana Chemical Dependency Center at Galen"

Following "amending"

Delete: "section"

Insert: "sections 53-21-603 and"

Following: "MCA;"

Insert: "repealing section 53-21-602, MCA"

Page 2, Lines 10-12 Delete lines

Lines 18-20 Delete lines

Page 3, Lines 3-6 Delete lines

Page 4, Following Line 25

Insert: "Section 2. Section 53-21-603 MCA is amended to read:

53-21-603. ~~Alcoholic~~ Chemical dependency treatment center. (1) There is a Montana Chemical Dependency ~~an alcoholic treatment~~ center located at Galen, Montana ~~the Montana state hospital. The admittance and discharge procedures for~~ alcoholics are the same as for ill persons.

~~(2) As used in this section:~~

~~(a) "alcoholism" means a chronic illness or disorder of behavior characterized by repeated drinking of alcoholic beverages to an extent which endangers the drinker's health, interpersonal relations, or economic functioning or to an extent which endangers the public health, welfare, or safety;~~

~~(b) an "alcoholic" is a person suffering from the illness of alcoholism.~~

~~(3) (2)~~ The alcoholic treatment Montana Chemical Dependency Center shall provide detoxification, care, evaluation, treatment, referral, and rehabilitation to persons in Montana who are referred for the treatment of the illness of alcoholism or other chemical dependency the complications thereof."

New Section, Section 4. Repealer

"Section 53-21-602 is repealed."

MONTANA ARTS COUNCIL

EXHIBIT 3DATE 1-13-93SP 1

Additional Items for Sub-Committee Consideration 1-13-1993

1) At its regular hearing, the subcommittee did not address the Arts Council request to approve federal grants as a biennial appropriation. Approval of that request would result in a biennial appropriation of \$618,017 federal funds – \$153,276 for honorariums and \$464,741 for grants – and would adjust previous subcommittee action as follows:

	<u>FY94</u>	<u>FY95</u>
Operating Expenses – Committee Action 1-11-93	316,401	300,678
Requested Adjustment – Operating	<u>73,957</u>	<u>(73,957)</u>
Total Operating	390,358	226,721
Grants – Committee Action 1-11-93	244,648	255,833
Requested Adjustment – Grants	<u>237,963</u>	<u>(237,963)</u>
Total Grants	482,611	17,870
Federal Funds – Committee Action 1-11-93	517,600	517,600
Federal Funds Adjustment	<u>311,920</u>	<u>(311,920)</u>
Total Federal Funds	829,520	205,680

2) The Arts Council has federal grants for fiscal 1993 which extend into fiscal 1994. The estimated amounts of these grants and matching coal tax funds that will be carried into fiscal 1994 are: a) coal tax funds of \$105,000; and b) federal funds of \$71,570. The Arts Council requests continuing authority for these funds.

If the sub-committee approves this request, it may wish to consider including it as a line item in the appropriations bill.

Montana Arts Council
 Schedule of FY 93 Continuing Appropriation Authority for appropriations requested to continue into the 94-95 biennium

Approp # A/E	Appropriation Name	Projected Balance FYE 93	Justification to continue to 94-95 Biennium
22306 02009	MAC Rural Grants/CT	35,000	A Cultural Trust match to federal grants that have grant periods beyond state fiscal year
22449 02009	Cultural Trust 90-91 reversion	70,000	A Cultural Trust match to federal grants that have grant periods beyond state fiscal year
32648 03016	NEA/Rural Development Contract	19,263	B NEA grant period 10/01/91-09/30/93
32649 03017	NEA/SSO's regrants	47,307	C NEA grant period 10/01/91-09/30/93
32650 03017	NEA/MCE Pass Through	5,000	D NEA grant period 10/01/91-09/30/93
			E NEA grants below awaiting budget amendment this session
			F NEA grants below awaiting approval by the NEA
	Total	176,570	
	State special revenue	105,000	
	Federal	71,570	
	AE 03016	19,263	
	AE 03017	52,307	
	Total	176,570	

NEA REQUESTS ACTUAL & PENDING 1992-1993

PURPOSE	Original Award/Request	C&A match	All other match	TOTAL Award and match
Request on behalf of 9 Statewide Service Organizations	\$119,500	C	\$240,809	\$360,309
Basic Salary Assistance	\$17,566	D	\$173,614	\$191,180
Technical Assistance to pre-LAA's for Missoula Cultural Exchange (MCE) contract with rural arts specialist	\$50,000	AB	\$42,222	\$110,906
Rural Arts Initiative Reqrants	\$40,000		\$53,438	\$133,438
Indian Folklife apprenticeships	\$10,000		\$10,000	\$20,000
Arts Project in Underserved Communities/Tribal Colleges	\$55,700	AE	\$19,400	\$196,800
Technical Assistance to Locals	\$45,449	E	\$93,400	\$138,849
Folklife apprenticeships	\$30,000	AE	\$7,505	\$60,402
Rural Arts Initiative Reqrants	\$40,000	AF	\$40,000	\$133,438
	\$408,215		\$149,127	\$787,980
				\$1,345,322

A Indicates Cultural Trust match to federal grants that have grant period that continues and/or starts beyond state fiscal year 1993; request continuation of projected unexpended balance from 1993 to 1994-1995 biennium
 B, C and D indicates federal grants in process in current FY; grants end in FY 94; request continuation of projected unexpended balance from 1993 to 1994-1995 biennium
 E indicates federal grants approved and awaiting state authority in budget amendment bill this session; continuation requested in that process.
 F indicates federal grant applied for; not yet awarded but virtually guaranteed as the second year of a three year project, will be budget amended when awarded.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

SUBCOMMITTEE _____ DATE 1/13/93
DEPARTMENT(S) ICE DIVISION _____

PLEASE PRINT

PLEASE PRINT

NAME	REPRESENTING	
<i>Allyson Isinbay</i>	<i>Mt. Arts Cncl</i>	
<i>Carleen Layman</i>	" "	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT
FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.