

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY**

**Call to Order:** By Senator Dorothy Eck, Chair, on March 12, 1993,  
at 3:25 p.m.

#### **ROLL CALL**

##### **Members Present:**

Sen. Dorothy Eck, Chair (D)  
Sen. Chris Christiaens (D)  
Sen. Terry Klampe (D)  
Sen. Kenneth Mesaros (R)  
Sen. Tom Towe (D)

**Members Excused:** Sen. Franklin, Sen. Hager, Sen. Rye

**Members Absent:** None.

**Staff Present:** Tom Gomez, Legislative Council  
Laura Turman, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 144, HJR 6  
Executive Action: HJR 6, HB 144

#### **HEARING ON HB 144**

##### **Opening Statement by Sponsor:**

Rep. Wayne Stanford, said HB 144 is a housekeeping bill. Consumer groups and independent living centers in Montana got together and requested the definition be established for independent living centers. The definition was developed from the Americans With Disabilities Act and the 1992 reauthorization of the Rehabilitation Act. HB 144 brings Montana codes up to date with federal law. There were amendments offered in the House Committee, making the language consistent throughout the codes. Rep. Stanford urged the Committee to give HB 144 a Do Pass recommendation.

##### **Proponents' Testimony:**

Raelen Williard, Information Officer for Montana Independent Living Project, provided written testimony. (Exhibit #1)

**Opponents' Testimony:**

None.

**Questions From Committee Members and Responses:**

Sen. Towe asked Rep. Stanford why the language appears in three different areas in the Montana Codes; under vocational rehabilitation, vocational rehabilitation for the blind, and severe disabilities. Rep. Stanford said originally, language was not placed in all three areas, but Rep. Boharski noticed an area that was left out. Rep. Stanford said he could not be more specific.

Sen. Towe asked Raelen Williard what types of centers were the four centers she mentioned in testimony. Ms. Williard said there were four private non-profit independent living centers in Montana, located in Billings, Great Falls, Helena and Missoula. They are funded through the United States Department of Education, and the funds go through the Department of Social and Rehabilitation Services.

Sen. Towe asked Ms. Williard what types of disabilities these centers covered. Ms. Williard said all types of disabilities are covered, but not usually developmental disabilities because those are covered through other agencies.

Sen. Towe asked Ms. Williard specifically about the four centers she had mentioned. Ms. Williard said they were not residential facilities, but they provide non-residential services to individuals with disabilities. They work with individuals to develop independent living plans. All four centers have the same mission.

Sen. Towe asked Ms. Williard who were the people to whom the services were provided. Ms. Williard said they were primarily not developmentally disabled, but included head injured, cerebral palsy, severe arthritis, neurologic muscular disorders, hearing impaired, vision impaired, and people of all ages.

Sen. Towe asked Ms. Williard who ran these homes. Ms. Williard said the centers are not homes, but offices. They work to keep individuals out of institutions. The centers are private non-profit, and rely mostly on grant funds from the U.S. Department of Education.

Sen. Towe asked Ms. Williard if the centers were four separate corporations. Ms. Williard said they were.

Sen. Christiaens asked Ms. Williard if HB 144 would allow independent living centers to work more closely with vocational rehabilitation. Ms. Williard said HB 144 is an alignment bill, making Montana Codes consistent with federal law.

Sen. Christiaens said the reason he asked was because there was some increase for independent living centers in Great Falls and Billings. The centers in Missoula and Helena are funded through grants.

Ms. Williard said the funds come from the U.S. Department of Education through the Department of Social and Rehabilitation Services.

Sen. Christiaens said he had concerns about expanding the clientele the centers could serve in an already over-extended budget. Ms. Williard said the HB 144 does not expand any services. The bill takes the language in federal law and makes in consistent with Montana law.

Bob Maffit, State Independent Living Coordinator, said HB 144 solidifies the definition of "independent living." Consumers and members of independent living centers believed it was necessary to arrive at a clear definition in the case of future discussions about what "independent living" is.

#### Closing by Sponsor:

Rep. Stanford said he appreciated the hearing, and asked the Committee to consider HB 144 favorably. Rep. Stanford said Sen. Sue Bartlett would carry the bill on the Floor of the Senate.

### HEARING ON HJR 6

#### Opening Statement by Sponsor:

Rep. Bob Pavlovich, House District 72, said HJR 6 is a resolution to the President and Congress encouraging them to build a veterans home at Fort Harrison. Currently, they were at a stalemate, but with a new Director of Veterans Affairs, there is a possibility that the home will be built. If the home in Glendive is not built by September 1, 1993, the project will be dropped to the bottom of the list. Rep. Pavlovich said it is important to send this message to Washington DC.

#### Proponents' Testimony:

John Edward Sloan, member of the American Legion, Veterans of Foreign Wars, and the Military Order of the Purple Heart, provided written testimony. (Exhibit #2)

Hal Mansen, American Legion, said the nursing home at Fort Harrison has been promised since 1979. The Department of Veterans Affairs has just 26 nursing home beds in Montana for 108,000 veterans. 45,000 Montana veterans are over 60 years old. Many veterans cannot take care of themselves, and do not have the

money to pay for private nursing home care. The Veterans Administration should build a nursing home at Fort Harrison because it is the center of a large population area, and the need is great.

Joe Brand, State Legislative Chairman for the Veterans of Foreign Wars (VFW), said they supported the bill when it first came to the Legislature. Mr. Brand said he had not found one veteran in his travels to the different VFW posts who wanted to be part of a self home care program. Veterans also do not want to be put in private nursing homes. The nursing home would put others to work, and those who lose their jobs due to military cuts need the work. Mr. Brand said he is hopeful that President Clinton will work to restructure America internally, and that this project will be a high priority.

Tony Cumming, Marine Corps League of Montana, said they have always supported this Resolution which is long overdue.

Willy Day, Eastern Montana Veterans Nursing Home, said there are benefits that veterans can receive in a veterans nursing home they would not otherwise receive. If a patient is referred to a private nursing home, the Veterans Administration will pay for 180 days, but no more. If they are unable to pay, they must meet Medicaid eligibility to receive help from the state. Mr. Day said he voted for this resolution when he was a legislator in the 1970's, even though he is not a veteran. He urged the Committee to give HJR a Do Pass recommendation.

John Den Hurder, veteran, said there is a peace dividend to be recognized, and the veterans deserve it. He urged the Committee to send Washington the strongest message it can.

#### Opponents' Testimony:

None.

#### Questions From Committee Members and Responses:

Sen. Klampe asked Hal Mansen about his statement that there were 26 nursing home beds for 108,000 Montana veterans. Mr. Mansen said those beds were "federal beds" at the nursing home in Miles City.

Sen. Klampe asked Mr. Mansen if there were other types of nursing beds available. Mr. Mansen said there were 90 nursing beds at the state veterans home in Columbia Falls.

Sen. Klampe asked Mr. Mansen how many nursing beds were needed in the state. Mr. Mansen said he was not sure of the number of people ill at the present time. There are many elderly veterans, and there is a waiting line to get into the Columbia Falls

facility. There are few options besides the 180-day stay at a private nursing home.

Sen. Klampe asked Mr. Mansen if the facility in Miles City were a nursing home facility. Mr. Mansen said it is a hospital with 26 nursing beds.

Sen. Klampe asked Mr. Mansen if that were a temporary stay facility. Mr. Mansen said it was not, but the facility had a long waiting list.

Sen. Towe asked Willy Day how HJR 6 meshed with the veterans home in Glendive. Mr. Day said both homes were necessary because for the number of veterans over the age of 65, the facilities available are "pathetic." If the 80-bed nursing home in Glendive were built, veterans would qualify for another 80 beds in Montana.

Sen. Towe asked Mr. Day if supporting HJR 6 the Glendive project would be jeopardized. Mr. Day said it would not. There were benefits to both projects.

Sen. Christiaens asked John Sloan for the number of hospital beds at Fort Harrison. Mr. Sloan said the hospital was cut from 166 to 150 and one ward was closed because there were not enough funds to adequately staff the place.

Sen. Christiaens asked Mr. Sloan if the funding came through, would it be absolutely necessary that another facility be built. Mr. Sloan said the Veterans Administration (VA) would need to build a 120-bed nursing home. This would not cost the state of Montana anything.

Sen. Christiaens said that if he understood Mr. Sloan correctly, a portion of the hospital was closed due to lack of funding.

Sen. Christiaens asked Mr. Sloan how many beds would be available if there was adequate funding. Mr. Sloan said there would be 134 beds available.

Sen. Christiaens asked Mr. Sloan if the VA were going to build an 80-bed nursing home, when there were 134 beds already available. Mr. Sloan said they were talking about building a 120-bed nursing home that was promised in 1979.

Sen. Christiaens asked Mr. Sloan if the 134 beds were not being used. Mr. Sloan said they were being used.

Sen. Christiaens asked how many beds were not being used in the hospital because of a lack of funding. Mr. Sloan said there were 35 beds available.

Sen. Christiaens said that seemed like a start, to have 35 beds available if the funding were available. Mr. Sloan said there was no reason that hospital should not be full right now.

Sen. Christiaens asked Hal Mansen to clarify that statement.

Hal Mansen said the 35 beds in the ward which is presently closed are set up strictly for hospital purposes. The Veterans Administration has no intention of ever opening those beds for nursing. If that ward was refunded, it would be a medical ward not a nursing facility.

Sen. Christiaens asked Mr. Mansen if the reason those beds were vacant was because of a lack of funding for hospital use, not nursing use. Mr. Mansen said that was correct. It was closed because of a lack of funding for the staff, not because of a lack of need.

Sen. Christiaens asked Mr. Mansen if the funding for the nursing home in HJR 6 would be totally federal dollars. Mr. Mansen said it would be 100% federal funds. The land already belongs to the federal government, and all the funds would come from the U.S. Department of Veterans Affairs.

Sen. Towe asked Mr. Mansen if this were different than the Glendive facility. Mr. Mansen said it was. The nursing home to be built in Glendive would be a state-owned facility, like the facility in Columbia Falls.

Sen. Towe asked Mr. Mansen if the state funded the operation of the Columbia Falls facility. Mr. Mansen said that was correct. The federal government pays so much each day for each patient, and the patients who have pensions from the federal government must pay their fair share as well. This is totally separate from the facility at Fort Harrison.

Chairman Eck asked Rep. Pavlovich if there was a difference in eligibility between the Columbia Falls facility and the Miles City facility. Rep. Pavlovich said the difference is that the Columbia Falls facility is a nursing home, and the Miles City facility is a hospital.

Chairman Eck asked Hal Mansen about eligibility for the type of care received. Mr. Mansen said veterans qualify for care by being a honorably discharged disabled veteran in need of the facility.

Chairman Eck asked Mr. Mansen how disabled the veterans needed to be to qualify. Mr. Mansen said there were domiciliary homes at the Columbia Falls facility for veterans who have no homes. Quite frequently, these veterans move to the nursing care area. In Miles City, those in the nursing facility have usually been at the hospital there, and then need nursing care. There is only room for 26 at that facility.

Chairman Eck asked Mr. Mansen if the federal government would pay their share whether or not nursing home care was required. Mr. Mansen said there were requirements for domiciliary care.

Tom Gomez said the Veterans Administration made per diem reimbursement payments of approximately \$27.00 for nursing home care and \$12.00 for care in a domiciliary.

Mr. Mansen said veterans at the domiciliary facility primarily take care of themselves. It is housing for those who do not have a home.

Chairman Eck asked Mr. Mansen if he expected the nursing home at Fort Harrison or the one in Glendive to have this nursing facility also. Mr. Mansen said the home in Glendive would be strictly a nursing home, without a domiciliary.

Chairman Eck asked Mr. Mansen if there would be a share of the bill picked up by the patient at the facility to be built at Fort Harrison. Mr. Mansen said there wouldn't be.

Sen. Klampe asked Mr. Mansen if there were nursing facilities in Columbia Falls, Miles City or Glendive. Mr. Mansen said the facility in Glendive had not yet been built.

Sen. Klampe said he meant to ask if there would be hospital facilities included in any of the building projects. Mr. Mansen said there would be in Miles City and Fort Harrison, but not in Glendive.

Sen. Klampe asked Mr. Mansen if there was a need for a new facility at Columbia Falls. Mr. Mansen said there was not.

Sen. Christiaens asked Rep. Pavlovich about the significance of September 1, 1993. Rep. Pavlovich said that is the time period for building the home in Glendive. If the contracts expire before that date, the federal government will not provide matching funds.

Sen. Christiaens said HJR 6 does not address the Glendive project. Rep. Pavlovich said that was correct.

Sen. Christiaens asked Joe Brand about his testimony stating that veterans did not want in-home services, while there has been much testimony that individuals should be kept at home as long as possible. Sen. Christiaens said he was "amazed" to hear that veterans did not want to stay in their own homes as long as they could. Mr. Brand said veterans do not want the state to tell them what is good for them. He said veterans, at least not the VFW, did not support HB 46.

Sen. Christiaens asked Rep. Pavlovich where HB 46 was. Rep. Pavlovich said it was in House Appropriations.

Chairman Eck asked Rep. Pavlovich to explain what HB 46 did. Rep. Pavlovich said it addressed the construction of the home and programs in Columbia Falls to be paid for with a cigarette sales tax of two cents.

Sen. Klampe asked Wally Day to address this. Mr. Day said HB 46 diverts the two-cent cigarette tax out of the long-range building account to go back to the operation and maintenance of a veterans nursing home. Presently, it has been diverted to maintain and operate the facility in Columbia Falls. \$300,000 has been amended into HB 2 for long-term in-home care for veterans. Mr. Day said the date Rep. Pavlovich mention was actually September 30, 1993.

Sen. Klampe asked Mr. Day how he felt about two cents from SB 305 being diverted. Mr. Day said he had no objections.

Chairman Eck said that generally, the information the Committee hears is that individuals do not want to be placed in nursing homes. Chairman Eck asked Mr. Day if veterans had a different opinion about going to a veterans home. Mr. Day said that in-home health care is great, but HJR 6 is about a veterans nursing home.

Hal Mansen said that veterans sometimes end up in civilian nursing homes, but they would be much happier with other veterans. They have the same things to talk about, and they are more "at home" with other veterans.

Closing by Sponsor:

Rep. Pavlovich said veterans would like to have both homes built, one in Glendive and one at Fort Harrison. He said he would have no problem raising the cigarette tax again if it would be guaranteed to go to the veterans homes. HJR 6 will maybe encourage the federal government to build a veterans home at Fort Harrison. Rep. Pavlovich said Sen. Lynch and Sen. Pipinich were co-sponsors of the bill, and either one would carry the bill on the Senate Floor.

EXECUTIVE ACTION ON HJR 6

Motion/Vote:

Sen. Towe moved HJR 6 BE CONCURRED IN. The motion carried UNANIMOUSLY.

EXECUTIVE ACTION ON HB 144

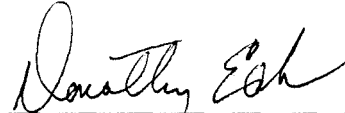
Motion/Vote:

Sen. Towe moved HB 144 BE CONCURRED IN. The motion carried UNANIMOUSLY. Sen. Bartlett will carry the bill on the Floor of the Senate.



ADJOURNMENT

**Adjournment:** Chairman Eck reminded Committee members that there would be a hearing on Monday, March 15 at 4:00 rather than 3:00. Chairman Eck adjourned the hearing.



SENATOR DOROTHY ECK, Chair



LAURA TURMAN, Secretary

DE/LT

# ROLL CALL

SENATE COMMITTEE Public Health DATE 3-93

[illegible]

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 12, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Joint Resolution No. 6 (first reading copy -- blue), respectfully report that House Joint Resolution No. 6 be concurred in.

Signed: \_\_\_\_\_

*Dorothy Eck*  
Senator Dorothy Eck, Chair

*AD*  
Amd. Coord.

*80*  
Sec. of Senate

*Sen. Lynch*  
Senator Carrying Bill

561649SC.San


SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 12, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 144 (first reading copy -- blue), respectfully report that House Bill No. 144 be concurred in.

Signed:   
Senator Dorothy Eck, Chair

 Amd. Coord.  
Sec. of Senate

Sen. Bartlett  
Senator Carrying Bill

561651SC.San



# Montana Independent Living Project

38 South Last Chance Gulch • Helena, Montana 59601  
(406) 442-5755 or 1-800-735-6457 (Voice/TDD)

SENATE HEALTH & WELFARE

SENATE FILE NO. 1

DATE 3-12-93

BILL NO. HB 144

## TESTIMONY ON HOUSE BILL 144

March 12, 1993

Members of the Committee,

My name is Raelen Williard and I am the Information Officer for Montana Independent Living Project, located in Helena.

I am here to support HB 144 on behalf of the four Montana Centers for Independent Living. This bill was requested by the Centers for Independent Living and will clarify Montana law to comply with recent language found in two federal laws, the Americans with Disabilities Act and the Reauthorization of the Rehabilitation Act of 1992. House Bill 144 will align our state language with that in Federal laws and rules.

I ask that you vote in favor of this bill.

Good Morning Mr. Chairman and Committee Members:

My name is John Edward Sloan. I'm a 49 year continuous member of the American Legion, VFW and a Life Member of the DAV and the Military Order of the Purple Heart.

Having served for 40 years as the DAV National Service Officer at VA Center, Fort Harrison, Montana as a Veterans Advocate, I had the privilege of setting up over 20,000 office files on Montana veterans who had designated the DAV to represent them on matters relating to VA benefits. I also had the privilege of serving as a member of the National Advisory Council of the United States Senate Committee on Veterans Affairs under the Chairmanship of the Honorable Vance Hartke of California. Prior to 1979 we had the support and backing of the powerful and Honorable Senators Mike Mansfield and Lee Metcalf for the VA Nursing Home at VAC, Fort Harrison, Montana, but as you know Senator Metcalf died January 12, 1978 and Senator Mansfield, the Senate Majority Leader, became Ambassador to Japan in 1979 so we lost all the clout we had in Washington, D.C. I'm here to support House Joint Resolution #6 because the VAC at Fort Harrison is within 150 miles of nine of the larger cities in Montana and approximately 60% of all Montana veterans reside within this same area, and because we feel our battle-scarred and disabled should not have to sell their homes and use their savings to pay out of pocket for the treatment they are entitled to.

It is felt the 108,000 living veterans of Montana are just as entitled to VA Nursing Home care as veterans in numerous more populated states, like California, Florida, Illinois, Indiana, New York, Texas and the many others too numerous to mention! Nothing

galls one more than an aging veteran who's never asked his country for anything, never failed to honor God and the Flag he fought under, and who now is being turned away from the care he is in need of as set forth in HJR #6. This is Uncle Sam's responsibility and it should not cost the State of Montana or its tax payers one red cent! Uncle Sam's own 33,226,000 veterans saved this Nation and 20,564,000 are still living from WWI, WWII, the Korean Conflict, Viet Nam, Grenada, Panama and the Persian Gulf War. These are the men that gave up the best years of their lives to serve the Nation, they are ageing and dying like flies, and while all of this is going on VA Services have dwindled away to an all-time low which have been going down hill ever since the retirement of General Omar Bradley then the VA Administrator of Veterans Affairs, who had earned the title of the enlisted veteran's General during WWII and who was so popular that the Bureau of the Budget did not dare to tangle with him as they knew he had the full backing of President Harry S. Truman who was a veteran of WWI. Since that time a large part of the Infamous Hoover Commission Report to dismantle the VA has taken place and there are many in the U.S. Congress now who favor eliminating the current health care system and treating veterans like Mendicants, beggars and welfare recipients. Our high paid U.S. Government Officials have, over the years, instigated sweeping-across-the-Board reductions and eliminations in virtually every single benefit administered by the Veterans Administration and the Office of Management and Budget - the OMB - with its anti-veteran history has encountered no effective opposition from the Veterans Administration!

Each new dawn brings veterans and dependents a step closer to, "Veteran's Dooms Day" by proclamation of the Washington, D.C. Bureaucrat

*you #2*  
3-12-93  
HJR-6

Will there be a change for the better with the new administration?  
or will it continue with the usual penny pinching at the expense  
of care for this Nation's veterans?

We sincerely endorse passage of House Joint Resolution No.6 and  
thank you for your courtesy in this matter!



DATE 3-12-93  
 SENATE COMMITTEE ON Public Health  
 BILLS BEING HEARD TODAY: HB 144, HJ 6

Name (please print)	Representing	Bill No.	Check One Support Oppose	oth
John E Sloan	veterans	#6	X	
John M. DeWunder	vet	ref.	X	
Raele Williard	MT. Independent Living Project	HB144	X	
Bob MaSSit	SRSI Occ. Rehab	HB144	X	
Larry Longfellow	VFW	HJ-6	X	
Hal Hansen	American Legion	HJ-6	X	
Romy Cumming	Marine Corps League	HJ 6	X	
Joe Brand	state chairman, loc. VFW	HJ 6	X	

### VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY