

MINUTES

MONTANA SENATE 53rd LEGISLATURE - SPECIAL SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Judy Jacobson, Chair, on December 14, 1993, at 9:45 a.m.

ROLL CALL

Members Present:

Sen. Judy Jacobson, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Gerry Devlin (R)
Sen. Gary Forrester (D)
Sen. Harry Fritz (D)
Sen. Ethel Harding (R)
Sen. Bob Hockett (D)
Sen. Greg Jergeson (D)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)
Sen. Chuck Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Cecil Weeding (D)

Members Excused: None

Members Absent: None

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

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

Committee Business Summary:

Hearing: HB 30, HB 66, HB 40, HJR 5
Executive Action: HB 30, HB 40, HB 66, HJR 5, HB 34, HB 33, SB 50

HEARING ON HOUSE BILL 30

Opening Statement by Sponsor:

Representative Don Larson, House District 65, Seeley Lake, sponsor, said that HB 30 would require that state agencies identify in their budget analysis whether a program may be operated at the discretion of the agency or whether the program is mandated by state or federal law. Because of the current budget crisis, he concluded that costs should be identified.

Proponents' Testimony:

Dave Lewis, Office of Budget and Program Planning (OBPP), indicated his support for HB 30 in its present form, adding that every effort would be made to provide the necessary information as part of the next budget.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Keating questioned if this would simply add another column on budget reports going to their respective places and not require an additional FTE.

Rep. Larson said that was correct. In further questioning regarding discretionary programs, he said the OBPP and Legislative Fiscal Analyst already do identification if a program is mandated by state or federal government, but this would more clearly direct them to identify those costs in agency submissions.

Closing by Sponsor:

Rep. Larson closed, stating that President Clinton signed an Executive Order that hopefully would reduce the number of unfunded mandates to state and local governments. Congressman Burns has co-sponsored a constitutional amendment that would bar unfunded mandates.

HEARING ON HOUSE BILL 66

Opening Statement by Sponsor:

Representative Don Larson, House District 65, Seeley Lake, sponsor, said HB 66 would permit mail renewal of driver's licenses every other time in issuing licenses, provided criteria are met such as no driver's points being accumulated as a result of DUI's or accidents. Another criteria is the necessity of having a valid driver's license and not a restricted license. After the license is renewed once by mail, on the eighth year the driver would have to physically appear and be reexamined with an eye test. Regarding concerns relative to senior citizens, there

is an affidavit to be signed by the applicant stating they are in good physical condition, thereby mitigating liability in issuing a driver's license to someone unfit.

Proponents' Testimony:

Dean Roberts, Administrator of Motor Vehicle Division, Department of Justice, stated while they are in support of HB 66, the bill would not go into effect until a digitized driver's license is received in January 1994. The bill would not have an impact during the current biennium. He added there will eventually be costs incurred with the program because of the approximately \$60,000 in mail costs yearly for the mail renewals. 180,000 renewals will be mailed out yearly, plus processing costs when the renewals are returned to the Department of Justice. The Department of Justice anticipates approximately 50,000 to 60,000 mail renewals when driver's licenses are digitized. He concluded the program has been looked at by the Department as a way to save costs in driver's licenses.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Lynch said driver's licenses already are mailed to recipients, and he questioned the necessity of another mailing.

Mr. Roberts said everyone would get a mail renewal item first, and then the new driver's license would be sent to them.

Senator Keating asked for clarification if the old driver's license would have to be mailed in before a new one was received.

Mr. Roberts said they would not have to send in their old driver's license.

When questioned by Senator Keating regarding a picture being taken for the driver's license, Mr. Roberts said the picture on file would be used.

When asked by Senator Devlin regarding restrictions shown on driver's licenses, Mr. Roberts said a person having a restriction such as "left outside mirror" would have to come in person and be retested to apply for their license.

Senator Swysgood asked relative to page 3, lines 6 through 8, regarding sworn affidavits having to be signed before a notary public.

Mr. Roberts said the person could sign it on their own, accepting responsibility for it. Signing the affidavit stating that the person is mentally and physically competent to drive a vehicle

would transfer some liability from the state to the individual signing the statement. Relative to the medical section, the department frequently gets voluntary information from doctors and law enforcement personnel advising them of the necessity of retesting certain individuals, and he added that would continue under the program whether the affidavit is signed or not.

When asked by Senator Swysgood if HB 66 affected drivers with commercial driver's licenses, Mr. Roberts said it did not.

Senator Weeding indicated concern of the program's cost and asked if a cheaper means of accomplishing this was studied.

Mr. Roberts said experience has shown that it is cheaper to have the program for everyone, and added that the anticipated cost of 30 cents would be for the mail renewal piece and postage. He said that eventually the idea of privatization could possibly be considered.

Senator Aklestad questioned if this concept would be cheaper than going to the driver stations.

Mr. Roberts said there is no question that doing it by mail is cheaper than doing it in person. He added that currently there is no money in his budget for this program and noted the program does not take effect in this biennium.

Closing by Sponsor:

Rep. Larson closed, stating the program would give flexibility to the Motor Vehicle Division and eventually because of closure of some stations, it would take pressure off those remaining stations.

HEARING ON HOUSE BILL 40

Opening Statement by Sponsor:

Representative Dave Wanzenried, House District 7, sponsor, said he was asked to introduce HB 40 by the Department of Health and Environmental Sciences (DHES) and the Office of Budget and Program Planning (OBPP). The bill would repeal Section 2-15-2103, MCA, which has specific detail regarding the Environmental Sciences Division.

Proponents' Testimony:

Rob Robinson, Director, DHES, said the department after the last regular legislative session began a process of examining its mission, role and organization. An impediment to taking action in the attempt to streamline the department was section 2-15-2103. He said the Environmental Sciences Division currently has over 230 employees carrying out a broad range of regulatory

responsibilities. They would like the language stricken to give the department flexibility in re-examining how DHES is structured and organized. This could allow a more direct line of communication with the director's office by restructuring and eliminating one mid-level of management.

Mr. Robinson presented a chart (Exhibit 1), showing the existing organizational structure as well as reorganization options. He concluded that without legislation, they are unable to take action to streamline the department and improve their services.

Jim Jensen, Executive Director, Montana Environmental Information Center (MEIC), testified in support of HB 40. He said there are programs in DHES that are not working well today, especially in the water program where violations occurring have not had action taken for long periods of time. If structure and organization is the problem, changes need to be made in the department. He urged the committee to have DHES involve the regulative and advocacy community as well as MEIC and other groups in developing recommendations. He concluded that DHES was moving forward in good faith, trying to improve management of these environmental programs.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Rep. Wanzenried closed on HB 40.

HEARING ON HOUSE JOINT RESOLUTION 5

Opening Statement by Sponsor:

Rep. John Bohlinger, House District 94, sponsor, said HJR 5 would study the feasibility of operating a program to prepare public assistance recipients for employment in state-funded programs that provide services to people with disabilities. He noted that Michigan developed a pilot program of training and supervision in assisting low-income families and families on public assistance in becoming foster families for children with developmental disabilities. He said Montana could determine if a similar program would be feasible and in the best interest of people with developmental disabilities and those receiving public assistance. An appropriation was not requested for this pilot project but the resolution would allow the Department of Social and Rehabilitation Services (SRS) to conduct a study of the Michigan program to determine if a Montana program would be feasible.

Proponents' Testimony:

Sue Jackson, Developmental Disabilities Division, SRS, testified in support of HJR 5, directing SRS to look into program operations in Michigan and the feasibility of doing it in Montana. The specialized family care program currently in existence places children with developmental disabilities into foster care and supports the foster family with additional money to care for the children, as well as providing them with needed training. She said they would like to look into providing jobs for people on AFDC and other areas in the adult developmental disabilities program. There are many available jobs, and they would like the opportunity to examine the program.

Peter Blouke, Director, SRS, stated his support for the feasibility study. He talked to the Department of Family Services (DFS) regarding the study, and the two agencies may work together to expand the program. He said there are many welfare recipients desiring to work and concluded while the program would require considerable training and supervision, SRS would intend to do that.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Christiaens said although the program might provide job opportunities, he would like it structured so that regular foster care with inadequate clothing allowances could be corrected. He also would like to see an advisory board working with SRS in tying the program with JTPA, as well as the JOBS program and entering into discussions relative to the issue of health insurance.

Rep. Bohlinger said while Michigan could provide salaries approximating \$22,000 in certain areas, the funding source for those salaries came when they were able to move people from institutions that cost nearly \$100,000 yearly. He recognized that Montana has a different situation and it is not anticipated that there would be salaries of that nature. He concluded they want the opportunity to study the project and added that SRS is interested and available to make recommendations to the next regular legislative session.

Senator Jergeson questioned if there were restrictions on SRS studying these issues and making a determination as to the feasibility of the idea.

Mr. Blouke said there are no restrictions on the department's ability to study these issues. He added that the legislation's

intent was to indicate to SRS that this is a priority of the legislature.

Senator Jergeson questioned if this would attach a stigma for an Aid to Families with Dependent Children (AFDC) mother taking care of disabled children while caring for her own children.

Mr. Blouke said in his opinion it would not attach a negative stigma, noting there are approximately eight former AFDC recipients currently doing something similar to this. They would not be mandated to do it, but it would provide a choice they could make on their own.

Senator Jergeson said there are publicly funded state services provided that people could be trained to do, and he questioned why one was being picked out as being appropriate to train these people to do.

Mr. Blouke said the idea is that there ultimately could be a cost savings if some residents are deinstitutionalized at EastMont and Boulder. Through the JOBS program, opportunities would be provided in many different areas. It was found to be cost effective in Michigan and it looked like a reasonable program to try in Montana. He added they are also looking at other areas for job opportunities in the JOBS program. They are constantly searching for qualified trained people to serve as foster parents for disabled children and at the same time looking for job opportunities for AFDC recipients; this would meld the two together.

Closing by Sponsor:

Rep. Bohlinger closed, stating that this piece of legislation would hopefully develop a greater source of people to provide service for a segment of population needing help.

EXECUTIVE ACTION ON HB 30

Motion/Vote: Senator Jergeson moved that HB 30 BE CONCURRED IN. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 40

Motion/Vote: Senator Bianchi moved that HB 40 BE CONCURRED IN. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 66

Motion/Vote: Senator Beck moved that HB 66 BE CONCURRED IN.
Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HJR 5

Motion/Vote: Senator Lynch moved that HJR 5 BE CONCURRED IN.
Motion CARRIED with Senators Jergeson, Swysgood, Tveit opposed.

EXECUTIVE ACTION ON HB 34

Motion: Senator Lynch moved that HB 34 BE TABLED.

Discussion: Senator Christiaens said he would like further facts presented regarding HB 34.

Withdrawn motion: Senator Lynch withdrew his motion that HB 34 BE TABLED.

Discussion: Senator Christiaens said he would like to have Greg Petesch, Legislative Council, address HB 34.

Greg Petesch referred to page 13, a new section was added providing authority for the department to limit amount, scope and duration of services under the medically needy category more stringently than other medicaid programs. He said on page 14, lines 8 through 12, which is current law, is very similar to the new subsection added. If the funding is insufficient, the department could exercise that subsection. Subsection (4), page 13 allows that a little different classification may be possible in that it provides for stricter classification. Another amendment at the top of page 13, HB 34, dealing with mentally ill classification is also a substantive amendment to that section. The department currently has delegated to them the authority to reduce the scope, duration and amount of services. The decision regarding passage of HB 34 is a decision the legislature will have to make if they want to delegate the additional authority in subsection (4). He concluded if HB 34 passed, he would ask that Section 1 be stricken from the bill.

Motion/Vote: Senator Lynch moved that HB 34 BE TABLED. Motion FAILED on a roll call vote.

Motion/Vote: Senator Waterman moved to amend HB 34 by striking Section 1 in its entirety (Exhibit 2). Motion CARRIED with Senator Lynch opposed.

Discussion: Senator Waterman said she had another amendment prepared to further limit the medically needy category of assistance, pages 9 and 13, HB 34.

Motion: Senator Waterman moved to amend HB 34 (Exhibit 3).

Discussion: Mr. Blouke said the amendment (Exhibit 3) would clarify the Department's authority to limit services to the medically needy beyond the amount, scope and duration. He said in current statute the medicaid program must have certain mandatory services which include, for instance, inpatient hospital. Because of the legislature's decrease in funding to the medically needy program, a service eliminated was inpatient hospital services. The amendment would clarify that the department has the authority to limit the program beyond what is authorized under the regular medicaid program.

Senator Jacobson asked what assurance there would be regarding capping services.

Mr. Blouke said he has heard from the majority of the legislature that is not a reduction they wanted to make. He would assure the legislature that if he wanted to appear before the next legislative session, he should not do that. He noted, however, there is nothing in HB 34 prohibiting the Department from limiting any optional services. In the event that Rep. Cobb is wrong and costs continue to escalate, reductions would have to be made because the legislature has said there would be no supplementals.

Senator Christiaens said he was concerned that some of these will be implemented as early as February even though Department needs would not be known until later than that.

Mr. Blouke said the department shared that concern. A decision would have to be made on whether funds will or will not be available. The longer the decision is postponed, the more severe the cuts to be made. He added they currently do not have information saying which cuts will be made. He felt it was appropriate that the Department have the flexibility and authority to make the decision on the cuts, but added they may be cutting from the priority list. There is nothing in HB 34 that would prohibit them from putting in the special income. He concluded that is a reason the legislature should participate in the decisionmaking process on the policy issue of what services should be provided under the medicaid program.

Vote: Senator Waterman's amendment motion to HB 34 (Exhibit 3) CARRIED with Senator Lynch opposed.

Motion: Senator Christiaens moved to amend HB 34, removing original Section 1 and inserting information regarding submission of estimate to legislative finance committee.

Discussion: Senator Jacobson said the amendment would state that whenever SRS establishes an estimate of medicaid expenditures, the Department shall submit the estimate to the legislative finance committee. The legislative finance committee shall consider the estimate at its next regularly scheduled meeting.

Senator Waterman said by not including a priority list, the Department is told to make the decision, and they should be allowed to make that decision.

Vote: Senator Christiaens' amendment to HB 34 CARRIED with Senators Aklestad, Devlin, Swysgood, Waterman opposed.

Motion/Vote: Senator Beck moved that HB 34 AS AMENDED BE CONCURRED IN. Motion FAILED on a roll call vote.

Motion/Vote: Senator Lynch moved that HB 34 BE TABLED. Motion CARRIED on a roll call vote.

EXECUTIVE ACTION ON HB 33

Discussion: Senator Keating said HB 33 has a potential for savings in the medicaid bill and more efficient and appropriate delivery of physical and mental health services under the medicaid program. Because of the money involved, prudent and careful handling of the programs are necessary.

Motion: Senator Keating moved to amend HB 33 (Exhibit 4).

Discussion: Senator Swysgood questioned the necessity of coming before the legislative finance committee.

Senator Keating said his reasoning in offering legislative committee overview is because of concern in allowing SRS to do what is written into law, and in order to compromise he put the language in for that type of supervision.

Substitute Motion: After committee discussion, Senator Keating moved amendment 1 (Exhibit 4), except for the insertion language requiring that contracts be submitted to the legislative finance committee. He also moved amendments 2, 4, 5, 6 (Exhibit 4).

Discussion: Senator Jergeson stated a better way to handle the substitute motion would be to make sure that amendments to the title conform to amendments adopted with respect to the body of the bill. He would like to have amendment 6 (Exhibit 4) segregated, and indicated his opposition to that amendment which would place a time restriction on when the contracts can be entered into.

Senator Waterman stated her opposition to segregating amendment 6 (Exhibit 4), adding it is critical that the contract should not

come back for legislative review. The legislature should not decide who gets the contract.

Vote: Senator Keating's substitute motion on Exhibit 4 CARRIED with Senators Bianchi, Christiaens, Jergeson, Weeding opposed.

Motion/Vote: Senator Keating moved language requiring contracts be submitted to the legislative finance committee (amendment 1, Exhibit 4), and also amendment 3 (Exhibit 4). Motion FAILED on a voice vote.

Motion/Vote: Senator Keating moved that HB 33 AS AMENDED BE CONCURRED IN. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 50

Motion: Senator Waterman moved to amend SB 50 (Exhibit 5).

Discussion: Senator Franklin said the amendment coordinates work already done by the Board of Nursing on delegation of tasks and asks that the Board of Nursing and the Department cooperate in adopting rules so that it would be relevant to the assisted living facility. It would not infringe on the Nurse Practice Act.

Vote: Senator Waterman's motion to amend SB 50 (Exhibit 5) CARRIED UNANIMOUSLY.

Motion: Senator Waterman moved SB 50 AS AMENDED DO PASS.

Discussion: Senator Devlin questioned who would take responsibility on increased living accommodations.

Mr. Blouke said they are not in the licensing business.

Dale Taliaferro, Administrator of Health Services Division, DHES, said there is a potential problem with that. There currently is a \$40 fee for licensing the facilities, with most of that going to the counties doing the work. If a large number of facilities convert to the retirement homes, he did not think the counties would be interested in doing expanded regulation that would be required to have medical services in a nonmedical facility. With the few services being paid for by SRS, the funds can be provided through medicaid to have them regulated. He said he could not predict what would happen and added if a large number of facilities convert, their capability of regulating them would be minimal.

Senator Waterman said at issue is four facilities serving a maximum of 118 individuals in Montana. She felt it would be very restrictive because there is not funding for more.

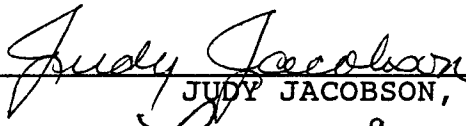
Senator Devlin asked for clarification on whether the people going into the type of housing referred to were not eligible for nursing homes.

Senator Waterman said they are eligible, otherwise they would not qualify under the waiver.


Vote: Senator Waterman's motion that SB 50 AS AMENDED DO PASS CARRIED with Senators Aklestad, Beck, Devlin Swysgood, Toews, Tveit opposed.

ADJOURNMENT

Adjournment: 11:45 a.m.



JUDY JACOBSON, Chair



LYNN STALEY, Secretary

JJ/LS

ROLL CALL

SENATE COMMITTEE FINANCE & CLAIMS

DATE 12/14/93

| NAME | PRESENT | ABSENT | EXCUSED |
|---------------------|---------|--------|---------|
| SENATOR JACOBSON | ✓ | | |
| SENATOR FRANKLIN | ✓ | | |
| SENATOR AKLESTAD | ✓ | | |
| SENATOR BECK | ✓ | | |
| SENATOR BIANCHI | ✓ | | |
| SENATOR CHRISTIAENS | ✓ | | |
| SENATOR DEVLIN | ✓ | | |
| SENATOR FORRESTER | ✓ | | |
| SENATOR FRITZ | ✓ | | |
| SENATOR HARDING | ✓ | | |
| SENATOR HOCKETT | ✓ | | |
| SENATOR JERGESON | ✓ | | |
| SENATOR KEATING | ✓ | | |
| SENATOR LYNCH | ✓ | | |
| SENATOR SWYSGOOD | ✓ | | |
| SENATOR TOEWS | ✓ | | |
| SENATOR TVEIT | ✓ | | |
| SENATOR VAUGHN | ✓ | | |
| SENATOR WATERMAN | ✓ | | |
| SENATOR WEEDING | ✓ | | |
| | | | |

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 30 (third reading copy -- blue), respectfully report that House Bill No. 30 be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

M- Amd. Coord.
SB Sec. of Senate

Jensen
Senator Carrying Bill

141227SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 33 (third reading copy -- blue), respectfully report that House Bill No. 33 be amended as follows and as so amended be concurred in.

Signed: Judith H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, lines 9 and 10.
Following: "GROUPS;"
Strike: "PLACING" on line 9 through "CONTRACTS;" on line 10
2. Page 2, line 10.
Following: line 9
Strike: "providers"
Insert: "persons"
Following: "management"
Strike: "and delivery"
Following: "of"
Insert: "comprehensive physical health services and the management of comprehensive mental"
3. Page 3, line 5.
Following: "PROVIDERS,"
Insert: "the Montana legislature,"
4. Page 3, line 14.
Following: "PROVIDERS,"
Insert: "the Montana legislature,"
5. Page 3, lines 18 through 20.
Strike: Section 5 in its entirety
Renumber: Subsequent sections.

-END-

TABLED BILL REPORT

SENATE COMMITTEE Finance Claims

TABLED BILL(S) HB. 34

DATE 12/14/93

Lynn Staley
COMMITTEE SECRETARY

4885
PHONE

303
ROOM

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 40 (third reading copy -- blue), respectfully report that House Bill No. 40 be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 66 (third reading copy -- blue), respectfully report that House Bill No. 66 be concurred in.

Signed: _____

Judy H. Jacobson
Senator Judy H. Jacobson, Chair

M Amd. Coord.
SB Sec. of Senate

Beck

Senator Carrying Bill

141229SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Joint Resolution No. 5 (third reading copy -- blue), respectfully report that House Joint Resolution No. 5 be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
December 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 50 (first reading copy -- white), respectfully report that Senate Bill No. 50 be amended as follows and as so amended do pass.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, lines 7 through 9.

Strike: "PROVIDING" on line 7 through "NURSING" on line 9

Insert: "REQUIRING THE BOARD OF NURSING AND OTHER DEPARTMENTS TO
COOPERATE IN ADOPTING RULES TO PROVIDE FOR THE DELEGATION OF
CERTAIN NURSING TASKS IN AN ASSISTED LIVING FACILITY"

2. Title, line 11.

Strike: "37-8-103,"

3. Title, line 12.

Following: "50-5-301,"

Insert: "50-5-1103,"

4. Title, line 13.

Following: "50-51-102,"

Insert: "50-51-107,"

5. Title, line 13.

Following: "50-51-201,"

Insert: "50-51-301,"

6. Page 2, line 4.

Following: "services."

Insert: "The rules must also provide for measures to ensure the
privacy of facility residents and the dignity of residents'
social life."

7. Page 2, lines 9 through 16.

Strike: "list" on line 9 through "residents" on line 16

Insert: "provide for the delegation pursuant to 37-8-202(7) of
certain nursing tasks within assisted living facilities"

8. Page 2, line 22.

Following: "building"

Insert: "or part of a building"

M Amd. Coord.
SIS Sec. of Senate

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9. Page 3, line 13.

Following: "home,"

Insert: "assisted living facility as defined in 50-51-102,"

10. Page 4, line 19.

Strike: "-- nursing exemption"

11. Pages 4, line 22 through page 5, line 8.

Strike: "shall" on page 4, line 22 through "medications"
on page 5, line 8

Insert: ", the department of health and environmental sciences,
and the department of social and rehabilitation services
shall cooperate to adopt rules for the delegation pursuant
to 37-8-202(7) of certain nursing tasks within assisted
living facilities"

12. Page 6, line 8.

Following: "50-51-102,"

Insert: "which are nonprofit,"

13. Page 17, line 10 through page 19, line 5.

Strike: section 7 in its entirety

Renumber: subsequent sections

14. Page 29, line 15.

Following: "41-3-1142,"

Insert: "assisted living facilities as defined in 50-51-102,"

15. Page 39, line 23.

Following: "41-3-1142,"

Insert: "assisted living facilities as defined in 50-51-102,"

16. Page 47, line 11.

Following: "41-3-1142;"

Insert: "assisted living facilities as defined in 50-51-102;"

17. Page 52, line 9.

Following: "41-3-1142;"

Insert: "assisted living facilities as defined in 50-51-102;"

18. Page 53.

Following: line 1

Insert: "Section 11. Section 50-5-1103, MCA, is amended to read:

"50-5-1103. Definitions. In this part the following
definitions apply:

(1) "Administrator" means a person who is licensed as a
nursing home administrator under Title 37, chapter 9, and who
administers, manages, or supervises a long-term care facility.

- (2) "Authorized representative" means:
- (a) a person holding a general power of attorney for a resident;
 - (b) a person appointed by a court to manage the personal or financial affairs of a resident;
 - (c) a representative payee;
 - (d) a resident's next of kin; or
 - (e) a sponsoring agency.
- (3) "Department" means the department of health and environmental sciences.
- (4) "Facility" or "long-term care facility" means a facility or part thereof licensed under Title 50, chapter 5, to provide skilled nursing care, intermediate nursing care, or personal care or an assisted living facility as defined in 50-51-102.
- (5) "Long-term care ombudsman" means the individual appointed to fulfill the requirement of 42 U.S.C. 3027(a)(12) that the state provide an advocate for residents of long-term care facilities.
- (6) "Resident" means a person who lives in a long-term care facility."
- Renumber: subsequent sections

19. Page 56.

Following: line 2

Insert: "Section 14. Section 50-51-107, MCA, is amended to read:

"50-51-107. **Provision of nursing services or personal-care services by the facility prohibited.** (1) Hotels, motels, boardinghouses, roominghouses, or similar accommodations, not including assisted living facilities, may not provide professional nursing services or personal-care services. A resident of a hotel, motel, boardinghouse, roominghouse, or similar accommodation may have personal-care, medical, or nursing-related services provided for him in such facility by a third-party provider.

(2) Whenever a complaint is filed with the department that a person in need of professional nursing services is residing in a roominghouse or other similar accommodation not licensed to provide such service, the department shall investigate and may require appropriate care or placement of such person if it is found that professional nursing services are needed."

Renumber: subsequent sections

20. Page 56.

Following: line 18

Insert: "Section 16. Section 50-51-301, MCA, is amended to read:

"50-51-301. **Health officers to make investigations and inspections.** State (1) Except as provided in subsection (2).

state and local health officers, sanitarians-in-training, and registered sanitarians shall make investigations and inspections of establishments and make reports to the department as required under rules adopted by the department.

(2) The department shall inspect assisted living facilities, as defined in 50-51-102, at least once a year."

Renumber: subsequent sections

21. Page 61, line 13.

Strike: "18"

Insert: "20"

22. Page 61, line 15.

Strike: "17"

Insert: "19"

-END-

ROLL CALL VOTE

①

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. HB 34

DATE 12/14/93 TIME _____ A.M. P.M.

| NAME | YES | NO |
|-------------------------------|-----|----|
| SENATOR JACOBSON | ✓ | |
| SENATOR JERGESON | ✓ | |
| SENATOR AKLESTAD | | ✓ |
| SENATOR BECK | | ✓ |
| SENATOR BIANCHI | ✓ | |
| SENATOR CHRISTIAENS | ✓ | |
| SENATOR DEVLIN | | ✓ |
| SENATOR FORRESTER | ✓ | |
| SENATOR FRANKLIN | ✓ | |
| SENATOR FRITZ <i>excused.</i> | | |
| SENATOR HARDING | | ✓ |
| SENATOR HOCKETT | | ✓ |
| SENATOR KEATING | | ✓ |
| SENATOR LYNCH | ✓ | |
| SENATOR TOEWS | | ✓ |
| SENATOR SWYSGOOD | | ✓ |
| SENATOR TVEIT | | ✓ |
| SENATOR VAUGHN | ✓ | |
| SENATOR WATERMAN | | ✓ |
| SENATOR WEEDING | | ✓ |
| | | |
| | | |
| | | |

Lynn Staley

 SECRETARY

CHAIR

MOTION: *Sen. Lynch moved HB 34 Be Tabled*
Motion Failed

HB 34

ROLL CALL VOTE (2)

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. HB 34

DATE 12/14/93 TIME _____ A.M. P.M.

| NAME | YES | NO |
|---------------------|-----|----|
| SENATOR JACOBSON | | ✓ |
| SENATOR JERGESON | | ✓ |
| SENATOR AKLESTAD | ✓ | |
| SENATOR BECK | ✓ | |
| SENATOR BIANCHI | | ✓ |
| SENATOR CHRISTIAENS | | ✓ |
| SENATOR DEVLIN | | ✓ |
| SENATOR FORRESTER | | ✓ |
| SENATOR FRANKLIN | | ✓ |
| SENATOR FRITZ | ✓ | |
| SENATOR HARDING | ✓ | |
| SENATOR HOCKETT | | ✓ |
| SENATOR KEATING | ✓ | |
| SENATOR LYNCH | | ✓ |
| SENATOR TOEWS | | ✓ |
| SENATOR SWYSGOOD | ✓ | |
| SENATOR TVEIT | ✓ | |
| SENATOR VAUGHN | | ✓ |
| SENATOR WATERMAN | ✓ | |
| SENATOR WEEDING | ✓ | |
| | | |
| | | |
| | | |

Lynn Stacey
SECRETARY

CHAIR

MOTION: Senator Beck moved HB 34
As Amended Be Concurred In.

Motion Tied

HB 34
Tabled
motion
carried

ROLL CALL VOTE

(3)

SENATE COMMITTEE FINANCE AND CLAIMS

BILL NO. 34

DATE 12/14/93

TIME _____

A.M. P.M.

NAME

YES NO

| | | |
|---------------------|---|---|
| SENATOR JACOBSON | ✓ | |
| SENATOR JERGESON | ✓ | |
| SENATOR AKLESTAD | | ✓ |
| SENATOR BECK | ✓ | |
| SENATOR BIANCHI | ✓ | |
| SENATOR CHRISTIAENS | ✓ | |
| SENATOR DEVLIN | ✓ | |
| SENATOR FORRESTER | ✓ | |
| SENATOR FRANKLIN | ✓ | |
| SENATOR FRITZ | | ✓ |
| SENATOR HARDING | | ✓ |
| SENATOR HOCKETT | ✓ | |
| SENATOR KEATING | | ✓ |
| SENATOR LYNCH | ✓ | |
| SENATOR TOEWS | | ✓ |
| SENATOR SWYSGOOD | | ✓ |
| SENATOR TVEIT | | ✓ |
| SENATOR VAUGHN | ✓ | |
| SENATOR WATERMAN | | ✓ |
| SENATOR WEEDING | | ✓ |
| | | |
| | | |
| | | |

Lyman Staley

SECRETARY

CHAIR

MOTION: Sen. Lynch moved

HB 34 Be Tabled.

Motion Carried

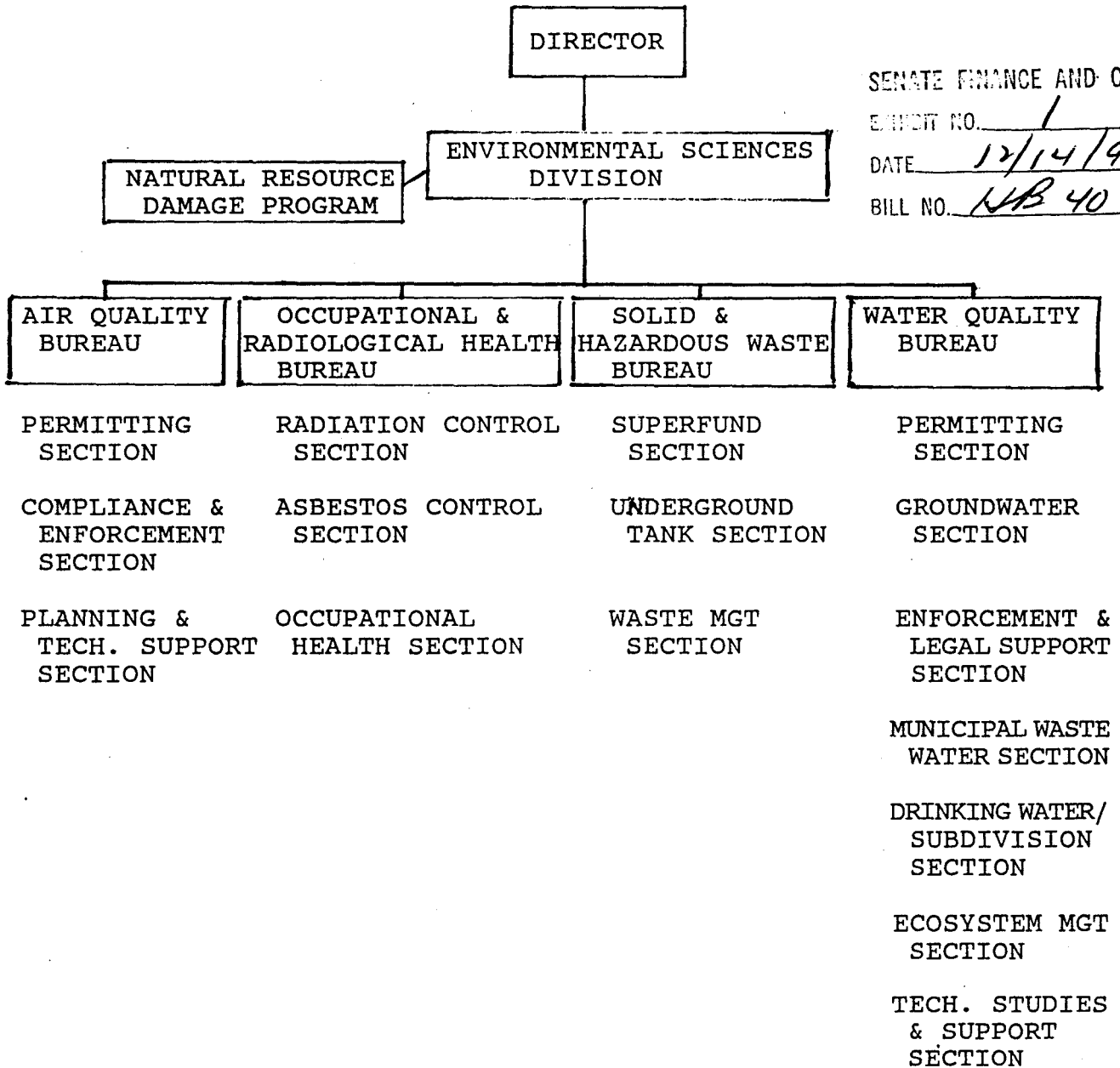
EXISTING ORGANIZATIONAL
STRUCTURE

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

DATE 12/14/93

BILL NO. NR 40



REORGANIZATION OPTION #1

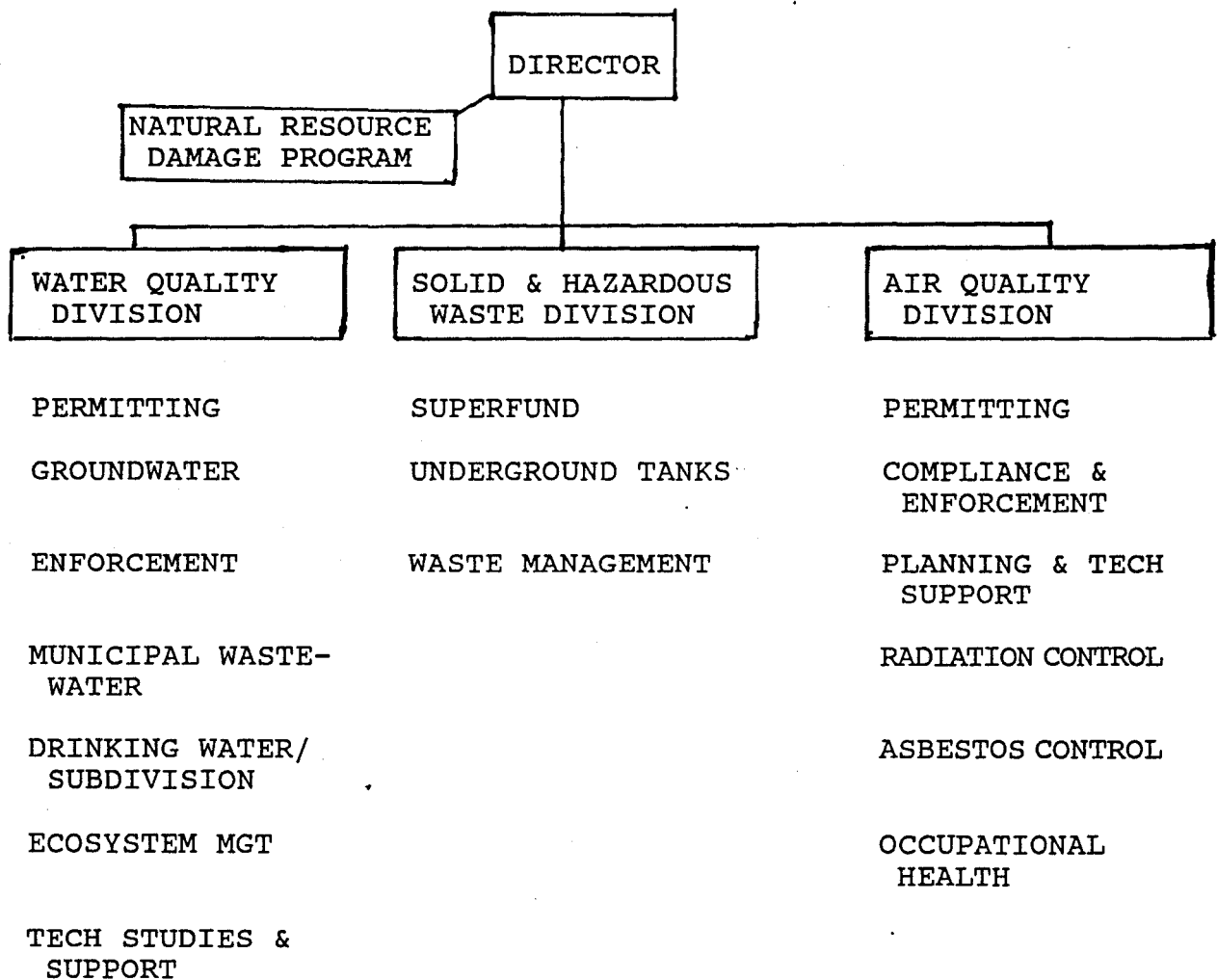
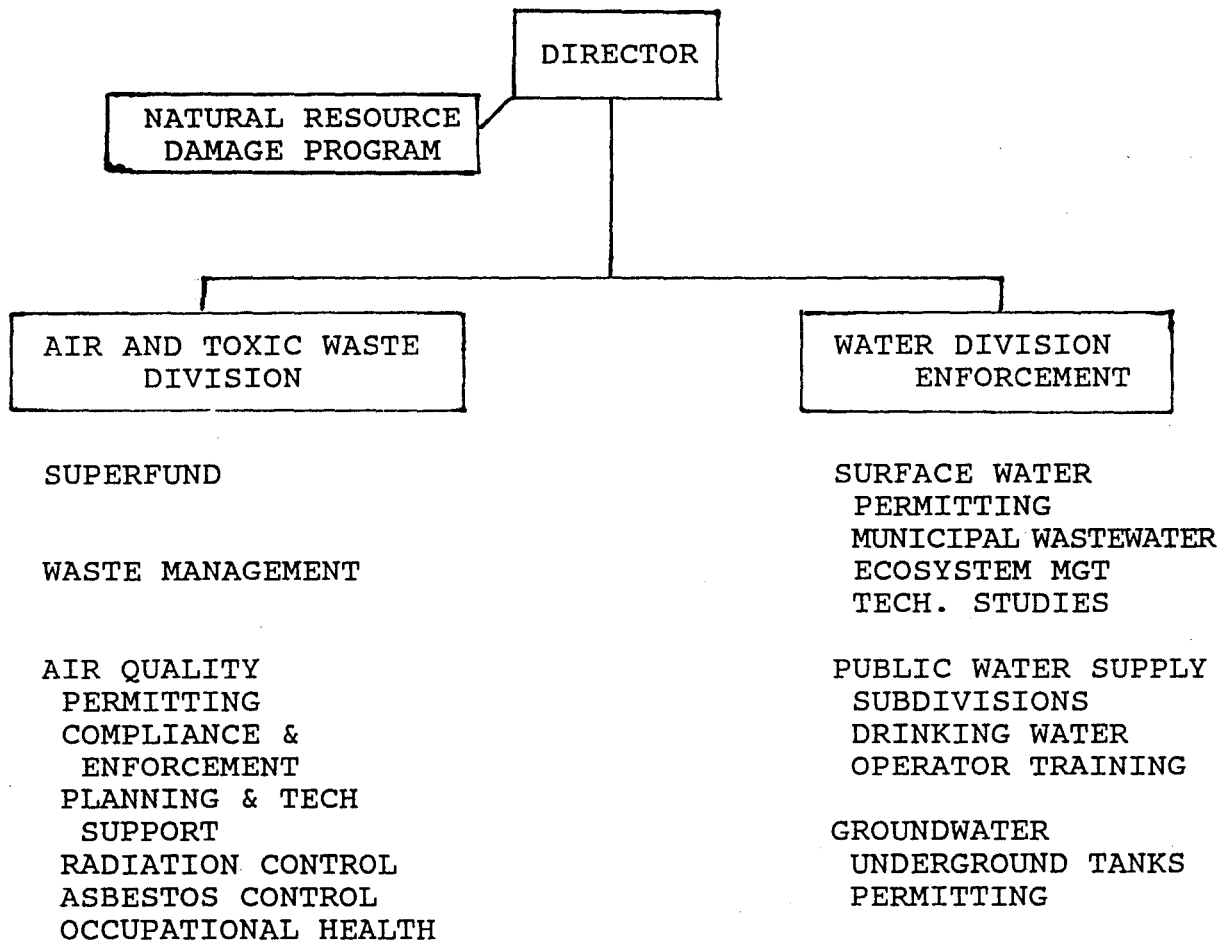
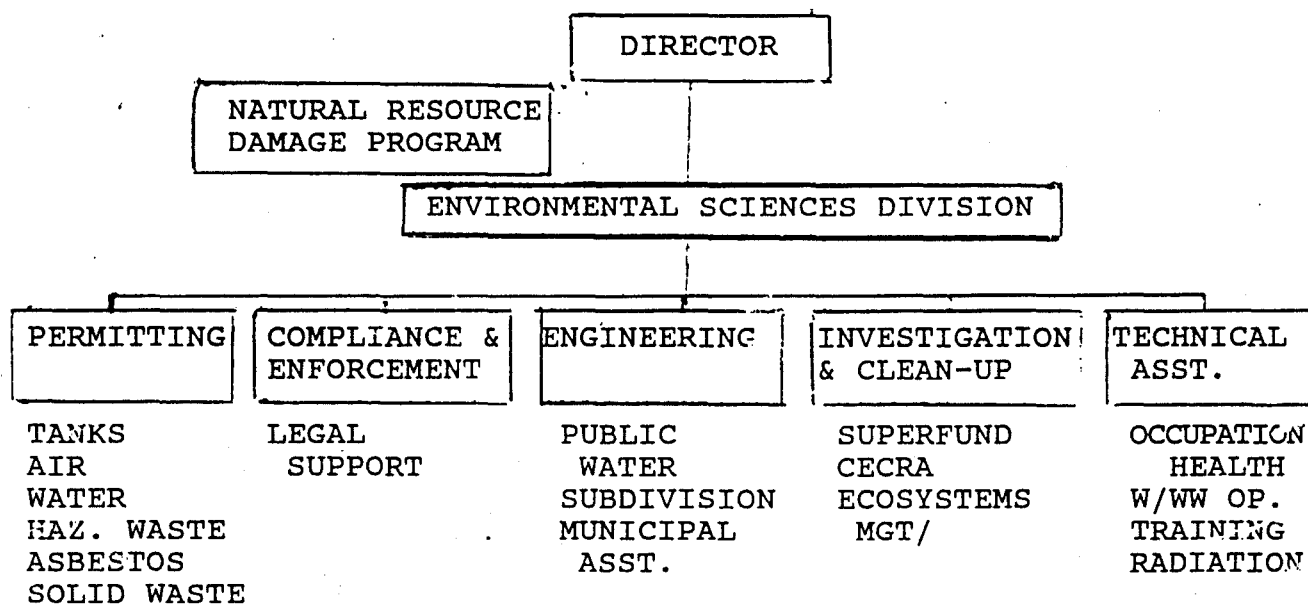


EXHIBIT 1
12-14-93
HB 40



REORGANIZATION OPTION #3



Amendments to House Bill No. 34
Third Reading Copy

For the Committee on Senate Finance and Claims

Prepared by Clayton Schenck
December 14, 1993

SENATE FINANCE AND CLAIMS

EMENDIT NO. 2

DATE 12/14/93

BILL NO. HB 34

1. Page 6, lines 3 through 11.
Strike: Section 1 in its entirety
Renumber: subsequent sections

carried

{Office of Legislative Fiscal Analyst

444-2986}

December 13, 1993
4:40 p.m.

Amendment to House Bill 34 SENATE FINANCE AND CLAIMS
(Re: Medicaid Expenditures) EXHIBIT NO. 3
Third Reading Copy DATE 12/14/93
BILL NO. HB 34

1. Page 9, line 11.

Following: "program."

Insert: "The department is not required to provide all of the
services listed in subsections (2) and (3) to persons
qualifying for medicaid under the medically needy
category of assistance"

2. Page 13, line 9.

Following: "program."

Insert: "The department is not required to provide all of the
services listed in subsections (2) and (3) to persons
qualifying for medicaid under the medically needy
category of assistance."

-End-

Amendments to House Bill No. 33
Third Reading Copy

Requested by Senator Keating
For the Committee on Senate Finance and Claims

Prepared by Lisa Smith
December 13, 1993

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 4

DATE 12/14/93

BILL NO. HB 33

1. Title, lines 9 and 10.

Following: "GROUPS;"

Strike: "PLACING" on line 9 through "CONTRACTS;" on line 10

Insert: "REQUIRING CONTRACTS TO BE SUBMITTED TO THE LEGISLATIVE
FINANCE COMMITTEE;"

2. Page 2, line 10.

Following: line 9

Strike: "providers"

Insert: "persons"

Following: "management"

Strike: "and delivery"

Following: "of"

Insert: "comprehensive physical health services and the management
of comprehensive mental"

3. Page 2, line 24.

Following: line 23

Insert: "(5) A proposed contract, referred to in subsection (2),
must be submitted to the legislative finance committee. The
legislative finance committee shall review the proposed
contract at its next regularly scheduled meeting and shall
provide any comments concerning the contract to the department
of social and rehabilitation services."

4. Page 3, line 5.

Following: "PROVIDERS,"

Insert: "the Montana legislature,"

5. Page 3, line 14.

Following: "PROVIDERS,"

Insert: "the Montana legislature,"

6. Page 3, lines 18 through 20.

Strike: Section 5 in its entirety

Renumber: Subsequent sections.

Amendments to Senate Bill No. 50
First Reading Copy

Requested by Sen. Waterman
For the Committee on Finance and Claims

Prepared by David S. Niss
December 14, 1993

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 5
DATE 12/14/93
BILL NO. SB50

1. Title, lines 7 through 9.
Strike: "PROVIDING" on line 7 through "NURSING" on line 9
Insert: "REQUIRING THE BOARD OF NURSING AND OTHER DEPARTMENTS TO
COOPERATE IN ADOPTING RULES TO PROVIDE FOR THE DELEGATION OF
CERTAIN NURSING TASKS IN AN ASSISTED LIVING FACILITY"
2. Title, line 11.
Strike: "37-8-103,"
3. Title, line 12.
Following: "50-5-301,"
Insert: "50-5-1103,"
4. Title, line 13.
Following: "50-51-201,"
Insert: "50-51-301,"
5. Page 2, lines 9 through 16.
Strike: "list" on line 9 through "residents" on line 16
Insert: "provide for the delegation pursuant to 37-8-202(7) of
certain nursing tasks within assisted living facilities"
6. Page 2, line 22.
Following: "building"
Insert: "or part of a building"
7. Page 3, line 13.
Following: "home,"
Insert: "assisted living facility as defined in 50-51-102,"
8. Page 4, line 19.
Strike: "-- nursing exemption"
9. Pages 4, line 22, through Page 5, line 8.
Strike: "shall" on page 4, line 22 through "medications"

on page 5, line 8

Insert: ", the department of health and environmental sciences,
and the department of social and rehabilitation services
shall cooperate to adopt rules for the delegation pursuant
to 37-8-202(7) of certain nursing tasks within assisted
living facilities"

10. Page 6, line 8.

Following: "50-51-102."

Insert: "which are nonprofit,"

11. Page 17, line 10 through page 19, line 5.

Strike: section 7 in its entirety

Renumber: subsequent sections

12. Page 53.

Following: line 1

Insert: "Section 11. Section 50-5-1103, MCA, is amended to read:

"50-5-1103. Definitions. In this part the following
definitions apply:

(1) "Administrator" means a person who is licensed as a
nursing home administrator under Title 37, chapter 9, and who
administers, manages, or supervises a long-term care facility.

(2) "Authorized representative" means:

(a) a person holding a general power of attorney for a
resident;

(b) a person appointed by a court to manage the personal or
financial affairs of a resident;

(c) a representative payee;

(d) a resident's next of kin; or

(e) a sponsoring agency.

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

(4) "Facility" or "long-term care facility" means a
facility or part thereof licensed under Title 50, chapter 5, to
provide skilled nursing care, intermediate nursing care, or
personal care or an assisted living facility as defined in 50-51-
102.

(5) "Long-term care ombudsman" means the individual
appointed to fulfill the requirement of 42 U.S.C. 3027(a)(12)
that the state provide an advocate for residents of long-term
care facilities.

(6) "Resident" means a person who lives in a long-term care
facility.""

{Internal References to 50-5-1103: None.}

Renumber: subsequent sections

13. Page 56.

Following: line 18

Insert: "Section 15. Section 50-51-301, MCA, is amended to read:

"50-51-301. Health officers to make investigations and inspections. State (1) Except as provided in subsection (2), state and local health officers, sanitarians-in-training, and registered sanitarians shall make investigations and inspections of establishments and make reports to the department as required under rules adopted by the department.

(2) The department shall inspect assisted living facilities, as defined in 50-51-102, at least once a year."
{ Internal References to 50-51-301: None. }

Renumber: subsequent sections

14. Page 61, line 13.

Strike: "18"

Insert: "19"

15. Page 61, line 15.

Strike: "17"

Insert: "18"