

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**JOINT SUBCOMMITTEE ON HUMAN SERVICES & AGING**

**Call to Order:** By CHAIRMAN JOHN COBB, on February 6, 1995, at  
3:50 p.m.

**ROLL CALL**

**Members Present:**

Rep. John Cobb, Chairman (R)  
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)  
Rep. Beverly Barnhart (D)  
Sen. James H. "Jim" Burnett (R)  
Rep. Betty Lou Kasten (R)  
Sen. John "J.D." Lynch (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lois Steinbeck, Legislative Fiscal Analyst  
Douglas Schmitz, Office of Budget & Program  
Planning  
Paula Clawson, Substitute Committee Secretary

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

**Committee Business Summary:**

Hearing: None  
Executive Action: DEPARTMENT OF FAMILY SERVICES,  
Juvenile Corrections, Program  
Management Division, Management  
Support, Regional Administration,

**EXECUTIVE ACTION ON JUVENILE CORRECTIONS**

*{Tape: 1; Side: A; Approx. Counter: 1}*

**BUDGET ITEM: Equipment**

**Discussion:** Lois Steinbeck, Legislative Fiscal Analyst (LFA),  
said adjustments need to be made in present law and new proposals  
for equipment. The present law adjustment is to purchase  
vehicles and the new proposal is to lease vehicles. The  
Executive Budget neglected to include the purchase of the eight  
vehicles as a present law adjustment. **EXHIBIT 1**

**Hank Hudson, Director, Department of Family Services (DFS),** explained that these vehicles are used for the after care program to transport students and by field staff to get kids from across the state back and forth to Pine Hills.

**Motion/Vote:** CHAIRMAN JOHN COBB moved to accept the Program 03 Vehicle Lease Request (see exhibit 1). Motion **FAILED** 3-3 with CHAIRMAN COBB, REP. BEVERLY BARNHART and SEN. J.D. LYNCH voting yes.

**Motion/Vote:** REP. BARNHART moved to approve \$9,500 in FY96 for equipment - Mountain View School. Motion **FAILED** with 2-3 REP. BARNHART and SEN. LYNCH voting yes; SEN. CHUCK SWYSGOOD was not present for the vote.

#### **EXECUTIVE ACTION ON PROGRAM MANAGEMENT DIVISION**

**{Tape: 1; Side: A; Approx. Counter: 198}**

#### **BUDGET ITEM: Children's Justice Act**

**Discussion:** Ms. Steinbeck explained that due to an oversight the Executive Budget requested a negative amount for the Children's Justice Act from federal grants. Negative amounts are not traditionally budgeted, so the Executive has agreed to request \$12,225 in federal authority each year of the biennium so it carries forward as a positive amount.

**Motion/Vote:** SEN. LYNCH moved to approve \$12,225 in federal authority each year of the biennium. Motion **PASSED** 5-0 with SEN. SWYSGOOD not present for the vote.

#### **BUDGET ITEM: Family based services and foster care issues**

**{Tape: 1; Side: A; Approx. Counter: 246}**

**Discussion:** Ms. Steinbeck reminded the subcommittee that they wanted to consider all family based services contracts together and also consider how they are funded. When these contracts were originally funded by the legislature in 1991 they were 100% general funds and now the Executive includes \$60,000 federal funds in the total \$640,000 budget. These federal funds are a source of refinancing revenue from emergency service Title IV funds. The Executive is requesting a \$103,414 increase each year of the biennium which includes the \$60,000 federal funds for family-based services. The Executive also includes \$252,000 general fund for family-based services in its foster care request.

The subcommittee deferred action until all family-based services and foster care services could be considered together.

**BUDGET ITEM: Eastmont Closure***{Tape: 1; Side: A; Approx. Counter: 340}*

**Discussion:** Ms. Steinbeck reported that the Institutions Subcommittee did not accept the closure of Eastmont. The Human Services Subcommittee could take no action now and then when the bill to close Eastmont is through the process, the fiscal impact of that bill could be incorporated in HB 2.

**REP. BETTY LOU KASTEN** asked from which budget and how much will be used to build the intensive group homes after Eastmont is closed. **Ms. Steinbeck** answered the finances are in the Developmental Disabilities budget in Social and Rehabilitative Services (SRS). The Eastmont portion would be \$640,000 general fund in FY96 and \$2.5 million total funds in FY97 of which \$800,000 is general fund. The first year start-up is 100% general fund, but once clients are in the home, some of the funds will come from a Medicaid match.

The subcommittee deferred action until action is taken on the Eastmont bill.

**BUDGET ITEM: Community Impact Grants***{Tape: 1; Side: A; Approx. Counter: 412}*

**Discussion:** Mr. Hudson urged the subcommittee to take some initiative this biennium to address community needs for emotionally disturbed and conduct disorder children.

**REP. BARNHART** commented that it did not seem clear that the people who testified on this issue really understood the purposes of the community impact grants. She was concerned that when the funds get to the communities they won't be used as intended. If this item is approved, the legislature should give some direction to how the funds are distributed to regions to meet the needs of emotionally and conduct disabled children.

**Motion/Vote:** **REP. BARNHART** moved to approve \$2,254,808.00 for FY96 and \$2,079,446.00 for FY97 for community impact grants. Motion **FAILED** 2-3 with **REP. BARNHART** and **SEN. LYNCH** voting yes; **SEN. SWYSGOOD** was not present for the vote.

**BUDGET ITEM: Family Preservation and Support***{Tape: 1; Side: A; Approx. Counter: 549}*

**Discussion:** Ms. Steinbeck explained that this item is federal funds to continue a grant added by a budget amendment during FY94. DFS has requested the entire amount as a biennial appropriation because DFS does not know how quickly the projects funded by this grant will be up and running. These funds require a 25% match which will be freed up through the refinancing of other services and not require new general fund dollars.

**Motion/Vote:** REP. BARNHART moved to approve \$997,843 total federal funds as a biennial appropriation for family preservation and support. Motion CARRIED 5-0 with SEN. SWYSGOOD not present for the vote.

**BUDGET ITEM: Personal Services Reductions**

*{Tape: 1; Side: A; Approx. Counter: 642}*

**Motion/Vote:** SEN. LYNCH moved to approve the Executive for (1.00) FTE and (\$17,470) general funds and (\$39,987) total funds for FY96 and (1.00) FTE and (\$17,538) general funds and (\$40,143) total funds for FY97 for personal services reductions. Motion CARRIED 5-0 with SEN. SWYSGOOD not present for the vote.

**EXECUTIVE ACTION ON MANAGEMENT SUPPORT**

*{Tape: 1; Side: A; Approx. Counter: 665}*

**BUDGET ITEM: Interagency Coordinating Council**

**Discussion:** Mr. Hudson spoke on behalf of all of the members of the Interagency Coordinating Council (ICC) to urge the subcommittee to provide some funding for this very important activity. This is a fundamental state activity which needs the FTE for support.

**Motion/Vote:** REP. BARNHART moved to approve \$50,000 and 1.00 FTE each year of the biennium for the interagency coordinating council. Motion FAILED 1-4 with REP. BARNHART voting yes and SEN. SWYSGOOD not present for the vote.

**BUDGET ITEM: Interagency Coordinating Council language**

*{Tape: 1; Side: A; Approx. Counter: 787}*

**Discussion:** REP. BARNHART said that the proposed language was in the original bill forming the ICC then stricken. This is important language even if it is not funded. EXHIBIT 2

SEN. LYNCH asked if there is going to be a joint oversight committee on children and families since there is legislation that may cut the program. REP. BARNHART answered that the conference committee could take out this language if the program "gets the ax."

**Motion/Vote:** REP. BARNHART moved approval of language for the Interdepartmental Coordinating Council on prevention of child abuse and neglect (see exhibit 2). Motion CARRIED 4-2 with SEN. JIM BURNETT and REP. KASTEN voting no.

**BUDGET ITEM: CAPS operating costs****{Tape: 1; Side: A; Approx. Counter: 865}**

**Discussion:** Ms. Steinbeck said the subcommittee made two motions which seem to be contradictory. There were funds in rent and consulting services that had been included in a budget other than CAPS. The motion to approve the consulting services and move those funds into CAPS passed. The motion to adopt the rent increases and move those funds into CAPS failed. If the subcommittee does want the additional rent funds in CAPS, a positive motion is needed.

Jack Ellery, Administrator, Management Support Services Division, DFS, said that the rent amount would have already been included in CAPS if DFS hadn't made a budgeting mistake.

**{Tape: 1; Side: B; Approx. Counter: 1}**

**Motion/Vote:** REP. COBB moved that extra rent and contracted services be included in CAPS operating costs. Motion **FAILED** 3-3 with REP. BARNHART, REP. COBB and SEN. LYNCH voting yes.

**EXECUTIVE ACTION ON REGIONAL ADMINISTRATION****{Tape: 1; Side: B; Approx. Counter: 40}****BUDGET ITEM: Social Workers Staff Increase**

**Discussion:** CHAIRMAN COBB shared with the subcommittee a report of how DFS reduced its staff from January 1993 through December 1994. Eleven staff were involuntarily terminated; 2 staff resigned at the threat of termination; 2 staff received disciplinary demotions; 1 staff received disciplinary suspension; and 20 staff were subject to correctional action plans and written disciplinary action. This report shows that DFS has made efforts to make sure staff is doing the job required.

Richard Kerstein, Administrator of Field Services, DFS, said this information shows that DFS has maximized its staff, but with the increase in referrals of nearly 3,000 over the biennium, the staff is not keeping up with the workload. In addition to addressing staff size and activities through disciplinary actions, DFS has also assessed positions as they become vacant to determine if that is a proper position to meet needs and if that position is needed in a particular area. Four FTE have been shifted from areas of less need to areas of more need and in some cases social worker positions have been reclassified as secretarial/clerical positions. In the past two years 34 FTE positions have been reclassified. Mr. Kerstein has no administrative staff and all of the new FTE positions will be field staff.

**Motion/Vote:** REP. COBB moved to approve an additional 9.00 FTE for FY96 and an additional 5.00 FTE for FY97 in social worker staff increase. Motion **CARRIED** 4-2 with SEN. BURNETT and SEN. SWYSGOOD voting no.

*{Tape: 1; Side: B; Approx. Counter: 180}*

**Motion/Vote:** REP. COBB moved to approve and prorate operating costs from the original executive request for the addition of 9.00 FTE in FY96 and 5.00 FTE in FY97. Motion **CARRIED** 5-1 with SEN. SWYSGOOD voting no.

*{Tape: 1; Side: B; Approx. Counter: 307}*

**Motion/Vote:** REP. COBB moved to line-item the additional 9.00 FTE with operating costs for FY96 and additional 5.0 FTE with operating costs for FY97. Motion **CARRIED** unanimously.

#### **EXECUTIVE ACTION ON JUVENILE CORRECTIONS**

*{Tape: 1; Side: B; Approx. Counter: 324}*

#### **BUDGET ITEM: Juvenile Justice Community Projects**

**Discussion:** Al Davis, Administrator, Juvenile Corrections Division, DFS, reported on the development of the juvenile justice community projects. **EXHIBIT 3** The purpose of these funds is to provide supplemental support for youngsters in the community who are at risk of being returned to correctional facilities or are at risk of being committed in the first place. As a result of the planning process, the programs weren't implemented until later in the beginning of the first year; the last program went on-line in May 1994. As a result, approximately \$40,000 of FY94 \$150,000 budget was not expended. In FY95 all the projects that are on-line have been annualized and the amount in total support to continue the programs for a full year is around \$157,000. DFS is interested in maintaining these programs although it is difficult to measure program impact. To date there have been more than 800 kids and parents involved in the program statewide.

**CHAIRMAN COBB** asked if this program works with the community partnership program. **Mr. Kerstein** explained that these are two different populations of children, the community partnership works with children that are at risk for getting in trouble with the courts. The juvenile justice program works with children that have already been through the court system and have been identified by probation officers as being at risk or are transitioning out of secure care facilities.

**Motion/Vote:** SEN. LYNCH moved to approve \$40,534 each year of the biennium for community prevention activities. Motion **FAILED** 3-3 with REP. BARNHART, REP. COBB and SEN. LYNCH voting yes.

**EXECUTIVE ACTION ON PROGRAM MANAGEMENT DIVISION**

*{Tape: 1; Side: B; Approx. Counter: 650}*

**BUDGET ITEM: Foster Care Tribal Contracts**

**Discussion:** Ms. Steinbeck said DFS contracts with four reservations currently to do foster care work. This present law adjustment would fund up to six contracts. Currently the subcommittee has adopted a positive motion on a 3-2 vote that the tribal contracts be approved and the motion is being revisited for SEN. BURNETT's vote.

**Vote:** SEN. BURNETT voted NO on foster care tribal contracts. The motion FAILED 3-3.

**Further Discussion:** Mr. Hudson explained that while the subcommittee may vote to not fund these contracts, the tribal foster care program, by law, must be funded. DFS will have to find the money from some other part of the budget to fund this program.

**BUDGET ITEM: Chemical Dependency**

*{Tape: 1; Side: B; Approx. Counter: 720}*

**Discussion:** DFS spokesman said approval of this budget request will serve an additional 5 or 6 children each year. The average budget in the base is low because billing from treatment centers doesn't always come in the same fiscal year.

**Motion/Vote:** CHAIRMAN COBB moved to reconsider the vote of chemical dependency. Motion FAILED 3-3 with REP. BARNHART, REP. COBB and SEN. LYNCH voting yes.

**BUDGET ITEM: Provider Rate Increases**

*{Tape: 1; Side: B; Approx. Counter: 855}*

**Motion/Vote:** CHAIRMAN COBB moved to accept a 1.0% rate increase compounded annually for domestic violence, chemical dependency, and Big Brothers/Big Sisters. Motion FAILED 3-3 with REP. BARNHART, REP. COBB and SEN. LYNCH voting yes.

**BUDGET ITEM: Community Sexual Offenders Program**

*{Tape: 1; Side: B; Approx. Counter: 912}*

**Discussion:** CHAIRMAN COBB proposed to give \$300,000 general fund each year of the biennium plus federal match to try to take care of juvenile sexual offenders in the communities. The community impact funds that might have addressed these issues were not approved, so these funds will be used to help sexual offenders returned to their communities.

**SEN. SWYSGOOD** asked where juvenile sexual offenders get treatment. **Mr. Hudson** answered that secure residential hospitals and group homes are used as well as out-patient counseling when the child returns to the community.

*{Tape: 2; Side: A; Approx. Counter: 1}*

**SEN. BURNETT** asked if families contribute financially to this treatment. **Mr. Hudson** answered that families are charged based on their ability to pay. In FY94 the total family revenue was less than \$100,000.

**REP. BARNHART** asked if sexual offenders are also classified as conduct disorder children. **Mr. Hudson** answered yes. **CHAIRMAN COBB** said his intent is narrowed for only sexual offenders, not other conduct disorder children.

**Motion/Vote:** **CHAIRMAN COBB** moved to approve \$300,000 each year of the biennium for community sexual offenders programs. Motion **FAILED** 3-3 with **REP. BARNHART**, **REP. COBB** and **SEN. LYNCH** voting yes.

**Motion/Vote:** **CHAIRMAN COBB** moved to approve \$200,000 each year of the biennium for community sexual offenders programs. Motion **FAILED** 3-3 with **REP. BARNHART**, **REP. COBB** and **SEN. LYNCH** voting yes.

**Motion/Vote:** **CHAIRMAN COBB** moved to approve \$100,000 each year of the biennium for community sexual offenders programs. Motion **FAILED** 3-3 with **REP. BARNHART**, **REP. COBB** and **SEN. LYNCH** voting yes.

**BUDGET ITEM: Domestic Violence Program**

*{Tape: 2; Side: A; Approx. Counter: 100}*

**Discussion:** **CHAIRMAN COBB** said DFS is concerned that if the de-earmarking bill passes they will lose the special revenue funds of approximately \$35,000 per year for the domestic violence program. Contingency language is being requested that will provide these funds out of general fund if the de-earmarking bill passes.

**Motion/Vote:** **SEN. LYNCH** moved to approve language that if **SEN. GROSFIELD'S** bill passes, the domestic violence program will get the equivalent of general funds allocations (approximately \$35,000 each year of the biennium). Motion **CARRIED** unanimously.

**BUDGET ITEM: Partnership Appropriation**

**Motion:** **CHAIRMAN COBB** moved to approve \$500,000 of general fund each year of the biennium for the Partnership Project.



**Discussion:** Mr. Ellery said DFS will have \$2 million federal funds and \$150,000 state special revenue each year of the next biennium.

**CHAIRMAN COBB** said the proposal to give \$500,000 more each year from general fund is because it will take up front money to make this program work.

**Vote:** Motion **FAILED** 3-3 with **REP. BARNHART**, **REP. COBB** and **SEN. LYNCH** voting yes.

**Motion/Vote:** **REP. COBB** moved to approve \$250,000 of general fund each year of the biennium for the Partnership Project. Motion **FAILED** 3-3 with **REP. BARNHART**, **REP. COBB** and **SEN. LYNCH** voting yes.

**Motion/Vote:** **REP. COBB** moved to approve \$100,000 of general fund each year of the biennium for the Partnership Project. Motion **CARRIED** 4-2 with **SEN. BURNETT** and **SEN. SWYSGOOD** voting no.

**ADJOURNMENT**

**Adjournment:** 5:15 p.m.

*Cobb*

\_\_\_\_\_  
REPRESENTATIVE JOHN COBB, Chairman

*Paula Clawson*

\_\_\_\_\_  
PAULA CLAWSON, Secretary

JC/pc

# HUMAN SERVICES AND AGING

## Joint Appropriations Subcommittee

ROLL CALL

DATE 2-6-95 PM

NAME	PRESENT	ABSENT	EXCUSED
Rep. John Cobb, Chairman	✓		
Rep. Beverly Barnhart	✓		
Rep. Betty Lou Kasten	✓		
Sen. Chuck Swysgood, Vice Chairman	✓		
Sen. J.D. Lynch	✓		
Sen. Jim Burnett	✓		

Luis Steinbeck - LFA

~~Cornie Harkin - OBPP~~

Doug Schmitz - OBPP

## PROGRAM 03 VEHICLE LEASE REQUEST

EXHIBIT

1DATE 2/6/95 - 2nd mtg.

SB \_\_\_\_\_

THROUGH THE EPP PROCESS THE DEPARTMENT REQUESTED THE REPLACEMENT OF 8 VEHICLES FOR THE JUVENILE CORRECTIONS DIVISION. OBPP APPROVED THE PRESENT LAW ADJUSTMENT FOR THE VEHICLES, BUT THEY DID NOT GET INCLUDED IN THE PRESENT LAW ADJUSTMENT REQUEST

THE DEPARTMENT IS REQUESTING THAT THE REPLACEMENT COSTS FOR THE 8 VEHICLES BE INCLUDED AS A PRESENT LAW ADJUSTMENT AND THAT THE NEW PROPOSAL TO REPLACE THE PURCHASE OF THE VEHICLES WITH LEASED VEHICLES FROM THE DEPARTMENT OF TRANSPORTATION BE APPROVED

PRESENT LAW ADJUSTMENT:	FY96	FY97
3000 EQUIPMENT	50,500	31,200
GENERAL FUND	50,500	31,200

NEW PROPOSAL: (In executive request)	FY96	FY97
2200 SUPPLIES	(5,000)	(8,000)
2402 IN-STATE COMMERCIAL	20,808	36,298
2700 REPAIR & MAINTENCE	(2,000)	(3,200)
TOTAL SECOND LEVEL	13,808	25,098
3100 EQUIPMENT	(50,500)	(31,200)
TOTAL	(36,692)	(6,102)
GENERAL FUND	(36,692)	(6,102)
DIFFERENCE	13,808	25,098

EXHIBIT 2  
DATE 2/6/95 2nd mtg  
SB \_\_\_\_\_

The department shall prepare a unified budget for the Interdepartmental Coordinating Council on prevention of child abuse and neglect. The unified budget shall include funds from the: Department of Family Services, Office of Public Instruction, Board of Crime Control, Department of Labor and Industry, and Department of Social and Rehabilitation Services. The budget shall be presented to the Joint Oversight Committee on Children and Families and shall be included in the Governor's budget request to the 55th legislature.

C:\dfs\95sess\barnhart.2

DEPARTMENT OF FAMILY SERVICES



MARC RACICOT, GOVERNOR

(406) 444-5900  
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STATE OF MONTANA

HANK HUDSON, DIRECTOR

PO BOX 8005  
HELENA, MONTANA 59604-8005

TO: Human Services Subcommittee Members

FROM: Al Davis, Administrator  
Juvenile Corrections Division

RE: Juvenile Justice Community Projects

DATE: January 31, 1995

The 53rd Legislative Assembly approved the appropriation of \$150,000 dollars to be devoted to the development of services responding to local needs of high-risk juvenile justice youth. To date nine projects have been implemented in the following counties:

CASCADE COUNTY - Day Treatment Program (\$20,000)

CUSTER COUNTY - Community Work Program (\$14,722)

FERGUS COUNTY - Juvenile Tracking Program (\$18,110)

FLATHEAD COUNTY - Family Assessment Diversion Program (\$14,200)

LEWIS AND CLARK COUNTY - Intensive Supervision Program  
(\$15,268)

LINCOLN COUNTY - After School Intensive Care Program (\$15,000)

MISSOULA COUNTY - Community Work Program & School Monitoring (\$20,000)

GALLATIN COUNTY - Family Assessment Program (\$13,658)

YELLOWSTONE COUNTY - Conduct Disorder Treatment Program (\$26,000)

TOTAL COST OF INTERVENTION PROJECTS \$156,958

Silver Bow, Hill, Dawson, Park, and Lake counties currently have requests for assistance in funding identified projects to improve their community needs capability.

\$116,424 was expended on these projects during Fiscal Year 1994. The total appropriated amount was not devoted to the projects in that project planning occurred during the first two quarters of the year. The balance of the appropriated amount was devoted to residential placement needs of SED youth which ordinarily would have been charged to the departments foster care budget.

Over 800 youth and their families have been involved in community diversionary programs around the state during the past year.

Failure to fund the total projects will necessitate one of the following:

1. Reduce the amount allocated to each project reducing impact; or
2. Eliminate two of the current projects.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Human Services & Aging

SUB-COMMITTEE

DATE 2-6-95 - PM

BILL NO. \_\_\_\_\_

SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>at Madrid</u>	<u>DFS Partnership</u>	<u>Y</u>	

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

HR:1993

wp:visbcom.man

CS-14