

Memo

From: Anita Roessmann, Staff Attorney, Disability Rights Montana

Re: Legislative Update for April 30, 2009

You may already know that the Legislature adjourned on April 28, 2009. On the last day, the two funding bills, HB 2 and HB 645, passed with bi-partisan support.

What just happened:

HB 645 still contains \$500,000 for the three community crisis services bills. However, an amendment requested by Senator Esp says that \$475,000 must be used to implement HB 130, which is the bill that says that if counties develop crisis plans, they can receive state grants to help pay for crisis services. If HB 130 is vetoed, the \$475,000 may only be used to pay for community crisis services. That leaves only \$25,000 to implement HB 131 and HB 132. That's ok. The important thing is that there is some money for all three of the bills in HB 645, because language in the bills says that if there is no funding in HB 645, then the bills are void.

And now for the BIG news: HB 2 contains \$2 million to fund HB 130, 131 and 132. And that money is ONGOING. In other words, the joint conference committee that had so many difficult problems to solve in the final days of the legislative session made these bills a priority and found a way to give them a proper place in the budget. Forgive the shouting, but that kind of commitment just didn't seem like an option this year.

For this, we owe many thanks to Rep. Jon Sesso of Butte, who included these bills in his proposals to the conference committee and made sure they remained a priority throughout the negotiations. You can write to him at jonsesso@yahoo.com.

What happens next, maybe:

The three crisis bills were transmitted to the Governor today. The Governor has ten days to sign the bills as is, amend and sign them, or veto them. He can also allow the bills to become law without his signature on the 11th day. The 10th day is Saturday, May 9th.

If the Governor vetoes any or all of the bills, Legislators will have a chance to override the vetoes by mail-in ballot. Veto overrides rarely succeed, but the final vote on each of these bills was almost 130 out of 150 possible votes, so getting the 100 votes to override a veto may be a little more realistic in this case. Many lawmakers doubt that the Governor wants to veto the bills themselves.

The Governor can also line-item veto the funding bills. If he vetoes the \$25,000 appropriation in HB 645, all three of the crisis bills die. This indirect route to vetoing the crisis bills also seems an unlikely move by the Governor.

In the mostly likely scenario, the Governor would veto the \$2 million appropriation in HB 2. The Governor's office has had some technical concerns about the bills, but most objections have centered on funding. Indeed, there are many good arguments against funding these bills: Plan 189, which funds housing for patients being discharged from the State Hospital, was funded in the Governor's budget proposal at half this year's level; psychiatric tele-medicine was funded at a lower level in the Governor's budget proposal than in 2007; all state Departments must bear 7% vacancy savings and a 2% across the board cut, and DPHHS has been asked to identify \$22 million in cuts that could be made in the 2013 biennium.

The Governor has NOT said that he would veto the crisis bills or their funding. On Tuesday, many Democratic legislators sought assurances that the Governor would not veto the bills or their funding, but the Governor's office declined to provide that assurance. We understand that Eve Franklin, the Governor's health policy advisor and a strong advocate of community mental health services, is talking to stakeholders and gathering information for the Governor, who will be considering his choices in the days ahead.

We can still succeed:

For this advocate, uncertainty has made this a pretty bleak couple of days. The low point on Tuesday was a remark by someone from the Governor's office, the gist of which was, "You advocates made these bills successful but that doesn't necessarily mean they have merit."

How could anyone so completely fail to grasp what these bills are about?

The genesis of these bills was an interim study request that the Montana Association of Counties made last session. Counties large and small had tried for years to get help addressing the crisis services deficit in their communities. The interim study was conducted by 12 legislators on the Law and Justice Interim Committee. The committee heard from literally hundreds of witnesses, from dozens of different professions and walks of life, from every corner of the state, who said the community mental health crisis beds were a pressing need. The committee drafted and approved three bills. A coalition of organizations, from NAMI to Sheriff's and Peace Officers, endorsed them. Letters and emails of support inundated many legislators. In every committee, in every floor vote, the bills won by margins of at least three to one because of the messages from home that were reaching lawmakers. Support for the bills wasn't just bi-partisan—it was non-partisan.

The Governor's concerns about funding these bills are valid, but the arguments in favor of funding them, even in lean times, are more compelling:

- Lawmakers—our state policy-makers—overwhelmingly agree that it is time to address the deadly gaps in our community mental health system.
- By broad consensus, these bills are new policy priorities for Montana.
- If existing programs always have precedence over new ways of doing things, then growth, innovation and change can never become a priority.
- These bills have enough funding, \$2.5 million, to get started during this biennium.

So where we stand is this: The future of these bills and their funding is still in your hands. The Governor wants to hear from you. Please call Governor Schweitzer today to tell him how important these bills are to you.

The number is 444-3111.

In your message to the Governor, please ask him to sign the bills and endorse the funding in HB 2 and HB 645.

How to contact the Governor:

- **CALL THE GOVERNOR'S OFFICE:** 406-444-3111
- Send an email to the Governor by using the on-line contact form:
<http://governor.mt.gov/contact/commentsform.asp>
- Mail a letter:

Governor Brian D. Schweitzer
Office of the Governor
Montana State Capitol Bldg.
P.O. Box 200801
Helena MT 59620-0801
- Fax a letter: 406-444-5529
- Pass along this message to other advocates and supporters of community crisis services.

Please call me on my cell phone if you have any questions, 406-461-5350, or write to me at anita@disabilityrightsmt.org .

Thank you for all you do for people with disabilities.

Anita

Anita Roessmann
Staff Attorney
Disability Rights Montana
1022 Chestnut
Helena, Montana 59601
800-245-4743
406-449-2344
406-449-2418 fax
anita@disabilityrightsmt.org