

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

Call to Order: By Stella Jean Hansen, on March 15, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

HEARING ON SB 426

Presentation and Opening Statement by Sponsor:

Senator Rasmussen stated that this bill was an act to revise the Montana Clean Air Act to allow the proprietor or manager of an enclosed public place to designate and reserve the entire area as a nonsmoking area; and providing an immediate effective date.

Testifying Proponents and Who They Represent:

Ron Adamson,  
Jim Lighter, Montana Department of Health and Environmental Sciences  
Darlene Miller  
Patty Burdsall, Community Oxygen Service  
Toni Jensen, Rocky Mountain Tobacco Free Challenge  
Gary Horning  
Karen Landers, M.D.  
Annie Bartos, Montana Lung Association  
Rosette Kamlowski, American Cancer Society  
Anna Jones, American Lung Association  
Jeff Bolstad, State Farm Insurance  
Sharon Redpath

Proponent Testimony:

Ron Adamson stated that he had no objection to the bill because it did not change the law. He supported the freedom of choice and this legislation does allow freedom of choice on the part of the proprietor.

Jim Lighter stated that the Department of Health should be a leader in setting an example for the rest of the state. Because the clean air act is worded the way that it is, the building cannot be claimed as a nonsmoking building.

Darlene Miller stated her support for the clean indoor air act. If these revisions are adopted, policy development can be more definitive for protection against exposure to tobacco smoke. If the act is revised, there would be greater flexibility and decisions that must be made, whether or not to expose herself to smoke filled environment.

Patty Burdrall stated that the patients she cared for and the community look to them to set an example and act as a role model. She wants to give a strong message by her actions that smoking and second hand smoke presents a significant health risk. Exhibit 1.

Toni Jensen stated that this bill is an important piece of legislation because it offers businesses - an important new option under the Montana Clean Indoor Air Act. Exhibit 2.

Gary Horning stated this bill would allow the business proprietor to provide protection to their customers from second hand smoke. It protects defenseless infants and children from second hand smoke. The law would prevent the accidental burning of merchandise in a business and it would save on custodial upkeep and maintenance on the inside structure of businesses. Exhibit 3.

Karen Landers, M.D. stated that as a pediatrician whose primary focus is the prevention of disease, she speaks in favor of this bill. Exhibit 4.

Annie Bartos stated that she supports this bill.

Rosetta Kamlowski supports this bill.

Anna Jones stated that in discussing smoking we are dealing with a substance that has been doing serious harm to Americans for decades, smokers and non smokers alike. Exhibit 5.

Jeff Bolstad stated that what is fair, right and just is contained in this legislation. The right of a business owner to allow his establishment to be smoke free is fair, right and just.

Sharon Redpath stated that she was a sufferer from ambient smoke and urged the support of this bill.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Stickney asked Mr. Lighter if he felt this bill was necessary if there was previous legislation already and Mr. Lighter said that there was no smoking allowed in most work places unless it was a private office. The majority of the people that joined the Gasp group felt as an agency dedicated to public health protection, the Department should be advocate for a smoke free environment.

Rep. Simon asked Senator Rasmussen and Mr. Anderson if the bill could not simply say it may designate an entire area a smoking area or a non smoking area by posting a sign to the entire area. If you designate an area as non smoking you don't have to post it but if you declare it a smoking area, you do have to post it. Senator Rasmussen said it would be known quickly as the language of the bill is now that the entire area is non smoking. Mr. Anderson stated to designate an area a non smoking area is now in the present statute and as far as posting is concerned it is clearly covered.

Closing by Sponsor:

Senator Rasmussen closed on the bill.

DISPOSITION OF SB 426

Motion: Rep. Gould made a Motion TO BE CONCURRED IN.

Recommendation and Vote: A vote was taken and all voted in favor with the exception of Reps. Stickney and Squires. Motion carries.

DISPOSITION OF HB 741

The Hearing on HB 741 was held on March 3, 1989.

Motion: Rep. Gould made a Motion to TABLE this bill.

Discussion: Rep. Russell discussed the uniform system of hospital reporting and what the average costs are for Montana hospitals today which is valid information. Rep. Russell then suggested the appointment of a subcommittee.

Recommendation and Vote: A vote was taken and all voted in favor to TABLE the bill. Motion carries.

DISPOSITION OF HB 749

The Hearing on HB 749 was held on March 8, 1989.

Motion: Rep. Knapp reported on the status of the subcommittee. Rep. Lee then made a Motion to TABLE this bill.

Recommendation and Vote: A vote was taken to TABLE the bill and all voted in favor. Motion carries.

DISPOSITION OF SB 143

The Hearing on SB 143 was held on March 6, 1989.

Motion: Rep. Knapp made a Motion TO BE CONCURRED IN.

Discussion: Rep. Stickney stated that she was opposed the bill.

Amendments, Discussion, and Votes: Rep. Simon then proposed amendments. Rep. Squires stated that she objected to the amendments as did Rep. Good. Rep. Blotkamp stated that the bill should be killed.

Recommendation and Vote: Rep. McCormick made a Substitute Motion to TABLE this bill. A roll call vote was taken and all voted in favor with the exception of Reps. Brown, Good, Knapp, Russell, Simon, Strizich and Hansen. Motion carries to TABLE the bill.

DISPOSITION OF SB 163

The Hearing on SB 163 was held on March 8, 1989.

Motion: Rep. Stickney made a Motion TO BE CONCURRED IN.

Discussion: Rep. Good stated that the state did not have enough funding for the project.

Amendments, Discussion, and Votes: Rep. Brown proposed some amendments and made a Motion to move them. A vote was taken on the amendments and all voted in favor. Rep. Boharski proposed additional amendments. A vote was taken and all voted in favor with the exception of Reps. Whalen and Hansen.

Recommendation and Vote: Rep. Russell made a Motion TO BE CONCURRED IN AS AMENDED. Rep. Simon made Substitute Motion to TABLE the bill. A vote was taken and all voted in favor

with the exception of Reps. Hansen, Whalen, Russell, Strizich and Squires. Motion carries.

DISPOSITION OF SB 272

The Hearing on SB 272 was held on March 8, 1989.

Motion: Rep. Boharski made a Motion TO BE CONCURRED IN.

Amendments, Discussion, and Votes: Rep. Gould made a Motion to amend the effective date to 1996 which was later changed to 1997. A vote was taken and all voted in favor.

Recommendation and Vote: Rep. Gould made a Motion TO BE CONCURRED IN AS AMENDED. A vote was taken and all voted in favor. Motion carries.

DISPOSITION OF SB 311

The Hearing on SB 311 was held on March 13, 1989.

Motion: Rep. Good made a Motion TO BE CONCURRED IN.

Amendments, Discussion, and Votes: Rep. Simon made a Motion to move the amendments. A vote was taken and all voted in favor.

Recommendation and Vote: Rep. Simon made a Motion to BE CONCURRED IN AS AMENDED. A vote was taken and all voted in favor. Motion carries.

DISPOSITION OF SB 352

Motion: Rep. Gould made a Motion TO BE CONCURRED IN.

Discussion: Rep. Whalen stated that the bill should be referred to an interim subcommittee study resolution be adopted.

Rep. Good inquired on the fiscal note.

Rep. Nelson inquired on the statement of intent.

Amendments, Discussion, and Votes: Rep. Simon made a Motion to move the amendments. A vote was taken and all voted in favor. Rep. Good stated that the amendments were not extensive enough to cover the cost. Rep. Hansen stated that the Department already had an adoption department and the funding would be covered under this. Rep. Knapp stated that the Department was already established for adoption of children between 1 and 18 but the new bill would enable the adoption of infants.

Recommendation and Vote: Rep. Lee made a Substitute Motion to TABLE the bill. A vote was taken and all voted in favor with the exception of Reps. Russell, Brown, Gould and Strizich. Motion carries. Rep. Whalen then made a Motion that the committee adopt a committee resolution for the purpose of drafting a House and Senate Joint Resolution to study the issue of adoption, private and public between now and the next meeting of the Legislature. A vote was taken and all voted in favor. Motion carries.

DISPOSITION OF SB 398

Motion: Rep. Good made a Motion TO BE CONCURRED IN.

Recommendation and Vote: A vote was taken and all voted in favor. Motion carries.

DISPOSITION OF SB 399

Motion: Rep. Lee made a Motion TO BE CONCURRED IN.

Recommendation and Vote: A vote was taken and all voted in favor. Motion carries.

ADJOURNMENT

Adjournment At: 5:45 p.m.

  
REP. STELLA JEAN HANSEN, Chairman

SJH/ajs

M1507.min

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 15, 1989

NAME	PRESENT	ABSENT	EXCUSED
Stella Jean Hansen	✓		
Bill Strizich	✓		
Robert Blotkamp	✓		
Jan Brown	✓		
Lloyd McCormick	✓		
Angela Russell	✓		
Carolyn Squires	✓		
Jessica Stickney	✓		
Timothy Whalen	✓		
William Boharski	✓		
Susan Good	✓		
Budd Gould	✓		
Roger Knapp	✓		
Thomas Lee	✓		
Thomas Nelson	✓		
Bruce Simon	✓		

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE 3-15-89

BILL NO. SB 143

NUMBER 1

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Boharski	✓	
Rep. Brown		✓
Rep. Good		✓
Rep. Gould	✓	
Rep. Knapp		✓
Rep. Lee	✓	
Rep. McCormick	✓	
Rep. Nelson	✓	
Rep. Russell		✓
Rep. Simon		✓
Rep. Squires	✓	
Rep. Stickney	✓	
Rep. Strizich		✓
Rep. Whalen	✓	
Rep. Hansen		✓

TALLY

G. Strachan  
Secretary

Chairman

Motion: MOTION TO TABLE SB 143

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 272 (third reading copy -- blue) be concurred in as amended .

Signed: \_\_\_\_\_  
Stella Jean Hansen, Chairman

[REP. ADDY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 1, line 16.  
Strike: "1991"  
Insert: "1997"

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 311 (third reading copy -- blue) be concurred in as amended .

Signed: \_\_\_\_\_  
Stella Jean Hansen, Chairman

[REP. STELLA JEAN HANSEN WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 4, lines 20 through 22.

Following: "(3)" on line 20

Strike: remainder of line 20 through line 22

Insert: "The trust account money must be deposited in the state treasury and invested as required by law and the earnings credited to the trust account."

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 398 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Stella Jean Hansen, Chairman

[REP. BOHARSKI WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging  
report that Senate Bill 399 (third reading copy -- blue) be  
concurrent in .

Signed: \_\_\_\_\_  
Stella Jean Hansen, Chairman

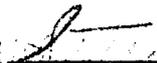
[REP. MERCER WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 16, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 426 (third reading copy -- blue) be concurred in .

Signed:   
Stella Jean Hansen, Chairman

[REP. LEE WILL CARRY THIS BILL ON THE HOUSE FLOOR]



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

March 15, 1989

Mr. Speaker:

We, the committee on Human Services and Aging report that House Bill #749 was tabled on this date.

Signed:

  
Stella Jean Hansen, Chairman



*The Big Sky Country*

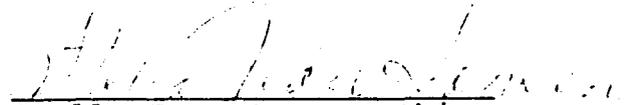
**MONTANA HOUSE OF REPRESENTATIVES**

March 15, 1989

Mr. Speaker:

We, the committee on Human Services and Aging report that House Bill #741 was tabled on this date.

Signed:

  
Stella Jean Hansen, Chiarkan



*The Big Sky Country*

**MONTANA HOUSE OF REPRESENTATIVES**

March 15, 1989

Mr. Speaker:

We, the committee on Human Services and Aging report that Senate Bill #143 was tabled on this date.

Signed: Stella Jean Hansen

Stella Jean Hansen



*The Big Sky Country*

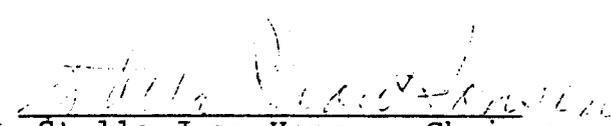
**MONTANA HOUSE OF REPRESENTATIVES**

March 15, 1989

Mr. Speaker:

We, the committee on Human Services and Aging report that Senate Bill #163 was tabled on this date.

Signed:

  
Stella Jean Hansen, Chairman



*The Big Sky Country*

**MONTANA HOUSE OF REPRESENTATIVES**

March 15, 1989

Mr. Speaker:

We, the committee on Human Services and Aging report that  
Senate Bill #352 was tabled on this date.

Signed: *Stella Jean Hansen*  
Stella Jean Hansen, Chairman

WITNESS STATEMENT

NAME Patty Burdwell BILL NO. 426  
ADDRESS P.O. Box 9236 Helena, Mt. DATE 3/15/89  
WHOM DO YOU REPRESENT? Community Oxygen Services  
SUPPORT  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As health care providers we feel it is important to have the option to designate our facility totally smoke free.

The patients we care for and the community look to us to set an example and act as a role model. We want to give a strong message by our actions that smoking and second hand smoke presents a significant health risk.

It has been determined that smoking is associated with emphysema, chronic bronchitis, lung cancer and heart disease. It increases the prevalence of mucus production, cough, freq. & severity of asthma attacks and the recurrence of respiratory infections. Lung function decreases with smoking and with <sup>chronic</sup> exposure to second hand smoke. Maternal smoking is associated with low birth weight, increased mortality, premature births and some complications of pregnancy.

Our patients with respiratory & cardiac disease are at increased risk from passive smoke. Some choose to limit activities outside of their home for fear of exposure to smoke and lack of understanding of their needs.

There are businesses in our community that try to provide for a non smoking area but at times are not effective due to poor ventilation or layout.

If this law were passed it would give them another option and improve the possibilities of clean indoor air for all of us.

WITNESS STATEMENT

EXHIBIT 2  
DATE 3-15-89  
HB SB 426

NAME Toni Jensen BILL NO. SB 426  
ADDRESS 422 Holten DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT? Rocky Mountain Tobacco Free Challenge  
SUPPORT  OPPOSE \_\_\_\_\_ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Madam Chairman and members of this committee. I am Toni Jensen, Coordinator of the Rocky Mountain Tobacco Free Challenge, a program operated by the State Department of Health and Environmental Sciences.

I am here to speak on behalf of SB426. I think that this is an important piece of legislation because it offers businesses an important new option under the Montana Clean Indoor Air Act - the option to be smoke-free areas. Even the Tobacco Company representatives supported this bill during the hearing in the Senate recently. Passive smoke is a public health hazard and evidence points to an increased risk of respiratory problems and lung cancer as a result of inhaling sidestream smoke.

SB426 effectively and simply provides for those CS-34 interested in designating themselves tobacco free, an opportunity to do so.

WITNESS STATEMENT

EXHIBIT 3  
DATE 3-15-89  
HB SB 426

NAME Gary Horning BILL NO. 426  
ADDRESS 3675 94th St W. DATE 3/15/89  
WHOM DO YOU REPRESENT? self  
SUPPORT  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill would allow the business proprietor to provide protection to their customers from second-hand smoke
2. It protects defenseless infants and children from second-hand smoke
3. The law would prevent the accidental burning of merchandise in a business. i.e. clothing stores. Also, this law would prevent hazardous fire situations in retail and food service businesses. It should bring down fire insurance premiums.
4. It would save on custodial upkeep and maintenance on the inside structure of businesses.

EXHIBIT 4  
DATE 3-15-89  
HB SB 426

TESTIMONY FOR HOUSE HUMAN SERVICES AND AGING COMMITTEE

Support SB 426 Allow proprietor to designate entire public place as nonsmoking area

Name: Karen Landers MD, Pediatrician from Helena

Representing: Self

As a pediatrician whose primary focus is the prevention of disease, I speak in favor of SB 426 which allows an entire public place to be designated as non-smoking by a proprietor or manager. Evidence suggests that passive smoke is not without effect. Despite clearly delineated smoking and non-smoking areas in public places, I have frequently found myself inhaling passive smoke. I would choose to patronize establishments which were entirely smoke-free were they available, and I think a proprietor or manager should have the option of doing so if he or she chooses. Please give SB 426 your concurrence.



# AMERICAN LUNG ASSOCIATION OF MONTANA

Christmas Seal Bldg. — 825 Helena Ave.  
Helena, MT 59601 — Ph. 442-6556

EARL W. THOMAS  
EXECUTIVE DIRECTOR

SB 426

HOUSE OF REPRESENTATIVES HUMAN SERVICES AND AGING COMMITTEE  
STELLA JEAN HANSEN, CHAIRPERSON

MS. HANSEN AND MEMBERS OF THE COMMITTEE: MY NAME IS ANNA JONES. I AM A PROGRAM CONSULTANT FOR THE AMERICAN LUNG ASSOCIATION OF MONTANA.

WE ARE IN COMPLETE SUPPORT OF SB 426. IT SEEMS ONLY REASONABLE THAT A PROPRIETOR OF A BUSINESS SHOULD HAVE THE OPTION OF BEING SMOKEFREE. IN FACT, WE HAVE HAD MANY QUERIES FROM MONTANANS ASKING HOW THAT CAN BE DONE LEGALLY IN THEIR OWN ESTABLISHMENTS.

RECENTLY NEWSCASTERS HAVE URGED REMOVAL OF CHILEAN FRUIT FROM GROCERY SHELVES AND REFRIGERATORS BECAUSE OF POSSIBLE POISONING. IN DISCUSSING SMOKING WE ARE DEALING WITH A SUBSTANCE THAT HAS BEEN DOING SERIOUS HARM TO AMERICANS FOR DECADES - SMOKERS AND NON-SMOKERS ALIKE. WE FEEL NON-SMOKERS SHOULD BE ABLE TO OPT FOR CLEAN AIR.

PLEASE GIVE SB 426 A DO PASS RECOMMENDATION.

EXHIBIT 5  
DATE 3-15-89  
HB SB426

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. SB 426

DATE 3/15/89

SPONSOR Rasmussen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Toni Jensen	Helena	✓	
ANNIE BARTOS (MT. LUNG ASSOC.)	HELENA	✓	
Agelene Buller (self)	Helena	✓	
Shawn Kelpath (self)	Helena	✓	
Anna Jones <small>Ames. Club Assoc. of MT</small>	Helena	✓	
Patty Bursball	Helena	✓	
Joy Batted	Helena	✓	
Karen Landers MD	Helena	✓	
R. G. Kambrowsky II (Am Cancer Society)		✓	
GARY HORNING	HAURE, MT.	✓	
John Anderson	Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.