

January 27, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Thursday, January 27, 1977 at 3:30 P.M. in room 431 of the State Capitol. All members were present, with the exception of Representative Colburn, who was excused.

The first bill to be heard was HOUSE BILL 227. Representative Kimble was the sponsor. He explained that HOUSE BILL 227 would allow people adopted out of state or on a reservation to be issued substitute birth certificates. The original legislation only allowed issuance of substitute birth certificates for people being adopted within Montana. Mr. John Wilson, Records & Statistics Bureau of the Department of Health, was present to answer any questions. There were no further proponents. There were no opponents. Questions followed.

HOUSE BILL 221 was then taken up. Chairman Menahan, chief sponsor of this bill, turned the testimony over to Ken Hoovestal, Montana Snowmobile Association. This bill doesn't attempt to raise or lower the allowable noise level of snowmobiles; it only strives to retain the present level. See prepared statement. The next proponent to speak was Mr. Everett Woodgerd, representing the Missoula Snowmobile Dealers and the Missoula Snogoers and the Seeley Lake Drift Riders. He has consulted with several dealers and they are in agreement that the manufacturers will not be able to meet these requirements. There were no other proponents.

There were no opponents to HOUSE BILL 221. Questions were asked. It was pointed out by Mr. Hoovestal that 73 decibels is half as loud as 78 decibels. He passed out a sheet which compared noise levels of various items. It was also pointed out that the original bill pertaining to noise levels had been introduced by the snowmobile dealers themselves, and they have now found that the standards they proposed setting have been unable to meet. Mr. Don Malmberg, Fish and Game Department, explained the testing procedures which that department had used on snowmobiles.

The hearing was then opened on HOUSE BILL 257. Representative Dussault as Chief Sponsor proposed to let the social workers speak for themselves and turned the testimony over to them, reserving her comments for closing. The first proponent to speak was Mr. Barry York, who had helped to draft the bill. He offered to help answer any technical questions the committee might have. The next proponent was Ms. Suzanne Tiddy, President of the Montana Chapter of the National Association of Social Workers; see prepared statement. The following proponent was Janet Kovalchik, West-Mont Home Health Care, Inc., who presented a written statement both for herself and for Sister Elizabeth Henry, a registered nurse and the administrator of West-Mont Home Health Care, Inc. The next proponent was Jean Adams,

North Central Montana Mental Health Center. She feels this bill would encourage professionals to develop their skills through the continuing education phase. Tom Davis, Research Assistant for the Sociology Department at Montana State University then expressed his endorsement of the statements made by the previous proponents. Helen E. Hendricks, Department of Social and Rehabilitation Services, also helped draft this bill. Mr. John Bower, Director of the Social Work Program at MSU, also helped draft this bill. As for the educational perspective, the MSU faculty supports the bill. Mr. Bill Ancell, MSU Social Work Club President, expressed that organization's overwhelming support of the bill. Jennifer Scholes, a student in social work at MSU, also supports the measure. Peggy Thompson, a social work student from Carroll College, also supports it, as does Judy Uhlrich from MSU. Pete Surdock, Jr. from the Department of Social and Rehabilitation Services spoke as a social worker. He also helped design the bill, which he claimed had been studied for four years. He presented to the Committee over 136 letters in support of this legislation; see copy. Mr. Galen O. Wilson, North Central Montana Community Health Center, explained how this bill would affect community health centers. It would mean additional income. He also feels that it would be easy to fill positions. He stated that the North Central Montana Community Health Center's psychiatrist also supports this bill. A representative from Warm Springs State Hospital appeared in support of the bill, stating that this would reinforce that institution's desires to become accredited. He feels that it would not be the desire of the proposed licensure committee to put anyone out of business. Mr. Tom Schneider, representing social workers from all over the state, stated that the majority of those responding were in support of the bill.

The first opponent to this bill was Chad Smith, representing the Montana Hospital Association. He stated that it was unfair to the smaller hospitals in Montana, because in order to maintain accreditation it is necessary to indicate that they are performing some level of social work, which would fall within the definition in this bill. These hospitals wouldn't have enough work to justify hiring a social worker. He suggested an amendment to page 3, section 4, line 16. He suggested to include in this list 'hospital counselors'. He is not sure if this amendment would work. Representative J.D. Lynch then spoke. He is in favor of the bill, but feels a serious error has been made in determining who will qualify as a certified social worker. He has received several letters and mailgrams (which he submitted; see attached copies) from social workers and others that expressed the feeling that the experience factor should be considered at this level.

There were no other opponents. Representative Dussault closed. Certified social workers would be those who might set up private practice and for this reason she feels the education requirement is justified. Washington State is considering a masters program in social work for Montana residents. She pointed out that a

grandfather clause had been included in the bill which would exempt an applicant from the academic qualifications if he or she could satisfy the board and if the individual had been engaged in the practice for two or more years. As far as objections to licensure insofar as it might limit the access of professionals qualified to be licensed, there are two methods to solve this problem: (1) sunset legislation; and (2) this Legislature due to an interim committee will most likely set up a special hearing officer, who will hear contested cases so that the board will not be the last and final decision-maker.

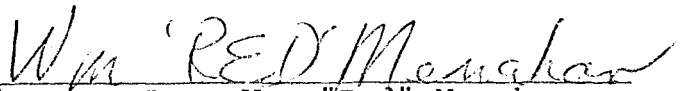
Questions were then asked. It was questioned whether these changes would affect the pay plan and ultimate cost to the state. Pat Melby, Director of the Department of Social and Rehabilitation Services, then spoke as neither a proponent nor an opponent. He feels that it definitely would affect the classifications. Tom Schneider disagreed, pointing out that the classifications had nothing to do with the people, they only pertained to jobs. Representative Lynch introduced the possibility of changing the certified social worker position to require a bachelor's degree and six years experience. Mr. Surdock explained that a master's program required an internship. Representative Porter shamed the proponents for proposing to downgrade the profession of social workers by including those with associates degrees. The questions arose as to whether or not the clients were in favor of this bill. Mr. Larry Boone spoke in opposition to the bill. The Chairman informed him that the hearing was closed and this period was for answering questions only.

HOUSE BILL 184 was then heard. The sponsor was Representative Palmer. He explained that this was a very serious bill. He then passed out proposed amendments, which would eliminate the need for a fiscal note. See attached copy. The first proponent to speak was Ms. Karen Townsend, Deputy County Attorney for Missoula County. She also submitted an amendment which would require local law enforcement agencies to take care of the cost. She pointed out that this bill would treat the rape victim as the law already does treat the victims of other crimes. She stressed that it was unfair to bill the rape victim for the exam. Ms. Deirdre Boggs representing the Women's Law Caucus then spoke; see attached statement. Barbara Tucker, Women's Resource Center of Missoula, then spoke in support of the bill, as did Carol Zabin from the Women's Place of Missoula. It was pointed out that this test is not considered treatment and does the woman no good but to obtain evidence. Sue Bartlett, Helena Women's Center, Rape Awareness Program, then spoke; see prepared statement. Representative Cooney then spoke testifying that he, as a co-sponsor, had received many letters and messages of approval concerning this legislation.

The only opponent to HOUSE BILL 184 was Tom Dowling, Lewis and Clark County Attorney. He feels that the amendment still doesn't get at the problem, although the concept of the bill is good. If we recognize this as being a state problem, then fund it, but don't give it to the county attorneys or the sheriffs, or they will start picking and choosing their cases in order that their budgets aren't wasted. He feels the bill should be funded through the Department of Social and Rehabilitation Services or some other state agency.

Questions were then asked, and Representative Palmer closed. He expressed his open-mindedness to any amendments that might be offered in order to solve this question of who should pay for these exams. It was brought out that some counties don't pay for them and the victims are billed. Representative Palmer then suggested that a subcommittee be set up to work together and amend the bill to everyone's satisfaction, since it was agreed that there was a problem. The County Attorney for Yellowstone County then expressed his feeling that the individual should not be billed; he was unsure of Yellowstone County's procedures in such cases. Mr. Dowling suggested an amendment which would provide that the law enforcement agency involved shall pay. Representative Ryan then moved that HOUSE BILL 184 DO NOT PASS. As a substitute motion Representative Kimble moved that the committee defer action and that the bill be placed in a subcommittee. Representative Porter seconded the motion. Motion carried with Representative Ryan opposed. A subcommittee was assigned, composed of Representatives Kimble, Palmer and Ryan.

The subcommittee report of HOUSE BILL 174 was postponed due to the late hour, and the meeting was adjourned.


Chairman - Rep. Wm. "Red" Menahan

Secretary