

February 8, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, February 8, 1977 at 3:00 P.M. in Room 431 of the State Capitol. All members were present.

The first bill heard was HOUSE BILL 387, sponsored by Representative Moore. This is a revenue-producing bill. It requires that those persons who dispense, sell, or give away drugs, mechanical articles, etc. be licensed at \$10 per year by the Board of Pharmacy. It requires that these articles be advertised in a discreet and tasteful manner. There were no other proponents.

There were no opponents to HOUSE BILL 387. The sponsor closed. Questions were asked. Representative Cooney wanted to know why the bill was needed, and Gordon Dillow replied that some months ago there had been problems with an ad in the Kaimen (U of M Student Newspaper). At present there is no law concerning advertising of these goods. When this ad was printed, the County Attorney told the editor that this was against the law; the ad was withdrawn. It was stressed that this bill only aims to insure that dispensers of these articles would be controlled within the state.

HOUSE BILL 461 was heard. Representative Holmes as chief sponsor said that passage of this bill would help insure clear proof in court. The bill is one of the top five priorities of the recommendations made from a two-year project. Gerald Dunbar, Montana Chiefs of Police Association, and also a member of the Montana Justice Project, then spoke. Because of financial problems in the past, this bill has never been able to pass. The bill still needs more studying done on it. Chuck O'Reilly, Assistant Director of the Montana Justice Project spoke, stating that the need for such capabilities has been long needed in the state. It takes from six weeks up to four or five or more months to obtain results from the Federal Crime Lab in Washington. Montana has more than six times the necessary requirements to establish a lab in the state. The only approach would be to establish a temporary two-year Board of Forensic Science; it is not their intent to create another permanent board. After these two years are finished, the Forensic Science system would be part of the Department of Criminology. He stressed that much work has gone into this research and it is evident that there is no longer any doubt about the need for a Forensic Science Division in the state. Mike McGrath, Attorney General's Office, stated that there have been objections from various parties, and that there were amendments to the bill which were forthcoming, which should solve these problems. Representative Scully then spoke, having been a member of the Law Enforcement Task Force. For too long these people have been involved in the politics of personalities, but there has been no one who has disagreed about the need for the forensic sciences lab. In light of the fact that there are some

amendments which will be submitted, he asked the committee to form a subcommittee to deal with the bill. He also pointed out that the automatic sunset and death of the Board had been included in this bill at his insistence.

It was the intention of the Head of the Department, who is a forensic pathologist, to cut the fiscal impact of this bill. The concept given this bill has evolved around the desire to accomplish it with as little expense as possible. He urged the consideration of the merits of the bill rather than those of the personalities attached to it. Tom Dowling, County Attorneys Association, was in full accord with the concept proposed in the bill, and offered his services to the proposed subcommittee for working on amendments. He stressed that it was about time that we had forensic ability in Montana. At present there is only one pathologist in a five-state area encompassing Montana. Mike Nelson, Montana Coroner's Association, then spoke. The bill originally did not provide that a full-time coroner serve on the Task force; the tentative amendments would put his association in complete support of the long overdue bill. There were no further proponents.

Appearing as neither a proponent nor an opponent to HOUSE BILL 461 was Don Pratt, Executive Director of the Montana Funeral Association. He was concerned about the impact this bill would have on people in the rural areas, and supported the suggestion to put the bill in a subcommittee. Representative Holmes closed. Questions followed. A motion was made to assign a subcommittee. Motion carried with one member opposed.

The next bill heard was HOUSE BILL 480, sponsored by Representative Bengtson. This bill would give support to the deinstitutionalization program in Montana. This program is the best alternative we have and to fund and support it is the best thing we need to do. She explained the bill section by section. The maximum state funds that can be appropriated for regional mental health insurance contracts have been revised to cover a maximum of 90% of the funding. She called attention to Senate Joint Resolution 15, expressing the Legislature's intent to adequately maintain funding for community health centers, which was passed unanimously in the Senate. Dr. Bryce Hewett, Director of the South Central Mental Health Center in Billings appeared on behalf of himself. Essentially, the services rendered used to be 100% financed by the state. John Nesbo, Toole County Commissioner and Chairman of the Region 2 Mental Health Center, is in support of the bill, but objects to the mandatory participation portion; see prepared statement. Frank Lane, Director of Region 1 Community Health Center, Clark Anderson, Region 5 Director of the Community Health Center, Joe Harrington, Region IV, Phil Powers, Department of Institutions, Clyde Cromwell, Chairman Region III Mental Health Board, and others stood and stated their support of the bill.

Nancy Lien, Mental Health Advisory Council, stated that there is an urgent need for consistency in funding across the state; see prepared statement. Jan Brown, a Mental Health Association volunteer

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from Helena, spoke; see prepared statement. There were no further proponents.

One opponent to HOUSE BILL 480 then spoke. Mr. Dean Zinnecker, Montana Association of Counties, opposed the mandatory provision philosophically. It is a question of whether one wants regional or local government. He pointed out that Gallatin County provides a mental health service in conjunction with the University system, although it does not participate in a regional program, they do not care to participate in the region.

Representative Bengtson then closed. The number of patients at Warm Springs has decreased since the onset of the deinstitutionalization program. Their turnover rate is faster. The whole program has put a burden on the regional mental health centers. They need the most adequate funding possible. Questions followed, during which a hand vote was taken among the proponents present which indicated that the majority of them were opposed to the mandatory provision being included in the bill. The Mental Health Association of Montana expressed their support for mandatory participation. The main problem with some of the patients is that they have no funds following them. It was reassured that no one was ever turned away for lack of their ability to pay or the mental health center's lack of funds; they are always given at least one session. Dr. Hewett brought up the need for more group homes, as well as more funding. Representative Kimble brought up the question of why the funding hadn't ever been handled through the general fund or some other process. The only way counties can fund anything is through taxes. In order to obtain state funding, local control would be lost. It was explained that federal monies were to be used only for staff salaries.

The hearing was closed.

HOUSE BILL 298 was then heard. Representative Bentgson was also sponsor of this bill. She presented some proposed amendments and proceeded to explain the bill. This legislation is also a step in the direction of supporting and encouraging the deinstitutionalization program. The reason for the amendments is because of an error on the part of the Legislative Council in the drafting of this bill. Bill Beck, Jr., Executive Director of the Billings Sheltered Workshop, Inc. spoke, stating that the state would publish a list of the products and services that it ordinarily purchases and the sheltered workshops will be given a chance to perform these products. Bob Hall, Executive Director of Helena Rehabilitation Industries, said that this concept is now being used on a federal level and in 26 other states. In Montana we currently have about five facilities involved in work related activities. In addition, during the past year about 30 small activity centers have sprung up. At this point there are an additional 8 - 10 that realize that the people coming out of Boulder and Warm Springs need to get involved in some kind of a work activity; they are beyond the arts and crafts stage. He distributed a hand-out which explained the workings of this bill. Ken Rohyans, Progress Inc., then said that his organization was neither a sheltered workshop nor an activity center. He is not interested in getting involved in manufacturing, but is interested

in the outcome of the bill because (1) the more the workshop activities the more possibility of each client gaining experience that may lead to competitive employment and (2) it is much better to fund client programs through earnings than through subsidy. Representative Porter spoke up in support of this bill. There were no opponents. Questions were asked. It was pointed out that this bill did not require a fiscal note, as the state already was purchasing these services; and why not give these people a job instead of out-of-state organizations? Luther Glenn, Department of Administration, expressed their support of the concept. The hearing was closed.

The committee then went into executive session to consider the following bills: Representative Holmes moved that HOUSE BILL 298 DO PASS AS AMENDED per the sponsor's amendments. Representative Porter seconded the motion; motion carried unanimously.

HOUSE BILL 285. Representative Harper presented amendments to the committee which cleared up several problems the opponents had with the bill. Representative Kimble moved that AS SO AMENDED DO PASS; Representative Holmes seconded it. Representative Gould made a substitute motion that the bill DO NOT PASS. Discussion followed.

Representative Gould feels that the legislature should be doing everything possible to promote the good quality of air, water, etc., and we should leave it up to these people to take punitive actions. He feels that it is one of the worst bills the Department of Health has ever proposed. Representative Porter felt that the Legislature should encourage people to put pollution control devices on their equipment, and not penalize them. Representative Harper stressed that all the bill is saying is that we need to clarify the law, because it is unclear now; It is conducive to conflict and argument. Representative Holmes made a motion for all motions pending that the bill be amended; motion carried unanimously. The motion of DO NOT PASS AS AMENDED was then voted on - motion carried; see roll call vote. Representative Cooney brought up the possibility of moving this bill to Taxation and it was discussed.

SENATE BILL 29 was heard at this point. Mr. John Bobinski spoke on behalf of the sponsor, Senator Blaylock. He assured the committee that there were no substantive changes made in the bill, and mainly it was a house-leaning recodification measure. There were no further proponents nor were there any opponents to this bill. The hearing was closed.

The committee then went back into executive session. It was moved and seconded that HOUSE BILL 387 DO PASS. Representative Ryan made a substitute motion that it DO NOT PASS. Discussion followed. The substitute motion failed; see roll call vote. Further discussion took place. The original motion of DO PASS was then voted on; see roll call vote. It also failed.

A subcommittee was assigned to consider HOUSE BILL 461. Representatives Feda, Cox, Vinger, Kenny, Holmes and Menahan shall form the subcommittee.

It was announced that HOUSE JOINT RESOLUTION 38 will be heard at the next meeting, on Thursday, February 10, 1977.

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a committee resolution drawn up concerning victims of catastrophic illness; see attached rough draft.

The meeting was adjourned.

Wm RED Menahan
Chairman-Rep. Wm. "Red" Menahan

Secretary