

February 17, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Thursday, February, 17, 1977 at 10:00 A.M. in Room 431 of the State Capitol. All members were present with the exception of Representative Gould, who was excused.

The first bill to be heard was HOUSE BILL 694, sponsored by Representative Fagg. This bill grandfathers in all existing all-glass doors, after describing them. In the future, doors and sidelights to doors that are 18" above the floor will be glazed by safety glazing. It will be more expensive; however.

The only opponent to HOUSE BILL 694 was Sonny Hanson, Montana Technical Council. He agrees with the concept of the written code, but he feels that this should not be incorporated into the legal process as a bill. The bill refers to the uniform building code, which has already been adopted. The only problem has been that the code has been impossible to enforce because of lack of funding. Senate Bill 411 is putting all the code functions into one central core. This should be an administrative function.

Representative Fagg then closed. He stressed that he did not see anything in the code which covered this matter in as explicit a manner as this bill sets forth. He promised to study the code further before the committee took executive action on the bill. He pointed out that 34 states had adopted this type of measure at present.

HOUSE BILL 676 was then heard. The sponsor was Representative Palmer. He explained the bill. The first proponent to speak was Ludvig G. Browman, Missoula County Commissioners and Local Government Advisory Council; he left a prepared statement. Suzanne Tiddy, Montana Chapter of the National Association of Social Workers spoke next and also left testimony. Jim Murry, AFL-CIO, also spoke and left a copy of his testimony. A member of the Civil Liberties Union of Montana also spoke up in support of the bill. Hugh Standley, a past member of the Montana Poverty Advisory Council, spoke. There have been great inadequacies in what people are receiving from county to county on the welfare level. Rod Gudgel, Montana Nursing Home Association, spoke. The need for social services is equal throughout the state. Some counties do not impose taxes for this purpose, however. Those areas as a result do not provide the services that nursing home patients and others require, to the same degree as the counties that do impose taxes.

The opponents to HB 676 then testified. Representative Lynch said that he felt that this was probably the worst bill to come before the Legislature this session. He agrees with the idea that financial responsibilities should go to the state. However, he disagrees with taking away local administrative powers. He has

February 17, 1977

talked to Pat Kenney, County Commissioner, who agrees with this feeling. Gregg L. McCurdy, Montana Association of Counties then spoke and left a copy of his testimony. George Sager, Gallatin County Commissioner, spoke in opposition to the bill, as did Dale Skaalure, Choteau County Commissioner. Mr. Skaalure left an outline of his testimony. Larry Anderson, Liberty County Commissioner, then spoke. About six mills of their seven-mill levy go to the poor fund, which would be wiped out by this bill. Equality is a fine term, but can we have truly equal service in every area? His county is taking care of the people it needs to take care of. Representative Palmer then closed. He stressed that it makes no sense that a large county has to pay a large amount of property taxes. A majority of the counties voted against this measure, but 57% of the people supported it. Also, a county can still levy a poor fund to support hospitals. Questions then followed. Representative Lynch wanted to amend the bill to leave the administration with the counties themselves. Commissioner Skaalure stated that basically he would be opposed to such an amendment because the state picks up the tab after 13 mills. The hearing on HB 676 was then closed.

HOUSE BILL 658, sponsored by Representative Lynch, was heard next. This bill was introduced at the request of the Department of Institutions. The testimony was then turned over to Joan Uda, Office of Budget and Program Planning staff attorney. She explained that this bill was developed in part by her office and in part by the Department of Institutions. The main purpose of the bill is to give a legal footing to develop reimbursement procedures that will be fairly applied and will assist them in a general overall redesign of that system, not only with statutory changes, but through development of Department rules. Some simple amendments were offered, see copy.

There were no opponents to HOUSE BILL 658. The hearing was closed. Executive action was then taken on the following bills:

HOUSE BILL 480 - Representative Cooney moved that it DO PASS AS AMENDED. Representative Lynch seconded the motion. Discussion took place. Question was then called for and the motion carried with Representatives Ryan, Stobie, Cox and Vinger opposed.

HOUSE BILL 523 - Representative Lynch moved and Representative Palmer seconded that it DO PASS. Discussion. Motion carried unanimously.

HOUSE JOINT RESOLUTION 66 - Representative Lynch moved that it DO PASS. The governor's office has federal funds coming to deal with the matter in this resolution. Representative Cooney then seconded the motion and the question was called for. Motion carried with Representative Feda opposed.

HOUSE BILL 709 - It was moved that it DO PASS AS AMENDED. See amendments enclosed with these minutes. Motion carried unanimously.

300 - Rep. Lynch moved that it DO PASS AS AMENDED. Discussion. The chairman went over the amendments. Rep. Colburn made a motion of DO NOT PASS AS AMENDED. The substitute motion See roll call vote.

HOUSE BILL 371 - Rep. Cooney moved that it DO PASS AS AMENDED; see attached of the amendments. Rep. Kimble seconded the motion; motion carried with Reps. Colburn, Stobie and Ryan opposed.

HOUSE BILL 676 - Rep. Lynch moved that it DO NOT PASS and the motion was seconded. Rep. Palmer made a substitute motion that it DO PASS. The substitute motion failed; see roll call vote. It was agreed to switch the votes for the original motion. The original motion of DO NOT PASS thus carried.

HOUSE BILL 658 - Rep. Cooney moved that it DO PASS AS AMENDED; Rep. Lynch seconded the motion. Discussion took place. The motion was then voted on and carried; Rep. Stobie abstained from voting.

HOUSE BILL 694 - Rep. Porter questioned whether it was clear if this subject was covered in the building codes. It was decided that no one really knew whether it applied or not. Rep. Fabrega was present and at the request of Rep. Porter explained that this rule could become uniformly enforced if made into state law. Rep. Porter then moved that the bill DO PASS and the motion carried unanimously.

HOUSE BILL 307 - Rep. Cooney moved that it DO PASS AS AMENDED; see attached amendments. Discussion. The feeling was expressed that the Director's duties are so widespread that a M.D. would not have enough expertise to handle them. Question was then called for and the motion carried with Reps. Metcalf, Harper and Feda opposed.

HOUSE BILL 114 - A motion was made that it DO PASS AS AMENDED. Discussion. Mr. Pyfer, the committee attorney, cleared up some problems Rep. Harper had about whether or not the recipients would have to move or if the state would start picking up the tab. Rep. Palmer brought up the fact that a new fiscal note should be drawn up, as the amended version of the bill would have a different fiscal impact. As a result of this point, the motion was withdrawn and it was agreed to postpone action on the measure until a new fiscal note could be obtained.

The committee then heard the rest of the bills scheduled for the day's meeting.

HOUSE BILL 544 was heard. The sponsor, Rep. Fabrega, explained that this bill has one change--under present conditions, advice cannot even be given to children living at home with their parents without parental approval, and this is a serious mistake. Oftentimes the consequences are being treated rather than the cause. Jim Reynolds, a second-year law student at the U of Montana, then spoke. He was the original drafter of the bill. This is already in federal law. He submitted one minor amendment.

There were no opponents to HOUSE BILL 544. Questions were answered. The sponsor pointed out that the Montana Medical Association was in support of this measure.

HOUSE BILL 772 was then heard. The chief sponsor, Rep. Dussault,

February 17, 1977

explained what the bill did. The bill looks more complicated than it really is. The bill relates to an act that provided for the development of community programs for developmentally disabled persons. The original bill covering this was passed in the 1973 session of the Legislature. That bill (HB 412) was essentially never enacted, because the Legislature never appropriated funding. In the 1975 session via HB 353 a series of amendments were made to the original act. Since enactment of that bill, it has become apparent that several changes are necessary; the sponsor chose to include them all under one bill. She then went through the bill and explained all of the changes being proposed.

Gertrude Malone, Executive Secretary of the Montana State Board of Nursing then stood up as an opponent to the bill. She submitted written testimony and a recent attorney general's opinion, which she felt was in conflict with Section 3, Subsection (3) of the bill. The Board of Nursing feels that the training for the administration of medications is already as minimal as possible. Opinions from both the past and present attorney generals have spoken to this same question and their conclusions are in conflict with the provisions in this amendment. A recent opinion has been received concerning whether home managers can be included under the Nursing Act who do incidental nursing. The opinion says that administration of medication cannot be considered so because it falls under the definition of nursing. She requested a delay in action on the bill until the proponents can clear this up. If that would not be possible she suggested to amend this portion of the bill out. Dixie McCampbell, a registered nurse, then spoke, concurring with the former's statements.

The sponsor then closed. She explained that her original intent had been to amend the Nurses Practices Act. But it was agreed that if there were any other way to accomplish the purpose of this section of the bill that it would be preferable, in view of the fact that the nurses had worked hard to establish this act, and didn't want it chipped away at. She stressed that the attorney general is really saying that this type of thing is needed. These people, the home providers, have to have the authority to give medications. This is going a little too far in territorial protection, on the part of the nursing profession. She said that she would be more than happy to bring in nurses from the Missoula area who held opinions contrary to those presented to the committee. There were no questions from the Committee members.

HOUSE BILL 682 was then heard. Rep. Bradley, chief sponsor, explained that her original intent had been to include this bill in the energy conservation package; however, it had been referred to this committee instead. She then went on to explain that she didn't know for sure how much electricity was wasted by the method described in the bill; however, other more populous states have adopted similar legislation.

There were no opponents to HOUSE BILL 682. Questions followed. Rep. Porter presented a paper concerning this bill, which he had received from the Montana Retail Association. He questioned the sponsor whether the manufacturers weren't possibly already taking care of this problem. The sponsor chose to say that this bill might prove to be an important back-up to such a movement. She also stressed that it hadn't been her intention to outlaw remote control devices. She agreed to obtain more information about the remote control aspect of the bill. The hearing was then closed.

HOUSE JOINT RESOLUTION 62, sponsored by Rep. Holmes, was heard next. She

February 17, 1977

distributed proposed amendments to the resolution. For several years, licensed psychologists in the state have been anxious to preserve their standards, so the quality of their work and their reputation might not be degraded. At the same time, non-licensed practitioners have been in the state trying to do the same. Year after year these two groups have faced each other at the Legislature. We have been hoping national standards and local pressures would encourage these groups to reach a compromise, but this has not occurred. This resolution will assure that this will happen; the amended version would give them that directive. Marvin McPhail, Warm Springs State Hospital, appeared on behalf of himself, stating that he would like to see the resolution receive a DO PASS in its unamended form. Dr. Mark H. Mozer, Ph. D., Montana Psychological Association, spoke next. He expressed support of the amended version of the resolution. He stressed that this is not a matter of the haves vs. the have-nots. Janet P. Wollersheim, Vice-Chairman of the Montana Board of Psychologists, spoke next. As there have been no national guidelines, their Board chose not to introduce any legislation concerning this problem this session. In the past three legislative sessions there have been three attempts to lower the standards presently in force, all by the same individual, who is presently not qualified for licensure.

The sponsor then closed. The fact that there wasn't a lot of opposition to the resolution speaks for itself.

The committee then went back into executive session and considered the following bills:

HOUSE BILL 544 - Rep. Colburn moved that it DO PASS AS AMENDED; Rep. Cooney seconded the motion. Motion carried with Reps. Cox, Stobie, Feda and Gould opposed.

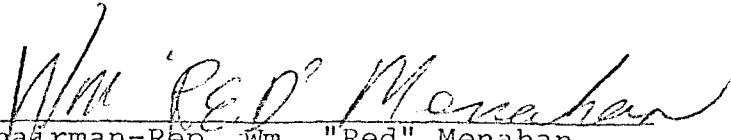
HOUSE BILL 772 - Discussion took place. The sponsor submitted to the chairman an amendment to the bill deleting "in cooperation with the board of nursing". Rep. Jensen moved that the bill DO PASS AS AMENDED. Motion carried.

HOUSE JOINT RESOLUTION 62 - Rep. Holmes moved that it DO PASS AS AMENDED. Discussion took place. It was brought out that if the amendment were accepted, there would be no cost to the state. Rep. Cooney then seconded the motion. It was then mutually agreed by the members to divide the original motion into two parts. The amendments were voted on. The motion to accept the amendments carried with Reps. Metcalf, Harper and Colburn opposed. A substitute motion of DO NOT PASS was made and seconded. Further discussion took place. Rep. Gould then made a motion for all motions pending that the committee reconsider their action on accepting the amendments. Question was called for and Rep. Gould's motion carried; see roll call vote. Rep. Gould then moved that the resolution DO PASS. Discussion. A substitute motion was made to pass the bill for the day. Rep. Ryan then made a motion for all motions pending that the resolution DO NOT PASS. Rep. Kenny seconded his motion. Motion carried; see roll call vote.

The meeting was then adjourned.

---

Secretary

  
Chairman-Rep. Wm. "Red" Menahan