

April 12, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, April 12, 1977 at 10:00 a.m. in Room 431 of the State Capitol. All members were present with the exception of Reps. Menahan and Lynch, who were excused, and Reps. Colburn, Kimble and Wyrick, who were absent. Vice Chairman Holmes called the meeting to order.

HOUSE JOINT RESOLUTION 103, sponsored by Rep. Meloy, was heard. This resolution calls for a study of the problems and needs of battered spouses. The appropriation that would have provided for such a study was killed on the House floor. The Crime Control Commission has been interested in problems of domestic fights for some time. The law is very unclear about a remedy for the beaten spouse. The only legal way to protect the person is to go to court and get a restraining order. The woman may not bring a civil suit against the husband, in Montana, either. There are problems with bringing criminal action, also. This resolution will not cost the Legislature any money. The Crime Control Commission wants to address this problem, and they want the Legislature to be involved; this resolution will accomplish this goal.

Rep. Estenson then spoke up in favor of HJR 103. There are some real misconceptions about the people involved in this kind of problem. They are not necessarily the low socio-economic class. She pointed out another problem related to the battered spouse syndrome, which is the battered child. She closed by stressing that help is needed for those who have this problem.

Ernest Post, staff representative for the Montana State AFL-CIO then spoke. There is much information and research that should be done on this matter. The bill that was previously introduced relating to this matter suggested setting up group homes for these persons. His feeling is that research should be done, because the battered person should not always return home.

Vincent J. Bosh, representing operating engineers throughout Montana, then spoke up in support of HJR 103. He deals with this type of problem every day, and there is a great need for this study in his opinion.

There were no opponents to HJR 103. Questions were then asked. Rep. Kenny asked the sponsor what would be involved in the proposed study. There are two aspects: (1) to examine the statutes in Montana, and (2) to try to gather statistics in the communities to determine how prevalent the problem is. The Crime Control Commission has given its staff as a priority this particular problem. Mr. Bosh

April 12, 1977

suggested that the study include some conclusions about how much protection a police officer should have when intervening in family disputes.

Rep. Palmer then moved that HJR 103 DO PASS. Discussion then took place. Rep. Kenny was still not sure what the study would actually accomplish. He wanted to know what would be the result of the study. Mr. Pyfer told the committee members that at present a wife cannot sue her spouse for civil damages for assault, however, the police can take criminal action. Rep. Gunderson suggested directing that the study be strictly for the amending of present statutes. Rep. Vinger stated that the laws should be changed to allow recourse for the spouses in such cases, but that this is as far as the Legislature should go.

The question was then called for on HJR 103. Motion carried with five members opposed; see roll call vote.

HOUSE JOINT RESOLUTION 101 was then acted on. Rep. Porter began by explaining that the resolution does two things and that both parties involved want to have it passed. Nursing home people have been run by regulations. This resolution would obviate the regulations and then it should be resolved by this committee to have a bill drawn up which would make these rules statutory. Mr. Rod Gudgel, Montana Nursing Home Association, concurred with Rep. Porter's statements. He spoke at the consent of the committee members. Rep. Porter then moved that HJR 101 DO PASS. Further discussion took place. Rep. Metcalf said that the House had previously passed a bill calling for a study on this whole problem of rule-making authority by agencies. It seems to him that this other bill will solve the problem this resolution is addressing. Rep. Porter disagreed, stating that the other bill would be "after the fact" in its direction. Rep. Harper expressed concern about the financial implications of the passage of the resolution during the interim. Rep. Porter didn't think there would be any lapse involved. Mr. Pyfer concurred with him. Rep. Stobie stated that he did not feel the committee had time to have an additional bill drawn up before the end of the session. Rep. Metcalf then moved that HJR 101 be TABLED until the rules were suspended and another bill could be introduced to go with the resolution. Rep. Palmer stated that if it was the will of the committee, then a committee bill should be drawn up. Rep. Gould suggested that Rep. Porter make a motion on the Floor to have the rules suspended and get such a bill introduced.

Rep. Porter at this point excused himself, being that he had to attend a hearing in the Senate. He left the following votes: drafting of a committee bill - YES DO PASS HJR 101 - YES.

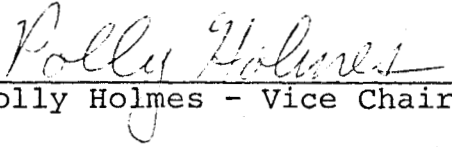
April 12, 1977

Rep. Jensen said that if this resolution received a DO PASS, an immediate problem would be taken care of for the nursing homes. Rep. Feda expressed doubt that the committee would be able to get rules suspended in order to introduce the additional bill. Rep. Harper agreed with Rep. Feda. The question was then called for. At this time Rep. Metcalf included in his motion that a committee bill be introduced and that Rep. Menahan as committee chairman request that the rules be suspended in order to make this possible. Motion carried with Reps. Stobie, Jensen, Ryan and Vinger opposed.

Rep. Jensen then moved to take HJR 101 off of the table. He stated that what the committee was proposing to do would take somebody's time and will only change one rule. Question was called for and the motion carried with Reps. Gould and Stobie opposed.

Rep. Jensen then moved that HJR 101 DO NOT PASS. Rep. Vinger made a substitute motion that it DO PASS. Rep. Cooney then made a motion for all motions pending that HJR 101 be passed for the day, in order to see if it would be possible to have a committee bill introduced. Motion carried with Reps. Harper and Vinger opposed.

The meeting was then adjourned.



Rep. Polly Holmes - Vice Chairman

Secretary