

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 22, 1977

The twenty-ninth meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Tuesday, March 22, at approximately 11:00 A.M.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 318: Chairman Stephens introduced Representative Metcalf to the Committee members and then turned the meeting over to the Representative. The sponsor of HB318 explained his bill by saying the bill was by request of the Department of Professional and Occupational Licensing and that it would make only minor changes in the way the Board of Chiropractors operate. Representative Metcalf said the changes are directed to: 1) The day of the Board's meeting; 2) Striking the temporary permit limitation which now restricts the permit's valid time period; 3) Time application should be received by Board changed from 15 to 21 days; 4) \$50 fee would, under this bill, be submitted with application; 5) Striking the requirement applicants take state exam with a number designation, rather than their names; 6) Change in the name of the exam.

The sponsor then introduced Ed Carney of the Department of Professional and Occupational Licensing, who said he would answer questions, but had no statement.

There were no other witnesses, for or against the bill.

Questions from Committee members were relatively few. Senator Olson questioned Mr. Carney regarding the amendment to the present statute which would eliminate the number designation of an applicant. Mr. Carney thought the Senator had a valid point, but said the number (rather than the person's name) serves no purpose and it was thought it would be just as well to be honest. After some further discussion relating to where the majority of college graduates take the chiropractic exam (usually certified nationally at the college versus taking the State exam) Senator Olson proposed that the portion of the bill striking the number designation be re-instated. John McMahon, of the Montana Medical Association, said he wanted it recorded that a physician spoke for the chiropractors on this bill.

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ACTION ON HOUSE BIL 318: Senator Olson's motion that the stricken portion of the bill (see Committee Report) be re-instated was seconded by Senator Watt - it carried on a voice vote. Senator Rasmussen then moved the bill, as amended. By a unanimous vote, HB318 was, AS AMENDED, CONCURRED IN. (Chairman Stephens will carry the bill on the Senate floor.)

CONSIDERATION OF HOUSE BILL 523: Representative Kennerly addressed the Committee next. The sponsor explained this bill as one requested by the Department of Community Affairs. The legislation deals with day care centers on Indian reservations being licensed by the State, in order that those centers be eligible to receive SRS Title IV-A AFDC related day care monies.

Merle Lucas, Administrator, Department of Indian Affairs, testified this legislation is needed because the existing statute does not state whether they can license day care centers on Indian reservations. Mr. Lucas said the question has been raised as to what would happen if the minimum standards are not met under State law, and his answer is that if the facility on the Indian reservation does not meet minimum standards then it would be a case of the State not re-licensing that center for the next year. (See Exhibit "A")

There were no other witnesses for this bill.

Questions concerned matching State funds with federal funds; (there was some vagueness in the testimony here - Lucas said it all passed through federal funds and the tribe would have to finance. He stated the tribe would have to develop and finance the facility themselves. This legislation is aimed at a reimbursement idea - meaning that under the Aid to Dependent Children program, Indian children could go to this facility on the reservation and then that day care center would be reimbursed by welfare. As it is now, tribes are not eligible for this because of the licensing requirement. This legislation merely authorizes the State to license.) Questioning as to how this matter has been handled in the past brought out testimony that proponents think this bill would be a safeguard for both parties in that the two licenses already given to reservations by the State were not given with any authority - Mr. Lucas pointed out that the federal government realized there is a jurisdictional problem here and they have tried to overlook it - all this bill would do is clear up the matter. This bill would allow tribes to participate in Aid to Dependent Children. Senator Hims1 asked how this bill compares with HB629 - the answer was the same bill was introduced twice (once under a different number) so HB629 was tabled.

ACTION ON HOUSE BILL 523: Senator Lee moved HB523 BE CONCURRED IN - motion carried unanimously. (Senator Lee will carry on the Senate floor.)

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CONSIDERATION OF HOUSE BILL 307: Representative Menahan introduced his bill by saying he sponsored it at the request of the Governor.

Bob Lohn from the Governor's staff testified on the bill first. Mr. Lohn said this bill would remove the statutory qualifications for the Director of Health and Environmental Sciences. He said the current statute made the requirements for this position to rigid. The present Director has been named the Acting Director because he is unable to meet all the present requirements. The statute would be changed to read: 1) have a degree of doctor of medicine; 2) be a medical doctor who is eligible for examination in the State of Montana.

John McMahon, Montana Medical Association, said they are strongly in support of this bill. Dr. McMahon added he does not think the State would have a problem finding qualified persons under this legislation. (See Exhibit "B")

There were no opponents to this bill.

Senator Olson requested the Committee take no executive action on this bill at this meeting.

That concluded the hearing on HB307.

CONSIDERATION OF HOUSE BILL 585: Representative Vincent sponsored this bill at the request of the Department of Health and Environmental Sciences. He explained the changes his bill would make on the present law.

Mona Jamison, attorney for the Department of Health and Environmental Sciences, further explained the changes they would like (see Exhibit "C").

Don Willems, Department of Health and Environmental Sciences, testified to clarify the intent of the Department concerning the State's classification of lakes and streams. He said they are presently allowed to lower classifications of streams and, also, their intent is not to lower the classification of Flathead Lake. Some streams have been mis-classified (gave an example of a stream that has been classified as safe for drinking when it is not). Any changes in classification are not made until there is a public hearing.

Don L. Allen, Executive Director for the Montana Petroleum Association, testified before the Committee concerning his industry's concern with the word, "introduction". Their feeling is that this word changes the meaning of the bill and a concern they have centers around the water introduced in drilling. "Introduction" changes meaning.

Jim Mockler, Montana Coal Council, testified next, also questioning the word, "introduction", in the bill (page 2, line 18).

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He said his industry does introduce a new material when they take out the coal.

Peter Jackson of the WETA organization spoke to the Committee concerning the permit portion of the bill - he asked the Committee to look very carefully at it so there would not be duplication of permits from various agencies.

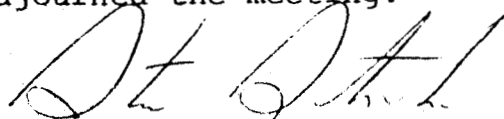
Representative Vincent, in closing, said he did not think there is a serious problem in the bill - his primary concern is to continue to have Montana a leader in assuring its citizens high quality water. Vincent said the word, "introduction", is qualified by the effect it has.

There were no additional witnesses.

Questions from the Committee delved rather extensively into the worries of the mining and oil industries on this bill. Mr. Willems said they have no problem with the industries; his Department's primary problem is seepage. "Introduction" should be added to line 23, page 2 also. 208 program will control non-point sources. Senator Himsl asked the secretary to be sure to put it into the minutes that there is no commitment made to change the classification of Flathead Lake - This would be done in direct conflict with the act. Mr. Willems said this section deals only with streams. Congress is considering new rules on this subject and will probably have them formulated this summer. When it was asked if this is another federal promotion plan for the State of Montana, the answer was negative. When Senator Watt asked Mr. Allen if the oil industry uses saline waters in wells, the answer was affirmative (in some cases) - however, Mr. Allen said, the saline water is never put back into fresh water. Mr. Willems said they have not found any damage to underground water due to the oil industry's injection system.

The hearing was concluded, due to the shortage of time before session began.

ADJOURNMENT: With no further business to be taken care of at this time, Chairman Stephens adjourned the meeting.



STAN STEPHENS, Chairman

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE :

[illegible]

SUPPORT,
OPPOSE OR
AMEND?

ON BILL #

AMEND?

[illegible]

STANDING COMMITTEE REPORT

MARCH 22

19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 523

Respectfully report as follows: That HOUSE Bill No. 523

third reading bill

BE CONCURRED IN.

DO: RASX

90

STANDING COMMITTEE REPORT

MARCH 22

19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL Bill No. 318

Respectfully report as follows: That HOUSE Bill No. 318

third reading bill, be amended as follows:

1. Amend page 4, Section 4, line 10.

Following: "qualifications."

Insert: "The application shall be designated by a number instead of the applicant's name, so that the identity will not be discovered or disclosed until after the examination papers are graded."

AND, AS SO AMENDED, BE CONCURRED IN.

DO PASS:

96

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

15th LEGISLATIVE SESSION - 1977.

Date 3/22 Bill No. 523 Time

NAME	YES	NO
LEE, Robert	1	LEE
RASMUSSEN, Tom	2	RASMUSSEN
OLSON, Stuart	3	OLSON
HIMSL, Matt	4	HIMSL
WATT, Robert	5	WATT
ROBERTS, Joe	6	ROBERTS
NORMAN, Bill - V. Chm.	7	NORMAN
STEPHENS, Stan - Chairman	8	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: Senator Lee
Moved Be Concurred In

(Include enough information on motion—put with yellow copy of committee report.)

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45TH LEGISLATIVE SESSION 1977.

Date 3/22 Bill No. 318 Time 11:15

NAME	Y	N
LEE, Robert	1	
RASMUSSEN, Tom	2	
OLSON, Stuart	3	
HIMSL, Matt	4	
WATT, Robert	5	
ROBERTS, Joe	6	
NORMAN, Bill - V. Chm.	7	
STEPHENS, Stan - Chairman	8	

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: Rasmussen moved
he concurred in

Justification for an act to amend Section 10-806, R.C.M. 1947, to allow the Department of Social and Rehabilitation Services to receive applications for licenses^{ing} for day care facilities from Indians residing on an Indian reservation.

On Montana reservations, it is a well established practice for relatives and neighbors to care for children in their homes on an informal basis. Recently, however, formal day care service systems have been established on two of Montana's seven reservations. A Denver University report entitled, "Legal and Jurisdictional Problems in the Delivery of SRS Child Welfare Services on Indian Reservations", states that "...Social and Rehabilitation Service (SRS) programs are federal-state programs; authority for administering the delivery of SRS services clearly lies with states and their local political instrumentalities, counties. However, on many reservations the authority of state governments and the jurisdiction of state law is strictly limited or nonexistent....SRS Legislation generally requires its programs to be administered on a statewide basis. Some states, however, have taken the position that because of their limited jurisdiction on reservations, it is not possible to operate certain SRS programs on reservations in exactly the same fashion as elsewhere in the state...."

Federal SRS Legislation requires day care facilities to be licensed by the state in order to receive SRS Title IV-A AFDC (Aid to Families with Dependent Children) related day care monies. Because of the state's limited jurisdiction on reservations, by Montana Law, SRS's authority to license day care facilities on

**MONTANA
MEDICAL
ASSOCIATION**

2021 Eleventh Avenue • Suite 12 • Helena, Montana 59601

March 22, 1977
TuesdayM E M O R A N D U M

TO: EACH MEMBER, SENATE PUBLIC HEALTH COMMITTEE

FROM: JOHN W. McMAHON, M.D.

RE: HB307

Gentlemen:

Relative to HB307, "A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE STATUTORY QUALIFICATIONS FOR THE DIRECTOR OF HEALTH AND ENVIRONMENTAL SCIENCES: . . ." I am taking this means to furnish you with pertinent material.

The Association of State and Territorial Health Officials in a memorandum to its members furnished the salary survey table listed below for state health officials.

Range	No. of States <u>1975</u>	No. of States <u>1976</u>
\$20,000 - \$24,999	1	1
\$25,000 - \$29,999	4	5
\$30,000 - \$34,999	6	2
\$35,000 - \$39,999	15	16
\$40,000 - \$44,999	13	11
\$45,000 - \$49,999	5	7
\$50,000 and over	3	5

Department of Health and Environmental Sciences - January 17, 1977

COMMENTS TO PROPOSED WATER POLLUTION
CONTROL ACT AMENDMENTS

Amendments to the Montana Water Pollution Control Act are being proposed for the following reasons:

Section 69-4802(5) -

The purpose of the proposed addition to the "pollution" definition is to assure that the Department and Board of Health and Environmental Sciences have the authority to control pollution originating not only from point sources but also from nonpoint sources.

Section 69-4806(3) -

This amendment is proposed to assure that any provision of a permit or stipulation, and not just a limitation imposed by a permit, is enforceable.

Section 69-4806(4) and (5) -

These additional sections assist in clarifying the scope of the Department's enforcement powers.

Section 69-4808.2(1)(c)(i) -

This section is no longer needed since revised standards have since been adopted by the Board of Health and Environmental Sciences.

Section 69-4808.2(1)(c)(ii) -

This proposed amendment corrects the existing law since it is now recognized that some of the initial water-use classifications were incorrect. As an example, many of the small streams in the eastern part of the State were incorrectly given a beneficial use classification indicating suitability for drinking purposes while "natural" conditions make the water unfit for domestic use.

Section 69-4808.2(1)(d) -

The duties enumerated in this section should be duties of the Department of Health and Environmental Sciences and not the Board.

Section 69-4808.2(2)(a) -

The discretionary duties conferred upon the Board in this section should also be duties of the Department.

Section 69-4809.1(1)(h) and Section 69-4809.1(2) -

The duties which were conferred upon the Board under Section 69-4808.2(1)(d) and Section 69-4808.2(2)(a) are transferred to the Department in these sections.