

## MINUTES OF THE MEETING

### PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 24, 1977

The thirtieth meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Stan Stephens in Room 405 of the State Capitol Building on the above date, at approximately 11:00 A.M.

ROLL CALL: All members of the Committee were present, with the exception of Senator Roberts.

CONSIDERATION OF HOUSE BILL 730: Representative Quilici explained his bill to the Committee as one which make it mandatory for group homes and foster homes to have a fire inspection, either by the State or by local fire marshall or fire inspector, before they can acquire a license. (See proposed amendment in Exhibit "A".)

Rod Gudgel, Montana Nursing Home Association, testified in support of the bill, and talked about amendment (page 2, line 2) made in the House.

Norma Catone of the SRS, representing Director Pat Melby, testified they supported the bill with amendment.

W. S. Hanson, testifying for the Montana Technical Council, supports the bill but questioned whether (page 1, Section 1, line 17) this bill relates to "operational" standards or "construction" standards - Mr. Hanson believes it should be clarified.

Questions covered the following:

1. The Social Rehabilitation Services, State Fire Marshall and the Health and Environmental Services all get into the whole inspection process under this legislation.

2. Most of this is existing law but the intent is to see that the State or local fire marshall inspect the homes. The SRS will administer the whole act (administer license and has prime responsibility) the State fire marshall and Department of Health and Environmental Services will look into it as far as fire and health goes.

3. The reason the fire marshall and Department are listed here is because the SRS does not have the experience to develop standards.

March 24, 1977

4. Standards coming under the Department of Health inspector's scrutiny now are those of: safety, nutrition and sanitation.

5. Private homes are also inspected for sanitation - social workers go in now and submit the requirements for licensing.

6. When a child goes into a home, the Department feels it's only right to see that he is going into a home that is all right in terms of safety and sanitation, especially when the potential foster parents are asking for the responsibility. The Department never harrasses parents.

7. The SRS has already budgeted smoke detectors, which are installed in homes - but remain State's property, to be removed when child/children are. If you have a safe home, this bill should not affect it at all. The financial status of homes does not matter - it's an across-the-board thing on detectors.

8. No more FTEs - because it's now being done.

The hearing was concluded on this bill, with NO ACTION being taken.

CONSIDERATION OF HOUSE BILL 487: Sponsor Eudaily said this bill is unusual in that the affected professionals want this legislation - the bill is at the request of the Montana State Pharmaceutical Association. This bill would simply require a continuing education program for pharmacists. On the fiscal note, long-range impact, special council deleted.

Rod Gudgel of the Montana State Pharmaceutical Association, said their polled membership showed landslide voting for this legislation. Suggested amendment (see Exhibit "B").

Representative Eudaily, in closing, said he would be in agreement with amendment. The sponsor said he would like to commend the Pharmacists Association on trying to keep up-to-date.

No other witnesses for or against this bill.

Questions covered the following:

- 1) Methods of study would be: (answered by Dr. Cochran)
  - a) tape cassettes
  - b) open book exams
  - c) voluntary basis
  - d) home study programs
  - e) books
  - f) continuing education programs at their meetings.

March 24, 1977

2) Even though there is a strong debate on the value of this continuing education, other professions follow this manner of keeping up on their profession - among those that do are the optometrists and nursing home administrators. It is not taken lightly.

3) Pharmacists want it.

4) Lead time (1979 effective date) needed to adopt rules and regulations.

5) Senator Olson questioned Subsection B and C in bill - asked Mr. Gudgel if pharmacist can substitute drugs, and questioned whether this continuing education is necessary on this level, considering that pharmacists should already know that after graduation.

The hearing was concluded, with NO ACTION being taken.

CONSIDERATION OF HOUSE BILL 694: Sponsor Representative Fagg introduced this bill because of his worry concerning ordinary plate glass used in doors, etc., versus the safer safety glass. This problem is addressed under the Chapter 56 of the Uniform Building Code, but this section of the Code not enforced. This bill is to get that Section of the Code enforced. A grandfather clause takes care of every building except new construction. Representatives Quilici and Fabrega, glass glazing experts, supports the bill.

William Conklin, attorney in Great Falls, was the main witness for bill. Conklin said he is immensely interested in public safety from hazardous plate glass after handling two cases concerning plate glass injuries. Attorney Conklin forwarded a 1973 Washington bill to Representative Fabrega asking sponsorship. Mr. Conklin further testified as to the difference in shattering of plate glass (shards) versus safety glass (cubes). Plate glass gets weaker, more brittle with age. The Uniform Code does not now require safety glass. Expenditure-wise, the difference between the two glasses is modest.

Terry Lins, Montana Painters D.C. #59, testifying for glazing employees in the State, said these workers have had quite a few accidents while working with plate glass. Lins urged support of the bill.

Russ Livergood, Montana Retail Association, speaking in opposition to the bill, said he feels passage of this would duplicate federal rules/regulations. Submitted to record "Federal Register". (See Exhibit "C".)

W. S. Hanson, Montana Technical Council, testified not in opposition but pointed out any reference to a specific year's code ("1972") should be deleted and insert "most current".

March 24, 1977

In closing, Representative Fagg said he had not seen anything from the federal government on the problem. What he proposes in this bill is stronger than Uniform Building Codes and they must be stronger than federal codes. New homes would be required to have safety glass as specified, which would amount to 1 - 2 percent more of the glass cost. FHA financing is now covered under current standards. If your building code is already issued, this legislation would not apply (grandfather clause).

The hearing ended, with NO ACTION being taken at this time.

CONSIDERATION OF HOUSE BILL 724: In the absence of the sponsor, Representative Lynch, Ernie Post of the AFL-CIO, addresses the Committee and explained this asbestos bill while supporting it. Post told Committee members that even though the House weakened the bill by amending, it is still a good bill.

Larry Huss, of the Montana Contractors Association, supports the bill, saying asbestos is a very serious problem. His association is concerned about Section 5 on page 4 which requires a full-time supervisory person. Huss feels this could mean not the foreman but a specific foreman, and not the person making the application of the product, which would mean excessive cost of insulation. Mr. Huss asked for deletion of Section 5, saying the safeguards are in the rest of the bill.

Mr. Post, in the sponsor's absence, said all they want to have is someone to be responsible for application because of the bill's penalties -- he said that part of the bill is needed.

Questions included:

- 1) Strike "full time" (which received okay from Mr. Huss).

Chairman Stephens said he would talke with the sponsor concerning the amendment proposed by Senator Norman.

The hearing was concluded on this bill, with NO ACTION being taken.

CONSIDERATION OF HOUSE JOINT RESOLUTION 74: Edith Cox, sponsor of this Resolution, explained the bill. Gary Walton, representing the Montana Nursing Home Association, explained the proposed amendments to Committee members.

No further witnesses. Senator Rasmussen questioned the advisability of leaving "older" in on page 1, line 12-13, since it is limiting and misleading.

ACTION ON HJR74: Senator Watt moved bill,  
BE CONCURRED IN - motion carried (Senator Story will carry on floor).

March 24, 1977

ACTION ON HOUSE BILL 724: Senator Lee moved adoption of proposed amendment (see Standing Committee Report) - carried on voice vote. Senator Rasmussen then moved bill AS AMENDED, BE CONCURRED IN - motion carried. (Senator Lee will carry).

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting.

A handwritten signature in dark ink, appearing to read 'St. Stephens', written in a cursive style.

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STAN STEPHENS, Chairman

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 3/24

[illegible]

MARCH 24th, 1977

SENATOR PUBLIC HEALTH,  
WELFARE AND SAFETY

T E S T I F Y I N G

SUPPORT,  
OPPOSE OR  
AMEND?

NAME:

REPRESENTING:

ON BILL #

(Please leave any prepared statement with Secretary)

William Couklin	self	HB 694	Support
Norma Burton	SRS	HB 730	Support
Gary Walton	MNHA	HB 730 HJR 74	Support
IF "	MSPA	HB 487	Support
Larry Liser	Mont. Painters D.C. #39	HB 694	Support
Larry Huss	Mont. Cont. Assoc	HB 724	Amend.
Frank Paul	Mont. State & FL-CIU	HB-694 HB-724	Support
HARRISON FARR	STATE RSP	HB. 694	SUPPORT
Rod Gudgeal	<del>MSA</del> MNHA	HB 730	Support
Rod Gudgeal	MSPA	HB 487	Support
Rod Gudgeal	MNHA	HJR 74	support
Ch. Mann	Mont. Ind. Council	HB-694	?

DATE MARCH 24, 1977

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY BILL NO. misc.

# VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Bruce Daugherty H.S. Harmon	Eldredge & Co. Mend Technical Council	730 724	
Ralph E. Lally	Rep. # 24 Rep. Dist 100 (Approved)	H.S.P. 14 HB 487	
Joyce Cochran	School of Home Ugly M	HB 487	



# STANDING COMMITTEE REPORT

MARCH 24

19 77

PRESIDENT

MR. ....

PUBLIC HEALTH, WELFARE AND SAFETY

We, your committee on .....

HOUSE

having had under consideration ..... Bill No. 724

HOUSE

Respectfully report as follows: That ..... Bill No. 724

third reading bill, be amended as follows:

1. Amend page 4, Section 5, line 22.

Following: line 21

Strike: "full-time"

AND, AS SO AMENDED, BE CONCURRED IN.

XXXXXX  
XXXXXX



STAN STEPHENS

Chairman.

# STANDING COMMITTEE REPORT

MARCH 24

19 77

PRESIDENT

MR. ....

PUBLIC HEALTH, WELFARE AND SAFETY

We, your committee on .....

HOUSE JOINT RESOLUTION

having had under consideration ..... Bill No. 74

Respectfully report as follows: That ..... HOUSE JOINT RESOLUTION ..... Bill No. 74

BE CONCURRED IN.

# ROLL CALL

## VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977

Date 3/24 Bill No. HJR 74 Time

NAME S:

YES

NO

LEE, Robert	1	LEE
RASMUSSEN, Tom	2	RASMUSSEN
OLSON, Stuart	left meeting	OLSON
HIMSL, Matt	left meeting	HIMSL
WATT, Robert	3	WATT
ROBERTS, Joe	absent	ROBERTS
NORMAN, Bill - V. Chm.	4	NORMAN
STEPHENS, Stan - Chairman	5	STEPHENS

Joyce (Kelly) Allen  
Secretary

STAN STEPHENS  
Chairman

MOTION:

Senator Watt  
- moved resolution

# ROLL CALL

## VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 3/24 Bill No. 724 Time

NAME S:	YES	NO
LEE, Robert	1	LEE
RASMUSSEN, Tom	2	RASMUS
OLSON, Stuart	3	OLSON
HIMSL, Matt	Left meeting	HIMSL
WATT, Robert	4	WATT
ROBERTS, Joe	ABSENT	ROBERT
NORMAN, Bill - V. Chm.	5	NORMAN
STEPHENS, Stan - Chairman	6	STEPHENS

Joyce (Kelly) Allen  
Secretary

STAN STEPHENS  
Chairman

Motion:

Senator Lee moved HB 724  
Be Concurred In  
As Amended

(include enough information on motion—put with yellow copy of

E X H I B I T "A"

(A)

PROPOSED AMENDMENT TO HOUSE BILL NO. 730

REPRESENTATIVE QUILICI

March 24, 1977

1. Amend page 3, section 3, line 4.

Following: "section"

Insert: "must be approved by the department of health and  
environmental sciences and shall"

JQ:1k1

EXHIBIT "B"

18

MONTANA STATE PHARMACEUTICAL ASSOCIATION

House Bill No. 487

Amend as follows:

1. Amend page 5, section 3, line 7  
Following: "hours of"  
Insert: "approved"



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SERVING THE TOTAL INTERESTS OF MONTANA RETAILERS

AREA CODE 406  
442-3388

# HOUSE BILL NO. 694

AN ACT RELATING TO CONSUMER PROTECTION;  
PROHIBITING THE USE OF NONSAFETY GLAZING  
MATERIAL IN HAZARDOUS LOCATIONS WITHIN  
BUILDINGS; PROVIDING A PENALTY.

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Testimony Before the Senate Public Health Committee  
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Mr. Chairman, Members of this Committee:

My name is Russ Livergood, lobbyist for the Montana Retail Association, appearing in opposition to House Bill No. 694.

House Bill 694 is an act governing the use of safety glass and safety glazing materials or substitutes to be used in hazardous locations within public buildings, etc.

The Consumer Product Safety Act was passed by the federal government in October of 1972, signed by the President and became effective December 26, 1972. Created in the Act was the Consumer Product Safety Commission which, in February of 1976, after many previous hearings, adopted proposed regulations governing safety glass and safety glazing materials. The proposed regulations were formally and finally adopted and placed in the Federal Register on January 6, 1977. Those final regulations adopted by the Federal Consumer Product Safety Commission, cover the same ground as is covered by H.B. 694. Since a federal agency has already adopted regulations and has the enforcement powers over safety glass and safety glazing materials, I suggest to you that enactment of this legislation would only duplicate federal rules and regulations, further clutter the statutes of this state and serve no worthwhile purpose whatsoever.

I would further suggest to you that the state of Montana should not interfere in interstate commerce and this would be occurring under H.B. 694.

I submit to you that it is totally unnecessary that Montanans be subjected to a duplicate set of rules and regulations at both the federal and state levels, and therefore H.B. 694, in my opinion, is certainly unneded, unnecessary and unwarranted and I respectfully suggest that this committee recommend H.B. 694 "do not pass."

Mr. Chairman, members of this committee, thank you for the opportunity to appear before you and express the views of the Montana Retail Association.



Box 1176, Helena, Montana

ZIP CODE 59601

LUNDY SHOPPING CENTER  
MISSOULA HIGHWAY

JAMES W. MURRY  
EXECUTIVE SECRETARY

REMARKS OF ERNEST E. POST ON HOUSE BILL 724, HEARINGS OF THE SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE, MARCH 24, 1977

On behalf of the workers and residents of the State of Montana, I appear before you today in support of House Bill 724 -- one of the most progressive safety and health measures introduced during this session of the Legislature. House Bill 724 addresses one of the most fundamental environmental battles being waged in our state, and that is the environmental battle over the conditions of the work place.

Organized labor has long recognized the fact that a dirty plant makes for a dirty environment, and that one way to clean up the environment is by cleaning up the work place.

⇒ House Bill 724 represents a meaningful attempt to make Montana's air cleaner and healthier not only for workers but for all Montanans. By taking on asbestos, House Bill 724 takes on one of the deadliest hazards known to workers.

In 1973, Dr. Irving Selikoff, one of the leading occupational disease physicians in the United States, reported that approximately 200,000 workers were being exposed to asbestos on the job and that another 800,000 ex-asbestos workers were still living in the United States, for a total of one million workers exposed to asbestos in the work place. Of those million workers, according to his research, two in 10 will die of lung cancer, five in 10 will die of some other form of cancer, and one in 10 will die of an emphysema-like disease called asbestosis. The single cause of asbestosis, which is an irreversible hardening of the lung tissue, is the inhalation of asbestos fibers.

Less than 20 years ago, asbestos was linked with yet another disease, mesothelioma, a rare cancer that attacks the lining of the lung and other body cavities. It is always fatal.

Clearly, it would be in the best interests not only of workers but of the entire Montana community, to rid our atmosphere of this proven killer. I urge your support of this life-saving legislation.

opeiu #2, afl-cio

