

February 5, 1979

HUMAN SERVICES COMMITTEE PROCEEDINGS:

A meeting was held by the Human Services Committee on February 5, 1979, in the Capitol Annex Room #20. The meeting was called to order by Chairman Polly Holmes at 12:30, and all members were present except Representatives Fabrega, O'Connell, and Wyrick.

SENATE BILLS #125 & #127 -- SPONSOR: Senator Blaylock, District #35 came to the hearing before-hand requesting that the committee please excuse him from the hearing. He had an unfortunate scheduling conflict, and requested that Mr. John Bobinski answer all questions that the committee may have. Mr. John Bobinski, who previously worked for the Legislative Council and now works for the Code Commissioner presented the bill and reasons for it. The current codes relating to Health & Safety as well as laws pertaining to Social Services and Institutions are outdated, ambiguous, redundant, and in conflict with current laws. He drafted this bill with a staff member at the Legislative Council, so he felt that he was an appropriate person to address the committee. According to Bobinski, there have been no substantive changes. The changes have been mainly for revision, clarification, to clean up the language, and up-date certain revisions of the statutes. All of the changes in both bills and the reasons for these changes are contained in the four attached sheets.

The following action was taken:

Senate Bill # 125 was given a do pass to the consent calendar recommendation by Rep. Feda. This motion was carried unanimously and passed to the consent calendar.

Senate Bill # 127 was given a do pass to the consent calendar by Rep. Feda. This motion was carried unanimously and passed to the consent calendar.

House Bill # 414 was given a do not pass recommendation by Representative Gould. Rep. Azzara requested a substitute motion to pass on moving this bill until more information could be compiled and more questions answered. This substitute motion was carried with a 12-4 vote.

The committee meeting was adjourned at 2:00 by Chairman Polly Holmes.

Polly Holmes

CHAIRMAN

Wyrick

SECRETARY

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1979 Legislature
Code Commissioner Bill -- Summary

Session Bill No. 125

AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO
HEALTH AND SAFETY.

(This summary does not include discussion of routine form or
grammatical changes.)

Section 1. 50-2-120. "Public officer" was changed to
"peace officer" for uniformity with rest of the code (see
45-2-101(42)).

Section 2. 50-5-201. In (2) made grammatical change.

Section 3. 50-5-301. In (1) made grammatical change.

Section 4. 50-15-302. In (1), "divorce" was changed to
"dissolution" and "annulment" was changed to "declaration of
invalidity" to bring this section into conformity with
terminology used in Montana's uniform marriage and divorce act.
In (2) made grammatical changes.

Section 5. 50-15-303. This section was amended as indicated
to bring it into conformity with Montana's uniform
marriage and divorce act.

Section 6. 50-17-105. In (3)(b) made grammatical change.

Section 7. 50-30-301. In (4) corrected an erroneous
internal reference. In (7), "of" was changed to "or" for clarifi-
cation and to correct an apparent typographical error.

Section 8. 50-31-103. In (4)(c), "[section 17(a)(B) or
16(k) of this act]" was changed to "50-31-306(1)(m) or
50-31-307(1)(c)" for clarification and to correct an apparent
typographical error. (This change was made pursuant to advice
and recommendations received from Doug Olsen, staff attorney,
and Vernon Stoulin, Food and Consumer Safety Bureau Chief, of
the Department of Health and Environmental Sciences). In

(10)(a) and (18), "official Homeopathic Pharmacopoeia of the United States" was deleted since this book is no longer in print. (It's possible that this book was never in print).

Section 9. 50-31-111. Made grammatical changes.

Section 10. 50-31-303. In (1) made grammatical change.

Section 11. 50-31-305. In (6), the last sentence was deleted since the Homeopathic Pharmacopoeia of the United States is not in print. This amendment is also necessary for consistency with sections 8 and 12 of this act. In (7), "or" was added for clarification and grammatical reasons.

Section 12. 50-31-306. In (1)(g), language was deleted as indicated since the Homeopathic Pharmacopoeia of the United States is not in print. This amendment is also necessary for consistency with sections 8 and 11 of this act. In (1)(p), "or" was added for clarification and grammatical reasons.

Section 13. 50-32-208. In (2), changed "50-32-312" to "50-32-309" to correct obvious inaccurate reference.

Section 14. 50-32-229. Made grammatical changes.

Section 15. 50-32-232. Made grammatical changes.

Section 16. 50-37-102. In (1), changed "army, navy, or marine corps" to "armed forces" to include air force and to simplify.

Section 17. 50-38-304. Changed "length" to "height" for clarification.

Section 18. 50-51-106. Made grammatical change.

Section 19. 50-51-202. Made grammatical change.

Section 20. 50-61-118. "Law" was changed to "Chapter" for clarification.

Section 21. 50-62-103. This section was amended primarily to change the ambiguous "should" to a mandatory "shall".

Section 22. 50-70-114. In (5), the last sentence was deleted since 50-70-111 no longer provides for judicial review. See also section 42, Chapter 349, Laws of 1974. All other changes were routine style and grammatical changes.

Section 23. 50-71-325. In (3), changed "industrial accident administrative" to "division of workers' compensation" to reflect the current designation of the earmarked revenue account (17-2-102 and 17-2-106, MCA).

Section 24. 50-75-105. All language following "... perform their duties..." was deleted as obsolete. The bracketed R.C.M. sections have all been repealed. All other changes were routine style and grammatical changes.

Section 25. 50-75-107. Deleted "inspector of steamboats" as obsolete. (Word search of statutes showed no such position exists.)

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1979 Legislature
Code Commissioner Bill -- Summary

Sen Bill No. 127

AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO SOCIAL SERVICES AND INSTITUTIONS.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 53-2-104. "Welfare" was changed to "public assistance" for consistency with 53-2-101(2) defining "public assistance" and to update language. There no longer is a definition of "welfare" in the Code.

Section 2. 53-2-202. The last sentence of this section was deleted as obsolete and not in line with current law (see Ch. 30, Laws of 1943, which repealed acts and parts of acts in conflict with its provisions.)

Section 3. 53-2-205. "Public Law 93-641" was changed to "Public Law 93-647" to correct an obvious error in citing Title XX of the Social Security Act.

Section 4. 53-3-103. "And" was changed to "or" in subsection (4) for consistency with 53-2-612.

Section 5. 53-4-213. Changed "[act]" to "part". Sections 53-2-305 and 53-2-306, MCA adequately establish that county departments are subject to rules of the department of social and rehabilitation services. Thus, a restriction in the scope of this internal reference is appropriate under part 2.

Section 6. 53-4-406. "Parents" was changed to "parent" for grammatical reasons and because under 1-1-218 the singular includes the plural.

Section 7. 53-4-501. "And all" was changed to "or any" in subsection (3) for grammatical reasons and for clarification.

Section 8. 53-4-505. "Department of justice" was changed to "state fire marshal of the department of justice" or "state fire marshal" throughout to clarify legislative intent that the state fire marshal of the department of justice is to be the state agency responsible for fire safety in Montana. (See Ch. 519, L. 1977).

Section 9. 53-4-509. "Department of justice" was changed to "state fire marshal of the department of justice" to clarify legislative intent expressed in Ch. 519, L. 1977.

Section 10. 53-5-303. Changed "federal law in Title XX, Social Services Amendments of 1974" to "Title XX of the Social Security Act, Public Law 93-647" for uniformity in citation and clarity of reference.

Section 11. 53-5-304. Changed "department of health and environmental sciences" to "state fire marshal of the department of justice" to clarify legislative intent expressed in Ch. 519, L. 1977.

Section 12. 53-20-112. In (2)(d), deleted "be" for grammatical reasons.

Section 13. 53-20-205. Subsection (1) was reworded for clarification. See Chapter 325, section 5, Laws of 1974 and 53-21-203(i).

Section 14. 53-21-112. Subsection (2) was added for clarification and because of the split-up of 38-1303, R.C.M. 1947 during recodification. Subsection (3) was amended as indicated for clarification and to further legislative intent.

Section 15. 53-24-104. "Alcohol", in the phrase "alcohol and drug dependence", was changed to "alcoholism" for consistency with the rest of the chapter and for clarification.

Section 16. 53-24-108. "And" was changed to "or" at the end of subsection (1)(a) for grammatical reasons.

Section 17. 53-24-206. "Alcohol", in the phrase "alcohol and drug dependence", was changed to "alcoholism" throughout for consistency with the rest of the chapter and for clarification.

Section 18. 53-24-304. "A person" was added to subsection (1) to clarify the distinction between "intoxicated person" and a person "incapacitated by alcohol" (See 53-24-103, MCA).

Section 19. 50-30-212. "During his minority" was changed to "until he is 21 years of age" in subsection (1) for clarification since, under current Montana law, a minor is a person under 18 years of age. All other changes were either for grammatical reasons or for purposes of uniform style within the Code.

Section 20. 53-30-214. "The Montana children's center, Boulder River school and hospital", and "Eastmont training center" were deleted as obsolete in the context of this section and to clarify that the juvenile facilities being referred to in Title 53, chapter 30, are juvenile correctional facilities. "Whose" was changed to "which has as its" and "is" was deleted for grammatical reasons.

Section 21. Repealer. 38-121, R.C.M. 1947, is recommended for repeal because the target terminology therein was appropriately changed throughout the MCA to reflect current terminology. In instances where "of unsound mind" did not fit well, it was replaced by amendment.

30-2101 through 30-2107 are recommended for repeal because the Montana children's center is out of operation and references to it are obsolete.