

MINUTES OF THE HUMAN SERVICES COMMITTEE MEETING
February 6, 1981

The Committee on Human Services met on Friday, February 6, 1981, in Room 103 of the Capitol Building at 12:30 p.m. with CHAIRMAN GOULD presiding. All members were present with the exception of REP. BRAND who was excused.

REP. GOULD called the meeting to order and began the hearings.

HB 556.

REP. MANNING opened the hearing on HB 556 which is to generally revise and clarify the public health laws related to tourist campgrounds and trailer courts; to provide for the regulation of work camps and youth camps.

PROPOSERS:

VERN SLOULIN, representing the Food and Consumer Safety Bureau of the Department of Health and Environmental Sciences, felt that updating the law was necessary to provide coverage of work campgrounds. He said 500-unit work camps are being set up in the state, and that local sanitarians are concerned about sanitation facilities. This law would cover 10-trailer or larger campgrounds. He said there would be a real hazard, if these facilities are not installed properly and inspected regularly. The \$20 license fee would be used mostly by the local health departments. He distributed copies of the Statement of Intent, EXHIBIT I, copies of the bill, EXHIBIT II, and copies of the Administrative Rules of Montana relating to Health and Environmental Sciences 16.10.902 through 16.10.903.

DOUG OLSON, legal counsel for the DHES stated that the state has been regulating establishments such as these camps since 1920, but that specific sections affecting regulating work camps was lost in law changes and, the DHES would like to have rule-making authority in this area.

OPPOSERS:

WILL F. SELSER, Director of the Lewis and Clark County Health Department, said he felt the definition was too inclusive in the bill. He also said that food service and dining facilities references seem to be in conflict with the food service statutes. He feels the present law will be repealed. The work campgrounds in Eastern Montana should be dealt with specifically, he said, rather than include the other trailer and campgrounds.

QUESTIONS FROM THE COMMITTEE:

REP. KEYSER asked if there is a law relating to regulation of sewage disposal for trailer courts. VERN SLOULIN, DHES, said there is, in part. There is a general law which says that a sewage system must not cause a health problem. Individual permits must be obtained, he said.

REP. BARDANOUVE asked if the local sanitarians and the DHES ever get together on introducing laws. REP. SLOULIN said that there are 31 individual health units in Montana: 21 of them are composed of one man and some of the larger cities have 5 or 6 people. He said the department has great difficulty getting a consensus among these departments. The department receives requests from all of them, but handles more problems from the smaller communities. He feels, however, that at least 28 of these local units would agree with this bill. He said the DHES met in various places throughout the state, asking the units for input. The problem is that some health departments want to be totally independent, such as in Lewis and Clark County.

REP. BARDANOUVE asked for Selser's comments on this. WILL SELSER, of the Lewis and Clark Health Department, said he felt it important to let the legislature know how local officials feel. He said his department does not want to regulate trailer courts. He also said he was told, if they weren't controlling trailer courts, they couldn't qualify for water quality.

REP. SEIFERT asked if Selser found any of the rules sent by the department to be unworkable. SELSER said he receives a great deal of information from the department: rules, directives, interpretations. But, he said, they often conflict with their policies, so changes have to be made.

REP. KEYSER asked about subsection 3 specifically referring to the language "or an order". DOUG OLSON said that was to have been deleted in the bill, but was inadvertently left in. SLOULIN said that it had originally been considered because of problems the department has had in getting a particular trailer court to comply, at great expense in legal counsel, taking considerable time and with no results. He felt that the clarification of basic definitions in this law will help the situation. He continued that the department doesn't have specific rules that apply to sewers for trailer courts. He said the state sometimes spends \$500 or \$600 to get compliance on a \$20 license.

REP. KEYSER asked if these were public sewers. SLOULIN said they were not, but were septic tanks, lagoons or hookups to city systems.

REP. KEYSER asked why we needed a new law when one already exists.

OLSON said the law was lacking referring to the size of the trailer courts. Some, but not all local laws give the authority to deal with the problems, he said. The state law applies to subdivisions.

REP. MANNING moved to close the hearing.

HJR 20.

REP. MENAHAN opened the hearing. He said this resolution requests an interim study of the current overall functions and staffing of the Department of Institutions to determine the effectiveness of the delivery of institutional services by the state; and requires a report to the Legislature.

PROPOSERS:

JUDY OLSON, representing the Montana Nurses Association, stated that her group opposes consolidation of the institutions at Galen and Warm Springs. She felt the resolution should be carefully evaluated and that input from employees at those institutions should be obtained.

OPPOSERS:

CURT CHISOLM, of the Department of Institutions, questioned the scope and cost of the resolution. He said that many internal and external reviews are made throughout the year, and he felt that this would be a duplication.

LARRY FASBENDER, representing the Governor, said the governor and his staff feel that the recently appointed director should be given the next two years to review and make changes that would effect an improved patient care and economy.

QUESTIONS FROM THE COMMITTEE:

CHAIRMAN GOULD asked the sponsor why he felt the resolution was necessary. REP. MENAHAN felt there were problems in the administration and all other areas of all the institutions, including the prison. He felt that the changing of policies every two years caused problems, also.

REP. BARDANOUVE asked if any personnel giving personal care would be eliminated in the proposed consolidation. OLSON, who represents the MNA, said the nursing staff was concerned about the quality of care, the laboratory, security and several other things. REP. BARDANOUVE asked how many high-salaried employees ("fat cats") would be cut by the proposed legislation. CHISOLM said that the department director and four division administrators would be cut.

REP. MENAHAN asked who the professionals were that are attached to the director. CHISOLM answered that, there were 8 employees here in Helena attached to the director's office, including two secretaries. The 6 professional positions include a division administrator, program managers, one of which is functionally a hospital administrator's position. Another deals with mental retardation, mental health and nursing services.

REP. MENAHAN asked why those positions were necessary. CHISHOLM said they primarily help the director in administering, staffing, Medicaide, service and policy. He added that in the Alcohol and Drug Division, there are 32 positions, 14 of which are field based. In Management Services, there are 39 positions, 6 of which are field based and 18 of which represent the reimbursement function. In Mental Health, there are 14.5, 6 of which are general fund positions and 8.5 are funded through 2 federal grants that are 5 years in duration.

REP. BARDANOUE asked if the department was in charge of supervising all the alcohol treatment and regional mental health centers. CHISOLM answered yes. REP. BARDANOUE asked how many personnel do this. CHISOLM answered about 14 persons in the central office administer the Alcohol and Drug Division, and 4 work in Mental Health.

REP. NILSON asked for a comparison of costs expended in funding an interim study committee with the costs of the program. REP. MENAHAN felt a committee would be on a mileage-only basis and would volunteer their time. He thought this interim study could be budgeted at \$5,000. He said the budget of the Institutions department was not known.

REP. MENAHAN moved to close the hearing.

HJR 21.

REP. SEIFERT opened the hearing on HJR 21, introduced to ask Congress to return to states the right to regulate or participate in regulating mines relating to mine safety and health standards. Small mine operators in Montana fall under 3 jurisdictions. MSHA, OSHA, and the state each require training for health and safety, plus all the required paper work. He feels the state does the best job, and the others are unnecessary.

PROPOSERS: None

OPPOSERS: None

QUESTIONS FROM THE COMMITTEE:

REP. BARDANOUE said that strip mining was now being regulated by the state with federal inspections and asked if that was the intention of this resolution. REP. SEIFERT said yes. REP. MANNING asked if it would prohibit OSHA from inspecting. REP. SEIFERT said "not necessarily."

REP. SEIFERT said he felt the state was well able to regulate its mining industry without the additional harassment of federal regulations. He then moved to close the hearing.

HB 258.

REP. SEIFERT announced that the subcommittee appointed to study HB 258 had not concluded its work.

EXECUTIVE SESSION:

HJR 21.

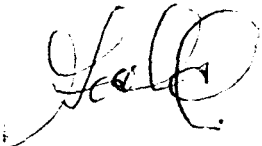
REP. BARDANOUE moved for a DO PASS on HB 21. The motion was seconded by REP. WINSLOW and PASSED UNANIMOUSLY.

HB 556.

REP. METCALF moved for a DO PASS on HB 556. He then moved the Amendments on page 4, line 4, REP. KEYSER stated that he felt the DHES should be able to handle the problem under the present law. REP. MANNING said the present law doesn't cover the problem. REP. BARDANOUE said this would regulate the campgrounds that will be built for construction workers on the Alaska oil pipeline.

REP. METCALF's motion for DO PASS AS AMENDED was seconded and FAILED by a vote of 7 yes and 8 no. REP. SEIFERT moved that the MOTION AND THE VOTE BE REVERSED. That motion was seconded and PASSED 8 to 7, the NO votes being: REPRESENTATIVES BERGENE, BARDANOUE, MANNING, METCALF, PAVLOVICH, NILSON and MENAHAN.

REP. CONN moved for adjournment at 2:10 p.m.



BUDD GOULD, Chairman

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VISITORS' REGISTER

HOUSE

COMMITTEE

Date 2-6-81

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

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STATEMENT OF INTENTHouse Bill 556

House Committee on Public Health

The State of Montana, originally through the Board of Health and since executive reorganization through the Department of Health and Environmental Sciences (DHES) has regulated the operation of logging, labor and other industrial camps (work camps) since 1924 and sanitation in recreational campgrounds (youth camps) since 1930 under the general rulemaking power granted by the Legislature in 1907. Under existing law, DHES has been delegated express rulemaking authority to adopt rules to insure sanitation and protect public health in the construction and operation of tourist campgrounds and trailer courts.

A Statement of Intent is required for HB 556 because it amends 50-52-102, MCA, to confirm DHES' public health rulemaking authority regarding youth camps and work camps. This is necessary as a result of several recodifications and revisions of Montana's laws since 1907 and executive reorganization which have dispersed the original rulemaking authority throughout the code with the result that only implied rulemaking authority remains.

It is the intent of this bill that DHES is authorized to adopt rules pursuant to the Montana Administrative Procedure Act to protect public health and insure sanitation of campgrounds, trailer courts, work camps and youth camps. By way of illustration, these rules may include those for: definitions, control of communicable diseases and pollution, provision of water, sewer and solid waste facilities, siting, bathing and laundry facilities, licensure and license application forms, accommodations, inspections, and food preparation and service facilities.

The purpose of the bill is to clarify several definitions and to provide for the regulation of work camps and youth camps.

50-52-101 (3) Establishment is defined only to eliminate confusing wording in the remainder of the law.

50-52-101 (4) Parcel of land is defined to eliminate a technicality in the law which could be used to the disadvantage of both the department and owner of establishments. On one hand, owners could claim exemption from regulation by dividing the establishment into several tracts of land, each comprising only one space. On the other hand, the department feasibly could (but to this point has not) require multiple licenses when an establishment extended over more than one tract of land. The proposed definition of parcel of land would eliminate these possibilities.

50-52-101 (5) Campground is being redefined to modernize the wording and standardize the definitions.

50-52-101 (7) Trailer Court is being redefined to make it clear that facilities in which less than two spaces are available to the public are not trailer courts, and to exempt from regulation those facilities which consist of lots which are independent of each other and are served by municipal public water and sewer systems.

50-52-101 (8) Work Camp is being defined to provide for regulation of the types of facilities now being constructed to house workers in the coal mining and oil exploration areas and which are being proposed along the route of the oil pipeline. Regulations are already in existence which address food service, lodging, and trailer and camping spaces, but these are not currently being applied to work camps because of the non-public nature of such facilities. The proposed change would not only allow the Department to apply existing rules in work camps, but would allow for the adoption of rules to address problems specifically related to work camp operation.

50-52-101 (9) Youth Camp is being defined to provide for regulation of residential camps. A recent survey of the state indicated that approximately 100 such camps are operated within the state.

16.10.902 PRIVATE CAMPGROUNDS (1) The following rule shall apply to any organization or individual operating, maintaining or offering for use within the state of Montana any tract of land regularly established for camping by such organization as the Boy Scouts, Camp FireGirls, Y.M.C.A., or Y.W.C.A., etc. and to the camps maintained by them.

(2) No camps shall be established or operated until the county health officer in whose territory the camp is located shall have been notified and such plans for such camp have been presented to and approved by him. The county health officer shall furnish the department a list of all such camps within his jurisdiction, giving exact location and names of persons or organizations operating them.

(a) No camps shall be located near any stream or springs which are the direct sources of public water supplies in Montana until a special permit for such a camp is granted by the department.

(b) These camps shall be located upon dry, well-drained ground and any sink holes or pools of water shall be drained and filled when the grounds are first established and shall be kept drained during the period of use.

(3) A water supply approved by the department shall be provided and shall be of ample quantity. Such water supply shall be easily obtainable from its source or from faucets on a pipe distribution system. Any other water supply which may be available but which is not of good sanitary quality shall be eliminated, purified or so posted as to warn the people that it is not to be used for drinking. Bottles for the collection of samples may be obtained from the department.

(4) Fly-tight privies or water-flush toilets shall be provided and shall be maintained in a clean and sanitary condition.

(a) The toilet facilities shall be proper and ample for the needs of each camp. These toilets shall be established within reasonable distances of all parts of the grounds.

(b) Supervision and equipment sufficient to prevent littering of the grounds with rubbish, garbage or other refuse shall be provided. These depositories shall not be permitted to become foul smelling, unsightly, or breeding places for flies.

(c) The method of final sewage and refuse disposal utilities in connection with the operation of any such grounds shall be such as to prevent the creation of a nuisance.

(d) No sewage disposal system shall be located as to endanger the purity of any water supply used for culinary or drinking purposes.

(5) Any cooking, mess or shelter house for common use which may be maintained on the grounds shall be kept in a clean and sanitary condition at all times and properly screened.

(6) The management of every camping ground shall assume full responsibility for maintaining in good repair and condition all sanitary appliances on said grounds.

(7) This rule shall be kept posted by the management in conspicuous places on every regularly established recreational campground.

(8) It is recommended that all children attending such camps be immunized against smallpox, diphtheria and typhoid fever. (History: Sec. 50-1-202, 75-6-103 MCA; IMP, Sec. 50-1-202, 75-6-103 MCA; Eff. 12/31/72.)

16.10.903 LABOR CAMPS (1) Such camps as come under this rule are those established by industry, the housing and living of employees and any families of such employees. Shelter and other facilities are to be furnished by the owner (contractor) except as may be excluded in the various sections of the rule.

(a) A temporary camp is one of a definitely short life, perhaps a month, while a permanent camp is one intended for establishment and use for longer periods.

(2) In order that knowledge may be had concerning the location and character of a camp and of its facilities and operation, a detailed plan shall be submitted to the department by the owner for approval prior to the establishment of the camp.

(a) Logging, labor, and other industrial camps shall be established only upon dry, well-drained ground. They must be located sufficiently away from highways and industrial roads as to avoid the necessity of industrial traffic through them.

(b) In camps of 25 or more persons, one person shall be provided for each 50 persons or fraction thereof whose duty it shall be to clean up quarters, exclusive of single and family occupancies, and campgrounds daily and maintain them in a clean and sanitary condition.

(c) That part or unit of any camp which houses family groups shall be segregated from the other parts of units of the camp and the distance between the units housing families and the units housing men shall be not less than 300 feet; provided, however, that in cases where topography or any other aspect makes this distance impossible of attainment, the health officer or his agent will determine the distance when reviewing plans or making inspections and providing further, that such determination of distance and the approval thereof shall be set forth in writing by said health officer or his agent specifically for each camp.

(d) Buildings in any part of the camp shall be no closer to each other than 30 feet.

(3) Adequate fly-tight privies or water-flush toilets shall be provided and shall be maintained in a clean and

sanitary condition. Employees and other occupants shall use toilets and must not pollute the soil in or about the camps. Where women are employed, separate facilities shall be provided. Privies and/or other sewage disposal facilities shall be so located and constructed as to prevent contamination of adjacent streams. Toilet facilities shall be considered adequate if provided to the extent of one for each 10 persons or fraction thereof for each sex. One urinal may be substituted for one toilet seat, but not less than two-thirds of the necessary toilets are acceptable.

(a) Toilet facilities for families may be either on an individual basis, one for each family, or on a community use basis. If on a community use basis, there shall be one for each sex, and of a capacity on the basis as required above.

(b) Stables and stock pens for other than hogs shall be not less than 500 feet from any kitchen in any unit or mess hall. No hogs shall be allowed closer than 1,000 feet from the nearest occupied unit. Privies shall be not less than 100 feet from any kitchen in any unit or from any mess hall of any camp, nor more than 100 feet from any housing unit.

(c) All manure from stables, garbage from kitchens, and any other refuse from camp operations shall be removed from the camp and buried or burned or deposited so that such materials shall not become a nuisance nor a breeding place for flies or mosquitoes. No camp refuse nor drainage from camp refuse stables or pens shall be permitted to enter or contaminate any stream of water.

(d) The occupant of any cabin shall keep his garbage in a properly covered watertight garbage can furnished him by the camp owner. Where a family occupies a cabin, there shall be provided by the camp owner a proper garbage container. This shall have a tight fitting cover and be watertight, and the family shall maintain it in a proper condition.

(e) Where there is garbage from a mess hall, it shall be kept in tightly covered, rodent-proof containers until disposed of according to subsection (3)(c).

(4) A water supply approved by the department shall be provided by the camp owner and shall be of ample quantity.

(a) Approval of the water supply may be upon plans originally submitted for the camp or may be based upon inspections and tests made by qualified and authorized health officials.

(b) In the dispensing of water in bunk houses and mess hall, no common cups are permitted.

(5) Bunk houses shall be provided to afford each occupant not less than 50 square feet of floor area and 400 cubic feet of air space.

(a) Each bunk house shall have a total window area

equivalent to at least one-tenth of the floor area. Such windows shall be adjustable to a degree that permits at least one-half of the window area to be opened for ventilation.

(b) In each bunk house where 8 or more occupants are quartered, there shall be 2 doorways opening to the outside, which doorways shall be located at opposite ends of the building. These doors shall be hung so as to open outwardly.

(c) All blankets and other washable bedding shall be washed and cleaned not less than once a month or as often as it is necessary to keep bedding reasonably clean. Blankets and other washable bedding shall be washed after being checked in by any employee leaving camp and before being issued to a new employee.

(d) Bunk houses used during the fly season shall have all outside openings properly screened against flies and mosquitoes.

(6) Housing units for single occupancy shall have a minimum floor space of 80 square feet and a minimum cubic capacity of 640 cubic feet. By decision of the health official in whose jurisdiction a camp may be located, a cubic content less than this may be permitted in presently constructed cabins, constructed prior to the adoption of this rule.

(a) Each unit shall be provided with a stove for heating or other heating device, capable of maintaining a comfortable and healthful temperature at all times. The owner shall be responsible for this feature, either by furnishing the item himself or by entering into an agreement whereby the occupant furnishes it.

(7) Housing units for family occupancy shall have a minimum floor area of 280 square feet for two persons and an additional area of 80 square feet for each additional person.

(a) A partition must separate the sleeping quarters from the dining room and kitchen quarters used for cooking.

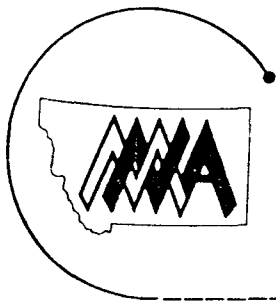
(b) Each unit shall be provided with a stove for heating or other heating device, capable of maintaining a comfortable and healthful temperature at all times. The owner shall be responsible for this feature, either by furnishing the item himself or by entering into an agreement whereby the occupant furnishes it.

(8) All bunk houses and housing units for single and family occupancy shall be well constructed, designed and built for utility and comfort and reasonably easy maintenance, of neat appearance, and for families, adequate in number to provide one for each family.

(9) The window area, openable window area, and screening shall be provided for all housing units as required for bunk houses in subsections (5)(a) and (5)(d).

- (10) For employees in each bunk house, there shall be provided:
- (a) For hand washing where running water is available, one lavatory or fixed wash basin for every 10 persons, or where water is carried, one portable wash basin for every 6 persons.
 - (b) For bathing, one shower head for each 25 persons, or one stationary or portable tub for each 10 persons.
 - (c) For laundry, at least 2 wash tubs for each 25 persons. Proper facilities shall be provided so employees may wash and dry any clothing they may desire to clean.
 - (11) Where women and children are housed in camps, there shall be bathing facilities provided for families, only and if on a community use basis, separate for each sex in the proportions as required in subsection (10) for bathing.
 - (12) Where families are in a camp, separate laundry facilities shall be provided for the family people but may be on a community use basis as required in subsection (10) for laundry.
 - (13) Where industrial operations are performed which may affect skin of the workers, proper type hand creams and/or skin protecting devices such as rubber gloves, arm shields, or clothing and soap, proper for cleansing, shall be provided.
 - (14) The kitchen and mess hall shall be well constructed, sealed on the inside with material for proper finishing, and shall be maintained in a clean and sanitary condition. All table tops shall be constructed of smooth boards without cracks or knot holes or shall be covered with oil cloth or other impervious material.
 - (a) All foodstuffs shall be stored in such manner that they will be properly protected from rodents, insects, and/or all other forms of contamination, and shall be maintained at temperatures sufficiently low to be properly preserved for human consumption.
 - (b) No kitchen or mess hall shall be used as a bedroom or for sleeping purposes.
 - (c) All utensils used in storing, preparing, cooking, or serving foods shall be thoroughly washed and cleaned after each use thereof.
 - (d) When margarine is used in cooking or served on the table, a placard stating that fact in a plain and conspicuous manner shall be posted in the mess hall.
 - (e) If chicory is used wholly or in part in making a beverage that is served in place of coffee, a placard stating that fact in a plain and conspicuous manner shall be posted in the mess hall.
 - (f) Kitchens and mess rooms operated during fly season shall have all outside openings properly screened.

- (g) The mess hall shall be provided with heat to keep it at a comfortable temperature.
- (15) As soon as possible after the establishment of a logging, labor or other industrial camp, and at such times as he deems necessary or as the department may direct, the county health officer in whose jurisdiction such camp is located or his agent shall make an inspection of each camp and report to the department the sanitary conditions found and any action he has taken to correct unsatisfactory conditions found.
- (16) All contractors and other persons responsible for the construction, control and management of logging, labor or other industrial camps shall use all reasonable precautions to protect the persons in the camp and the general public from infectious, contagious or communicable disease and to that end, shall follow instructions furnished by the department.
- (17) Whenever a local, reservation or county health officer shall receive information as to the proposed location of new camps within his jurisdiction, he shall notify the department, giving the location of such camp and the name and address of parties responsible for such camp.
 - (a) Whenever it shall be deemed necessary by the director of the department, local, reservation and county health officers are required to make investigations and shall report upon the condition of camps within their respective jurisdiction. (History: Sec. 50-1-202, 75-6-103 MCA; IMP, Sec. 50-1-202, 75-6-103 MCA; Eff. 12/31/72.)



Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59601

HOUSE JOINT RESOLUTION NO. 20:

The Montana Nurses' Association supports HJR 20 requesting an interim study of the current overall functions and staffing of the Department of Institutions. We are especially concerned that further study be done before the proposed consolidation of services and reorganization takes place at Galen and Warm Springs State Hospital.

We have studied the material that is available on the consolidation and have sat through 6-1/2 hours of hearings on the proposal to consolidate and reorganize these two institutions. There are some very important concerns that were addressed that could not be answered -- therefore, we believe it is time to do a thorough study of the institutions before we rush into yet another change. The Department of Institutions admitted that a relicensure was needed to change some intermediate care beds back to acute care, and we question the implications of being able to do this with no Director of Nursing position. We do know that the institutions will never become JCAH-accredited without the Director of Nursing position. There is an established lab at Warm Springs. The proposal calls for the lab being consolidated at Galen -- in two rooms that will have to be remodeled. Then the existing lab at Warm Springs will be remodeled into a dining room. The Department of Institutions says the cost will be minimal, but we have seen no actual cost figures. There will also be the added burden of having existing direct-care staff at Warm Springs now have to do all of the blood work. One of the staff nurses from Warm Springs expressed concern that daytime security will not be available at Warm Springs at all times -- and gave an example of the problems this could create. The proposal calls for consolidating laundry, which is represented by two different unions. Breaking two union contracts could result in considerable cost to the state.

We believe that a consolidation of some of these services is possible without affecting the quality of patient care and would indeed save the state some money. However, we also strongly believe that a thorough study needs to be done -- with input from the people who actually work at the institutions -- so that a consolidation can be done in the most efficient manner possible and still maintain quality health care for the patients.

STATEMENT OF INTENTHouse Bill 556

House Committee on Public Health

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A Statement of Intent is required for HB 556 because it amends 50-52-102, MCA, to confirm DHES' public health rulemaking authority regarding youth camps and work camps. This is necessary as a result of several recodifications and revisions of Montana's laws since 1907 and executive reorganization which have dispersed the original rulemaking authority throughout the code with the result that only implied rulemaking authority remains.

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