

MINUTES OF THE MEETING  
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
MONTANA STATE SENATE

FEBRUARY 18, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Wednesday, February 18, 1981 at 6:30 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. However, Senator Berg arrived late. Kathleen Harrington, staff researcher, was also present.

DISPOSITION OF SENATE BILL 348: Senator Mike Anderson is the sponsor of this bill. This bill is an act to amend the law relating to the treatment and release of developmentally disabled and mentally ill persons.

A motion was made by Senator Halligan that SB 348 receive a DO NOT PASS recommendation from the Committee. Motion carried unanimously.

DISPOSITION OF SENATE BILL 351: Senator Mark Etchart is the sponsor of SB 351. This bill is an act to remove motorcycles from the list of vehicles that are exempt from the provisions of the mandatory liability protection law governing owners of motor vehicles.

Senator Hager stated that the liability insurance would not cover injuries which the owner of the motorcycles would receive.

Senator Norman stated that auto insurance will cover motorcycles in an accident, but it will not work visa versa.

Senator Hims1 stated that the cost is prohibitive in Montana to insure motorcycles, considering the length of time which one can ride them. They cannot be insured for less than an one year period.

Senator Halligan made a motion that the Committee pass consideration of SB 351 temporarily. Motion carried.

DISPOSITION OF SENATE BILL 374: Senator Berg is the sponsor of SB 374. This bill is an act to revise and clarify laws relating to morticians by clarifying the reciprocity provisions for morticians licensed in another state; by requiring continuing education for renewal of a mortician's license after July 1, 1983; and by establishing fees for original mortuary licenses and renewal thereof; and providing an

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immediate effective date.

A motion was made by Senator Berg that SB 374 receive a Do Pass recommendation from the Committee.

Senator Hims1 suggested that SB 374 be killed and SB 398 be amended to include the education and apprenticeship language.

Senator Berg stated that most staes do not have reciprocity.

Senator Norman stated that perhaps reciprocity could be arranged with other states.

Senator Berg withdrew his motion.

A motion was made by Senator Berg that Senate Bill 374 receive a DO NOT PASS recommendation from the Committee. Motion carried unanimously.

DISPOSTION OF SENATE BILL 398: Senator Steve Brown is the sponsor of SB 398. This bill is an act to reestablish the Board of Morticians; reducing the Board membership to five; removing restrictions on public board member participation; requiring written disclosure of funeral costs and embalming requirements; deleting college study requirement for licensure; deleting felony conviction as grounds for denial or revocation of a license and providing for an effective date.

A motion was made by Senator Hims1 to amend SB 398 by inserting Section 37-19-305 into the bill. Motion carried.

~~K~~athleen explained the amendments offered by the Montana Funeral Hone Directors Association.

A motion was made by Senator Hims1 to amend SB 398 on page 7, line 21, following: "university", insert: "and have satisfactorily completed 2 academic years at a board approved college or university with the major area of study being one that would tend to prepare him for the practice of mortuary science, or have experience considered equivalent by the board". Motion carried.

A motion was made by Senator Berg that SB 398 receive a recommendation of DO PASS as amended from the Committee. Motion carried.

A motion was made by Senator Hims1 that the Statement of Intent be adopted. Motion carried.

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DISPOSITION OF SENATE BILL 351: This is the motorcycle bill which was previously discussed.

A motion was made by Senator Johnson that SB 351 receive a DO NOT PASS recommendation from the Committee. Motion carried with all Senators voting "yes" except Senator Norman who voted "no".

DISPOSITION OF SENATE BIL 396: Senator Steve Brown is the sponsor of SB 396. This bill is an act to eliminate reference to the Board of Massage Therapists; and providing an effective date.

A motion was made by Senator Berg that SB 396 receive a recommendation of DO PASS from the Committee. Motion carried with all Senators voting "yes" except Senators Hager and Halligan who voted "no".

DISPOSITON OF SENATE BILL 390: Senator Matt Hims1 is the sponsor of SB 390. This bill is an act to reestablish the Board of, Pharmacists under existing statutory authority and rules; adding a public member to the board; deleting the store license requirement; deleting the mandatory continuing education requirement; deleting felony conviction as grounds for denial or revocation of license; and providing and effective date.

A motion was made by Senator Hims1 that SB 390 receive a DO PASS recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 397: The sponsor of this bill is Senator Steve Brown. This bill is an act to reestablish the Board of Psychologists under existing statutory authority and rules; adding two public members to the board; amending the definition of psychology; deleting code of ethics requirement for exempted professions; amending the definition of psychologists in the insurance law; deleting felony conviction as grounds for denial or revocation of a license; and providing an immediate effective date.

A motion was made by Senator Hims1 that SB 397 receive a DO PASS recommendation from the Committee.

A motion was made by Senator Berg that SB 397 be amended on page 7, line 9; following: "appointment"; strike: "each member shall be a citizen of the United States and a resident of this state." Motion carried.

Senator Olson stated that if left in this would be against the constitution.

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Senator Berg stated that it appears that every board is different.

A motion was made by Senator Hims1 that SB 397 receive a recommendation of DO PASS, AS AMENDED from the Committee. Motion carried unanimously.

A motion was made by Senator Berg that the Statement of Intent for SB 397 be adopted. Motion carried.

DISPOSITION OF SENATE BILL 366: This bill is an act to re-establish the Board of Podiatry examiners under existing statutory authority and rules; to provide for one public member to replace one podiatry member on the board; to generally revise and clarify the podiatry law; and providing an immediate effective date.

Senator Berg made a motion that SB 366 DO NOT PASS.

Senator Norman stated that he could not see putting a podiatrist on the Board of Medical Examiners as there are 1,000 medical doctors in the state and only 7 on them on the Board of Medical Examiners. There are 24 podiatrists in the state and they would like to have a place on the board.

A vote was taken on the motion of Senator Berg. Motion carried.

DISPOSITION OF SENATE BILL 392: Senator Steve Brown is the sponsor of SB 392. This bill is an act to terminate the Board of Podiatry Examiners and transfer regulations of podiatrists to the Board of Medical Examiners; removing statutory passing grade on examination; modifying penalty provisions; providing for transfer of funds and records; continuing existing rules and providing an effective date.

Senator Norman stated that podiatrists are not as trained as well as physicians.

A motion was made by Senator Norman that Section 1 be struck in its entirety. Motion carried.

A motion was made by Senator Halligan that the bill be amended in the title on line 7, following: "Examiners;"; strike: "adding a podiatrist to the Board of Medical Examiners". Motion carried with everyone voting "yes" except Senator Hims1, who voted "no".

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A motion was made by Senator Norman that SB 392 DO PASS AS AMENDED. Motion carried with everyone voting "yes" except Senators Hims1 and Hager.

DISPOSTION OF SENATE BILL 427: Senator Steve Brown is the sponsor of SB 427. This bill is an act to reestablish the Board of Nursing under existing statutory authority and rules and to generally revise the laws relating to licensure of nurses; modifying board makeup; providing for staggered 4-year terms for board members; revising definitions of nursing; authorizing temporary nursing permits; providing for a late renewal fee, and providing an immediate effective date.

Senator Hims1 gave a history of this bill.

A motion was made by Senator Berg that SB 427 be amended on on page 7, line 19; following: "least"; strike: "3"; and insert: "5". Also amend page 8, line 3; following: "2" ; strike: "3"; and insert: "5". Motion carried with everyone voting yes, except Senator Olson, who voted "no".

A motion was made by Senator Hims1 that the bill be amended on page 8, line 5; following: "practice"; insert: "of nursing". Also amend page 15, line 11; following: "charges"; strike: "calling"; insert: "which may call". Motion carried.

A motion was made by Senator Berg that Sente Bill 427 DO PASS AS AMENDED recommendation from the Committee. Motion carried unanimously.

A motion was made by Senator Berg that the Statement of Intent for SB 427 be adopted. Motion carried.

ANNOUNCEMENT: The next meeting of the Public Health, Welfare and Safety Committee will be held on Thursday, February 19, 1981 at 12:30 in Room 410 to consider SB 480, 452, 453, 418, 388, and SJR 17.

ADJOURN: With no further business the meeting was adjourned.

  
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CHAIRMAN TOM HAGER

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date July 18

G.H.

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson	✓		
Dr. Bill Norman	✓		
Harry K. Berg	✓		
Michael Halligan	✓		

Each day attach to minutes.

# STANDING COMMITTEE REPORT

FEBRUARY 18

19 81

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **348**

Respectfully report as follows: That **SENATE** Bill No. **348**

*J.C.*

~~DO NOT PASS~~ DO NOT PASS

# STANDING COMMITTEE REPORT

..... FEBRUARY 13 ..... 19 .. 81

MR. .... **PRESIDENT:** .....

We, your committee on ..... **PUBLIC HEALTH, WELFARE & SAFETY** .....

having had under consideration ..... **SENATE** ..... Bill No. .... **374** ..

Respectfully report as follows: That ..... **SENATE** ..... Bill No. **374** .....

~~DO NOT PASS~~ DO NOT PASS

*PA*



# STANDING COMMITTEE REPORT

FEBRUARY 18

19 81

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **351**

Respectfully report as follows: That **SENATE** Bill No. **351**

~~DO PASS~~

DO NOT PASS

*GA.*

# STANDING COMMITTEE REPORT

FEBRUARY 16 1981

MR. PRESIDENT

We, your committee on PUBLIC HEALTH

having had under consideration Statement of Intent, Senate Bill No. 398

Respectfully report as follows: That Statement of Intent, Senate Bill No. 398 be adopted.

## STATEMENT OF INTENT RE: SB 398

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Morticians in Section 6.

It is the intent of this bill that the Board adopt rules requiring mortuaries to disclose in writing to all customers a complete itemized list of all funeral costs and complete information regarding the need for embalming. Members of the public seeking the services of mortuaries are usually under a great deal of personal stress, and the rules adopted are intended to provide complete disclosure of costs and attendant legal requirements to protect the economic interest of members of the public.

First adopted by the Senate Public Health Committee on the 18th day of February, 1981.

EXPRESS  
DOYASS

*Pa*

# STANDING COMMITTEE REPORT

FEBRUARY 13

1981

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **398**

Respectfully report as follows: That **SENATE** Bill No. **398**,

introduced bill be amended as follows:

1. Title, line 10.

Following: "LICENSURE;"

Insert: "CLARIFYING THE RECIPROCITY PROVISIONS FOR MORTICIANS  
LICENSED IN ANOTHER STATE;"

2. Page 7, line 21.

Following: "university"

Insert: "and have satisfactorily completed 2 academic years  
at a board approved college or university with the major  
area of study being one that would tend to prepare him  
for the practice of mortuary science, or have experience  
considered equivalent by the board"

3. Page 7,

Following: line 24

Insert: "Section 5. Section 37-19-305, MCA, is amended to read:

"37-19-305. Reciprocity. If a person holding a license

~~XXXXXX~~ entitling him to practice mortuary science in another state  
applies for a Montana mortician's license, the board may

(CONTINUED)

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PUBLIC HEALTH

SENATE BILL 398

waive the examination and internship requirement if it finds that the standards and requirements of the state in which the applicant is licensed are equal to or exceed those of Montana and if such-state a reciprocal agreement is required by the other state, it has a reciprocal agreement with Montana. " "

Renumber: all subsequent sections

And, as amended,

DO PASS

STATEMENT OF INTENT ATTACHED

*Pa.*

# STANDING COMMITTEE REPORT

February 12, 1981

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **398**

Respectfully report as follows: That **SENATE** Bill No. **398**,  
introduced bill, be amended as follows:

1. Title, line 10.

Following: "LICENSURE;"

Insert: "CLARIFYING THE RECIPROCITY PROVISIONS FOR MORTICIANS LICENSED  
IN ANOTHER STATE;"

2. Title, line 12.

Following: "37-19-302,"

Insert: "37-19-305,"

3. Page 7, line 21.

Following: "university"

Insert: "and have satisfactorily completed 2 academic years at a board  
approved college or university with the major area of study being one  
that would tend to prepare him for the practice of mortuary science,  
or have experience considered equivalent by the board"

4. Page 7.

Following: line 24

~~XXXXXX~~ Insert: "Section 5. Section 37-19-305, MCA, is amended to read:  
"37-19-305. Reciprocity. If a person holding a license entitling him  
to practice mortuary science in another state applies for a Montana  
mortician's license, the board may waive the examination and internship

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PUBLIC HEALTH

SENATE BILL 398

requirement if it finds that the standards and requirements of the state in which the applicant is licensed are equal to or exceed those of Montana and if such-state a reciprocal agreement is required by the other state, it has a reciprocal agreement with Montana."

Renumber: all subsequent sections

And, as amended,  
DO PASS

STATEMENT OF INTENT ATTACHED

JRT

TOM WAGER,

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 18

19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 396

Respectfully report as follows: That SENATE Bill No. 396

DO PASS

# STANDING COMMITTEE REPORT

FEBRUARY 18

19 81

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **390**

Respectfully report as follows: That **SENATE** Bill No. **390**

DO PASS

*PA*



# STANDING COMMITTEE REPORT

FEBRUARY 18, 19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 397

Respectfully report as follows: That SENATE Bill No. 397,

introduced bill, be amended as follows:

1. Page 7, line 9.

Following: "appointment."

Strike: "Each member shall be a citizen of the United States and a resident of this state."

And as Amended,

DO PASS

STATEMENT OF INTENT ATTACHED

# STANDING COMMITTEE REPORT

FEBRUARY 1981

1981

MR. PRESIDENT

We, your committee on PUBLIC HEALTH

having had under consideration Statement of Intent, Senate Bill No 397

Respectfully report as follows: That Statement of Intent, Senate Bill No 397  
be adopted.

## STATEMENT OF INTENT RE: SB 397

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Psychologists in Section 7.

It is the intent of this bill that the Board adopt a code of ethics to define professional and unprofessional conduct by psychologists with primary emphasis being the protection of the public. The Board may adopt the code of ethics published by the American Psychological Association, and any subsequent revisions to the code may also be adopted.

First adopted by the Senate Public Health Committee on the 18th day of February, 1981.

~~DO PASS~~

*P.A.*

# STANDING COMMITTEE REPORT

FEBRUARY 18

19 81

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **366**

Respectfully report as follows: That **SENATE** Bill No. **366**

~~DO NOT PASS~~ DO NOT PASS

*Pa.*

# STANDING COMMITTEE REPORT

FEBRUARY 18

19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 427

Respectfully report as follows: That SENATE Bill No. 427

introduced bill be amended as follows:

1. Page 7, line 19.

Following: "least"

Strike: "3"

Insert: "5"

2. Page 8, line 3.

Following: "2"

Strike: "3"

Insert: "5"

3. Page 8, line 5.

Following: "practice"

Insert: "of nursing"

4. Page 15, line 11.

Following: "charges"

Strike: "calling"

DO PASS Insert: "which may call"

AND, as amended, DO PASS

Statement of Intent attached

# STANDING COMMITTEE REPORT

FEBRUARY 18 19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 392

Respectfully report as follows: That SENATE Bill No. 392,

introduced bill be amended as follows:

1. Title, line 7.

Following: "EXAMINERS;"

Strike: "ADDING A PODIATRIST TO THE BOARD OF MEDICAL EXAMINERS"

2. Page 2, line 2.

Strike: Section 1 in its entirety

Renumber: Subsequent sections

AND, as amended,

DO PASS

# STANDING COMMITTEE REPORT

February 19, 19 81

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **SENATE** Bill No. **427**

Respectfully report as follows: That **SENATE** Bill No. **427**  
**be adopted.**

## STATEMENT OF INTENT RE: SB 427

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Nursing in sections 8, 10, 14, 15 and 19.

Section 8 grants the Board authority to adopt rules relating to the conduct of nursing education programs. It is the intent of the Legislature that the rules adopted relate directly toward the nursing education programs' insuring that the qualifications of a professional nurse or a practical nurse are adequate in the areas of services to be provided specified in section 4.

Sections 10 and 14 grant rulemaking authority to the Board to establish passing scores for the professional and practical nurse examinations and establish requirements for rewriting the examination. It is the intent of the Legislature that the examination scores established be such as to insure the competency of applicants for licensure ~~XXXXX~~ to protect the public health. Rules for rewriting the examination must provide assurance that the competency is as great as for applicants passing a first examination.

(Continued)

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Section 16 authorizes the Board to establish a late renewal fee. It is the intent of the Legislature that such fee be sufficient to cover the additional expense incurred in processing late renewals.

Section 19 allows the Board to grant temporary work permits. It is the intent of the Legislature that such permits be strictly controlled and that permittees work under the direct supervision of a physician, dentist, osteopath, podiatrist or professional nurse. The Board shall specifically define "direct supervision."

*o.a.*