

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 6, 1981

The Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date in room 442 of the State Capitol Building at 10 a.m.

ROLL CALL: All members of the committee were present, except Senator Kolstad.

CONSIDERATION OF HOUSE BILL 685.

AN ACT TO REESTABLISH THE BOARD OF SANITARIANS UNDER EXISTING STATUTORY AUTHORITY AND RULES; TO PROVIDE THAT ONE BOARD MEMBER SHALL BE FROM THE PUBLIC; TO ESTABLISH MINIMUM EDUCATIONAL STANDARDS; TO INCREASE THE RECIPROCITY AND RENEWAL FEE; TO PROVIDE FOR A BIENNIAL RENEWAL PERIOD; TO PROVIDE EXPANDED DISCIPLINARY GUIDELINES.

Representative Earl Lory, sponsor, says this bill reestablishes the Board of Sanitarians and went through the adverse audit report that had prompted the action. He summarized the bill to the committee.

PROPONENTS: Kenneth Read, Board of Sanitarians, enclosed testimony and read parts of it; Peter Frazier, President of Montana Environmental Health Association, enclosure 2; John Bartlett, Department of Health and Science; Curt Langendorff, Montana Restaurant Association.

OPPONENTS: None.

Questions: Senator Towe asked what the audit committee reported. Representative Lory said they recommended they sunset it.

CONSIDERATION OF HOUSE BILL 684:

AN ACT TO TRANSFER THE LICENSING AUTHORITY OVER NEW MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND IMPORTERS FROM THE DEPARTMENT OF BUSINESS REGULATION TO THE DIVISION OF MOTOR VEHICLES.

Representative Earl Lory, sponsor, said this bill transfers the question of when one loses his franchise there must be a hearing; they recommend he go to the Department of Motor Vehicles.

PROPONENTS: Larry Majerus, Motor Vehicle Administration, suggested an amendment that would require them to license only once.

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Chairman Story put it into a subcommittee of himself.

OPPONENTS: None.

Questions; None.

The hearing was closed.

CONSIDERATION OF HOUSE BILL 636.

Representative Jerry Fedá, sponsor, explained that the bill will add a public member to the Board of Massage Therapists; he mentioned that it was recommended to be sunsetted by the board.

PROPONENTS: Thomas Prewett, massage therapist, enclosed testimony; Ethel Gullickson, Thomas Reynolds, and Mary Schwind, all testified.

OPPONENTS: None.

Questions: Senator Towe requested a comment on the legislative audit; and Mr. Prewett said that for years they worked without a license and were often ridiculed, now through licensing all are licensed massage therapists. He answered the question of the license fee--\$25.00, and no licenses have ever been revoked. Other questions by Senator Towe were the number of license applications in a year--answer 6, with one refusal. There had been action also in one place to eliminate it where there was abuse.

Senator Story made the point that if the audit committee did not get a handle on it, the county attorney could still do it.

Senator Towe pointed out they do not want to have unnecessary government.

Senator Johnson asked these question: how many--76; how long has there been licensing--since 1976; educational requirement--1000 hours. All answers were given by Mr. Prewett.

In closing Representative Fedá said he would consider a deterrent and would want Senator Story to carry if it passes.

CONSIDERATION OF HOUSE BILL 291.

AN ACT TO ALLOW THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO SET CRITERIA FOR DETERMINING REASONABLE AND NECESSARY EXPENDITURES BY COUNTIES APPLYING FOR GRANTS-IN-AID.

Mr. Steve Waldron, representing the ill sponsor, Representative Herb Huennekens, stated this bill allows SRS to set criteria for expenditures out of grants-in-aid.

PROPOSERS: Judith Carlson, SRS, submitted testimony.

OPPOSERS: Beverly Gibson opposed because they feel that there are sufficient review and approval processes for the state agencies to approve grant-in-aid. This bill will allow an open end for them to draw up rules.

Questions: Senator Towe asked Ms. Carlson to respond to the opponent, and she said the present law provides that all expenditures be legal. Senator Ryan then asked Ms. Carlson why they need legislation when they are already doing it. She said they cannot judge on necessity or expenditure. He asked if it were reasonable and necessary. Senator Towe answered that it is in the code according to the criteria set by the law, and there are guidelines in the statement of intent.

Senator Story asked Ms. Gibson how many counties she represents--two; he asked her if the association of counties voted on whether to oppose this bill. Ms. Gibson said they did not have a resolution directly but have basic general policy statements.

Senator Towe said it was difficult for him to accept Ms. Gibson's statement because he feels the amount of money that is coming from the state is substantial and thinks guidelines are necessary. Ms. Gibson stated there are checks and balances.

In closing Mr. Waldron pointed out line 16, page 1, which is totally general fund money.

CONSIDERATION OF HOUSE BILL 161.

AN ACT TO PERMIT INCENTIVE AWARDS FOR STATE EMPLOYEES. AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATE-WIDE INCENTIVE PROGRAM TO AWARD STATE EMPLOYEES FOR COST-SAVING PROPOSALS.

Representative Bud Gould, sponsor, wants to award state employees 10 per cent for one year for ideas that would save the state of Montana money, with \$500.00 maximum. He suggested to change the effective date to July 1.

PROPOSERS: Representative Cal Winslow stated there will not be a duplication of awards. \$500 or 10 percent would be the maximum award.

Other proponents were David Evenson, Loren Gunderson, Joe Sicotte, and Tom Schneider.

OPPOSERS: None.

Questions: Senator Johnson asked Representative Winslow who are the members of the advisory council. Representative Gould answered that it is in the statement of intent that the Department of Administration sets up the advisory council in the rules. Senator Johnson asked how it will be set up.

Senator Towe asked how large the advisory council should be, and Dave Evenson said it would be approximately ten people, primarily from Helena. The senator then asked if the council may be in existence longer than two years, and if they would want it to continue on a permanent basis. Representative Gould said the advisory council would be an on-going concern. Senator Towe did not feel it was spelled out very well in the bill, but Mr. Evenson said its primary role is oversight.

Senator Story asked if there might be a problem with a state employer being hired to improve the system, or are they excluded from this; answer yes.

The hearing was closed on this bill.

CONSIDERATION ON HOUSE BILL 429:

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE SHALL MEET IN ANNUAL SESSIONS FOR 60 LEGISLATIVE DAYS IN EVEN-NUMBERED YEARS AND 45 LEGISLATIVE DAYS IN ODD-NUMBERED YEARS AND TO PROVIDE LIMITATIONS ON THE BUSINESS THAT MAY BE CONDUCTED IN ODD NUMBERED YEARS EACH RESPECTIVE SESSION: AND TO PROVIDE AN EFFECTIVE DATE.

Sponsor Representative John Vincent explained this annual sessions bill delays an effective date. The legislature would have one more 90-day session if the bill goes into effect. If this bill is placed on the ballot, the annual session system would work on the order of odd-numbered years to be a 45-day session for appropriation and revenue. Other matters could be considered if approved by 2/3 vote of either house. In even-numbered years a 60-session would involve general legislation. The two sessions would both be restrictive. The representative pointed out that

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taxation measures would always be reviewed and discussed. He stated that this is a different annual sessions bill than the other four bills calling for annual sessions. It has been eight years since this particular bill has come up and this has passed the house by 70 votes.

PROPOSERS: Margaret Davis, LWV, enclosed testimony; Tom Schneider, MPEA, supported.

OPPOSERS: Janelle Fallan, Montana Chamber of Commerce, stated that if this bill passes, they may find themselves unpopular with the citizenry of the state.

Senator Ryan asked Ms. Davis if they have opposed 90-day sessions every year, and she stated they would like shorter sessions. Senator Story, concerned about appropriation factors, asked Representative Vincent how it is done in other states. He answered that in Utah each standing committee during the budget session becomes a subcommittee of the appropriations committee. He suggested in Montana it could be organized any way they wanted it in their own legislature.

Senator Story is concerned because the subcommittee deals only with five areas, which causes problems because most state agencies get funding from three or four sources. He maintains there would be fewer days to do the work, especially in the House where there are many more members than in the Senate.

Representative Vincent stated that Utah does their work in 25 calendar days, whereby this state should be able to do theirs in 45 legislative days.

Senator Story said they spend less than one per cent of the legislative budget, and what they cost the taxpayer is how well they do their work, not how long they work. He maintains that if there is one general session every two years and one budget session, essentially it is a biennial session; Representative Vincent disagrees.

Senator Hafferman pointed out that in Idaho their annual sessions resolve in the same bills and the vote is always close.

Senator Towe asked if there were a reason for budget to be on audit after they are in session. Representative Vincent answered that it is very difficult to switch from audit the year they were in to the even year. Senator Towe asked him if he saw a problem regarding bills that have fiscal impact but cannot be considered for appropriate measures because they are not on the agenda. Rep. Vincent said they may have to adapt to certain situations, and the effective date could be delayed.

Senator Story mentioned that a new governor would be saddled with a previous governor's budget, and Vincent said a governor could accommodate it. Story maintained that it takes a year, but Vincent said it could be done because it is done in Utah.

Chairman Story asked if it could be amended so that parts could be switched. Representative Vincent said there are problems in the other direction and thought it would be difficult to switch.

Senator Ryan interjected, referring to the opposing sides of the League of Women Voters and the Chamber of Commerce, said so much time is being spent on this one bill while little time was spent on the previous five bills assigned to this date. Senator Story explained that he had placed this one last because it might need the most discussion.

Senator Towe defended the issue because the chairman was put in a spot because of a caucus that was called for 11:00.

Senators Hammond and Johnson had been excused at 11:00 because of the Republican caucus.

Chairman Story suggested that if the leaders of both parties and the governor wanted to try it, they should; something could be put in the constitution that would sunset this after two years. Senator Towe thought it a good idea to have a trail run and then put it in the constitution; it could be delayed until 1986.

Representative Vincent would rather have the bill die than delay it.

In closing Representative Vincent said this is a different annual sessions bill and not many are familiar with it, and he asked that the bill be considered with its merits.

There was discussion within the committee of Senator Brown and Senator Vincent's bill. Senator Story said if annual sessions do come about, bills should not be brought up again.

Senator Towe stressed an advantage of annual sessions is that with budgets in one and not in the other, this would be good because some legislators do not know about the appropriations that are going on in the biennial sessions because of membership in other committees.

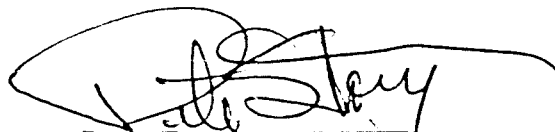
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State Administration Meeting Minutes

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Senator Ryan pointed out that there should be more briefing for new legislators, and there should be more communications between those in appropriations and in taxation so that they are better informed.

The hearing was closed, and adjournment was at 11:55.



Pete Story
Pete Story Chairman

3-6
#685
Ken Read

HOUSE BILL 685

Mr. Chairman and members of the Senate State Administration Committee:

My name is Kenneth B. Read. I am a registered sanitarian and a member of the Board of Sanitarians. It is on behalf of the board that I am presenting these remarks in favor of House Bill 685.

This testimony has been presented before the House State Administration Committee and the Senate Public Health Committee.

As you know, the Senate Public Health Committee voted 6 to 1 against SB 388 which would have sunsetted the Board of Sanitarians and that decision was upheld by the Senate with a 43 to 5 vote. We believe the Senate actions to date and the passage of this bill by the House indicates agreement that the Board of Sanitarians should continue.

The Montana Board of Sanitarians came into existence in 1959 for the purpose of protecting public health by:

1. Determining the demands of the sanitarian profession and then developing and enforcing minimum standards for sanitarian registration.
2. Using appropriate methods and examinations to determine whether applicants meet those standards.
3. Authorizing the issue of a registration license, suspending or revoking licenses, and annually renewing licenses of registered sanitarians.

The Board of Sanitarians has followed these procedures since 1959 as the registered sanitarian's responsibilities have grown to the highly complex and technical world of today. The Board of Sanitarians believes that now, more than ever before, sanitarians must have specific qualifications, must exhibit their basic competency through application review and testing and must perform as a professional on the job.

We can see no benefit to the citizens of Montana, to the businesses and industry with whom the sanitarian works, nor to the employing industries or governmental agencies to remove all requirements, to remove all qualifications, and to permit anyone - anyone at all - to assume the legal authorities and responsibilities of a sanitarian. We believe the reduction in public health protection would be unacceptable to all.

Considering items of special interest determined by the Board of Sanitarians, the registered sanitarians themselves, and the Legislative Audit review, we would like to offer the following. The page numbers after each item refer to pages in the audit report.

COMMENTS REGARDING THE SUNSET REVIEW
OF THE BOARD OF SANITARIANS

1. Pre-employment Examination and Probationary Certification (Page 10 & 13)

HB 685 would eliminate this procedure. Prospective sanitarians would be required to pass the full professional registration examination before employment.

2. Pass-fail Ratio (Page 11)

The academic requirements necessary before an application for registration can be made effectively eliminates most individuals who would fail the examination--thus, the pass percentage seems high.

3. Exemptions to Registration (Page 15 & 16)

A. Academic activities -

Persons qualified to teach at the college and university level are already academically qualified and are not actually performing as sanitarians.

B. Sanitary engineers, public health engineers, registered engineers, etc.

Persons graduating as engineers have qualifications for their profession and have their own registration procedures. These persons do not usually perform as sanitarians but deal with a limited area.

C. Public Health Officers

50-2-116 MCA requires a health officer to be a physician or a person with a master's degree in public health or equivalent thus these persons more than meet academic requirements. They also don't perform as sanitarians.

D. Federal employees

These individuals are qualified by other standards and do not perform as sanitarians.

4. Department of Health Authority (Page 17)

Although the department works very closely with sanitarians on the day-to-day applications of rules and laws, it has no authority to register the profession.

Also, the department does not want the assignment and feels peer review is better.

5. Conflict with the Department of Health (Page 20)

The problem developed when the state instituted its new classification system. The Department placed two persons in the sanitarian classification even though one managed the confined feed-lot program and the other was a soils scientist.

Because they had the title "sanitarian" the Board had no choice but to request registration.

The problem has been resolved by proper job classification procedures.

6. Lack of Complaints to the Board

The board is charged with establishing qualifications, testing applicants and issuing registration certificates. It can only take disciplinary action for specific causes listed in HB 685 (Page 9).

Only limited complaints concerning these causes have been brought to the boards attention.

Other complaints, dealing with the sanitarian's application of laws and rules are the responsibility of the Department of Health and the local health agency. Only if the problems relate to incompetence, misconduct, gross negligence etc. would the board become involved.

7. Department of Health Authority (Page 22)

Discussed under item 4.

8. Educational Requirements (Page 22 & 23)

HB 685 amends the educational requirements to bring the relationship of academic background and the requirements of the job into direct focus. Montana State University currently has 15 persons in the environmental health degree program.

10. Standards of Conduct (Page 24)

The Board of Sanitarians plans to adopt standards through its rule-making authority.

11. Continuing Education (Page 24)

The Board of Sanitarians plans to institute a continuing education component.

The actual requirements will be developed through an action committee of field sanitarians and with the participation of the Montana Environmental Health Association

In conclusion, the Board of Sanitarians recommends the committee vote in support of House Bill 685. The points just raised, together with other testimony you will receive, indicates broad-based support. The industry we work with, the county commissioners who hire most of our profession, the local boards of health and health officer for whom we work, and the members of the profession themselves are all in support of House Bill 685.

We respectfully urge you to cast your vote with these concerned people and protect public health in Montana by voting in favor of House Bill 685.

Thank you.

By: Peter M. Frazier, R.S.

Mr. Chairman and committee members, my name is Pete Frazier. I am a Registered Sanitarian and currently the President of the Montana Environmental Health Association, which represents a majority of the more than one hundred (100) registered sanitarians throughout the State of Montana. For the past ten (10) years I have been employed with the City-County Health Department in Great Falls and currently hold the position of Environmental Health Coordinator for that Department. On behalf of the Montana Environmental Health Association I appreciate the opportunity to testify in favor of HB 685 which calls for re-establishing the Board of Sanitarians.

Currently there are sixty four (64) registered sanitarians working at the local level in 30 health jurisdictions covering all 56 counties throughout Montana. In addition there are a number of registered sanitarians working in the private sector of various chain stores, land developers, etc., as well as several registered sanitarians working for the State Health Department and Department of Agriculture.

I believe it is important to briefly explain exactly what a Sanitarian is and what he does, since the 'term' sanitarian has little meaning to the average citizen, yet every day the services the registered sanitarian performs greatly influences the health and well-being of each and every citizen in Montana. The Registered Sanitarian occupies a most important and unique position in the work of public health protection. He is the first line professional, usually a multi-discipline generalist, who carries the tremendous responsibility as primary inspection, evaluator, advisor, educator and enforcer in public health prevention and correction matters. The propriety of his actions is critical to the development and maintenance of a healthful and safe environment.

The food we eat, the water we drink, and the schools our children attend are all inspected for compliance with Montana Public Health Regulations by the registered sanitarian. In addition motels, hotels, trailer courts, and swimming pools are inspected by registered sanitarians for the protection of the public health.

The Sanitarian has long been considered a responsible professional by the Montana Legislature. Many laws, including those dealing with food, public accommodations, and trailer courts specifically name sanitarians as the persons to carry out the provisions of the law. It seems a reasonable assumption that the lawmakers believed that registration requirements qualified and justified the specific inclusion of the sanitarian in these laws.

Because the Sanitarian's activities are essential to the preservation of high quality health, it is essential the sanitarian be well qualified. A Registered Sanitarian is much more than a robot, who by rote reads regulations, mechanically marks a form, and walks away. He is a professional who must be properly educated and qualified in order to make educated decisions concerning public health matters. Unqualified individuals making wrong decisions, or no decisions would be extremely costly to a business or individual and, in turn, to the consumer. The sanitarian at the local level is the right hand of local government in most matters of public health. Through the sanitarians actions or inactions legal indemnities may occur against local or state government. Unqualified sanitarians in the field may significantly increase such actions and thus affect the cost of service to the public, as well as jeopardize public health.

Because of what I have just discussed, it is the feeling of all the sanitarians throughout Montana as well as a number of Boards of County Commissioners, several of the industries that are inspected by sanitarians, and several attorneys, land surveyors and soil scientists that HB 685 re-establishing the Board of Sanitarians is imperative. Registration of Sanitarians is the simplest and most effective method to assure the availability of qualified, competent individuals to deal with the complex problems associated with food, water, housing, and land sanitation. The educational requirements found within this bill are necessary for a basic knowledge that is needed by a sanitarian in order that the individual can make intelligent and valid evaluations of conditions which have the potential of causing disease. Such quality evaluation is a necessary precursor to the formulation of recommendations which will prove effective in alleviating conditions detrimental to public health. The educational requirements are also necessary in order for the sanitarian to understand and interpret to the public the reasoning behind public health laws and regulations.

The Board of Sanitarians is not a State agency but rather is an independent board attached to the Department of Professional and Occupational Licensing for Administrative purpose only. The total budget for the Board of Sanitarians for fiscal year 1980 was \$2,784. None of this budget came from public tax monies. The Board is totally self-sufficient, operating entirely on testing and license fees from members of the sanitarian profession.

There have been comments made in the past that should there be no Board of Sanitarians that the registration of sanitarians would automatically be performed by the State Department of Health and Environmental Sciences. However, this is not true. The State Department of Health and Environmental Sciences has no legal authority to perform this function. Without the Board of Sanitarians there will be no sanitarian registration within the State of Montana and, thus, no control over who provides these extremely important preventative public health services, with regard to the individual's knowledge qualifications and competence. I, therefore, urge this committee to recommend a "do pass" on HB 685 for the re-establishment of the Board of Sanitarians. The Montana Environmental Health Association believes that only qualified and registered sanitarians should be entrusted with the protection of public health in the areas of their responsibility. To place the health and safety in the hands of anyone less qualified would be retrogressive and not in the best interest of the citizens of Montana.

I have provided to the Chairman of this committee an inventory list of letters supporting the need for a Board of Sanitarians and copies of all letters submitted to the Legislative Audit Committee, as well as recent letters of support if you desire to review them.

Should you have any questions I would be happy to answer them.
Thank you.

NAME: William E Robinson DATE: March 6, 1981

ADDRESS: 732 32 ave NE, Great Falls

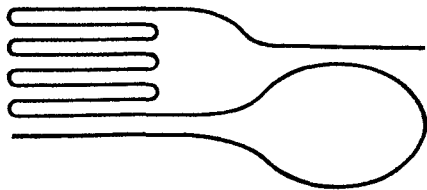
PHONE: 761-5871

REPRESENTING WHOM? BUTTREY FOODS

APPEARING ON WHICH PROPOSAL: HB 685

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

P.O. Box 6664
Great Falls, Montana 5940

March 5, 1981

Senator Peter Story, Chairman
State Administration Committee
Montana State Senate
Helena, Montana

Dear Chairman Story & Members of the
Committee:

My name is Roger L. Anderson. I am the
President of the newly-formed Montana Restaurant
Association representing over 100 food service
operators throughout the State of Montana.

The Montana Restaurant Association strongly
supports House Bill # 685. We whole heartily
support the upgrading of the quality of Sanitation
in Montana and we are extremely concerned
about the lack of professionalism that
would result from the non-registration
and non-certification of Sanitation.

Please feel free to contact me if
I can answer any further questions
that you and your Committee might have.

With kind regards, Sam.

Sincerely yours
Roger L. Anderson, President
Montana Restaurant Association

CITY-COUNTY HEALTH DEPARTMENT

1130 - 17TH AVE. SOUTH

GREAT FALLS, MONTANA 59405

BOARD OF HEALTH

COUNTY COMMISSIONER
MAYOR
SUPERINTENDENT CITY SCHOOLS
REPRESENTATIVE MEDICAL SOCIETY
REPRESENTATIVE DENTAL SOCIETY

PHONE 761-6700
EXT. 550

March 5, 1981

SUBJECT: HB685

Montana Senate
State Administration Committee
Capitol Station
Helena, Montana 59601

Dear Members:

My name is Donald Pizzini, Health Officer for the City-County Health Department in Cascade County. I have been in this position since 1973.

I represent myself as a local health officer and also as a representative for the Montana Association of Local Health Departments in support of HB685.

You may or may not know -- Sections 50-2-101 through 59-2-124 MCA, deal with the duties and responsibilities of local Boards of Health and local health officers. One of the responsibilities of local boards is to employ a health officer and other necessary staff. However, the employment of other necessary staff is usually delegated to the health officer. The two major categories of professional employees hired by local health departments are public health nurses and public health sanitarians.

Regarding public health sanitarians, the two major functions of a sanitarian are the enforcement of State and local laws and regulations and the provision of public health education. Both aspects are highly technical and complex in nature, requiring a broad knowledge and understanding of the sciences and public relations. For example, some of the roles of a sanitarian require the investigation of food and water-borne illnesses; the investigation, history and culturing of communicable diseases; the bacteriological analysis of water; the educational programming of public restaurants, day care homes, schools, etc; the investigation, interpretation, education and enforcement of water supplies, sewage treatment systems, public establishment; the investigation and follow-up of community problems i.e. PCB, chemical spills, air, water and radiation hazards, insect and vector problems, and safety hazards; the review of plans, inspections, education and interpretation and enforcement of public eating establishments; the on-site visits, compilation

Page 2

SUBJECT: HB685

State Administration Committee

of maps, well logs and other requirements for the early approval of sanitary requirements within subdivisions; and the community education for effective preventive health concerns.

These and the other responsibilities of a sanitarian mandate the need for certified or licensed personnel within this area of public service.

If this Committee feels that local government can effectively control this level of service with performance criterias, then in my opinion, Montana may be establishing 56 different levels of community health. In addition, State laws and regulations passed by the Legislature will no longer be uniformly implemented and administered.

I feel the public health issues can best be met and resolved through properly licensed and experienced professional sanitarians. Passage of HB685 will guarantee the citizens of Montana the level of public health to which they are accustomed and demand.

I wish to thank you for this opportunity to appear before you and encourage your "do pass" vote on HB685.

Thank you.

Sincerely,

CITY-COUNTY BOARD OF HEALTH



Donald E. Pizzini,
Health Officer

DEP:hro

March 5, 1981

Testimony Favoring HB 685

Dear Committee Members:

During the past year or two the question of "Sunsetting" the Sanitarians Registration Act has been reviewed and discussed with your fellow colleagues. It appears that some do not support our continued requirement for registration. I am well aware that we are in a time of governmental change and most of us are in the disposition that we have too much government and this trend must be reversed.

However, the eliminating of the Registration Act is taking a blind slice at one aspect of government requirements that is totally unjustified. First of all, there are no expenditures of State funds involved in maintaining the Registration Act. Furthermore, there are significant factors that must be considered before making the final decision on a law requiring registration. You may already be familiar in a general way with the kinds of work the sanitarians do in the field of environmental and public health throughout the State of Montana, but let me elaborate for a minute on my role in the community.

It is important to note that over the past twenty years the role of the sanitarians with regard to environmental and public health has evolved from rather a straight forward performance of tasks to a complex profession. Today we deal with problems far more wide ranging and intricate than our predecessors. We deal daily with questions and problems dealing with air and water pollution, land subdivision, pesticides and other toxic substance contaminations, radiation, sewage disposal technology, land use planning, long range health planning, communicable disease investigations, to name a few.

The world of environmental and public health is complex and even the application of written rules and regulations that we administer are complicated by an exacting legal system. Our efforts must continually dissect the often unclear area between due process and effective enforcement.

A ridged and thoughtless application of health rules and requirements by unregistered and unqualified persons would be certain to cause more problems and further strain relations between the inspectors and inspected. A successful regulatory process is not the mere filling of forms, but it is the professional judgement that the Registered Sanitarian brings to the process that is essential for sound application of the health laws and administrative rules and regulations. Without standards for performance, blind application of regulatory authority would be totally ineffective and costly in terms of health and dollars.

Although I weigh carefully the financial impact of my decisions and always respect a persons rights to do business in the State of Montana, my first concern is the protection of the public from unnecessary risks and dangers.

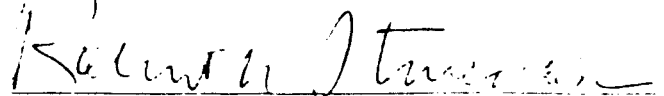
I take seriously the obligation I have to the people of my health jurisdiction and continue to engage in activities of planning and development to insure their well being in years ahead. As involved as the work has become today, tomorrow will no doubt bring more challenges.

Environmental and public health is not a fringe benefit to be taken lightly; rather it is an obligation to be taken seriously. Removal of the Registration Act within Montana will open the profession up to less than trained, competent and dedicated individuals. The loosening of standards can only invite quasi-professional attitudes and knowledge to significant problems of the environmental and public health.

Publicly financed health efforts in Montana need the direction that professional people can give it. We must anticipate the problems of the 1980's and place before the legislature those concerns about Montana's health needs. Clear, professional and concise programs and policies that demand the most of the tax dollars available must not be left in the hands of nonprofessionals.

In conclusion, the majority of us sanitarians work at the local levels of government, near the people that we are charged to protect. I believe that Montanans deserve to have the most qualified people on the frontline where the problems occur. A vote for Sanitarian Registration will help insure that your local community will have qualified health professionals.

Sincerely,



Robert K. Stevenson
Registered Sanitarian



3-6
#685

P.O. BOX 5008

DIVISION OF JEWEL COMPANIES, INC.
601 SIXTH STREET S.W.
GREAT FALLS, MONTANA 59403

AREA CODE 406
761-3401

March 5, 1981

Testimony Favoring H.B. 685

Dear Mr. Chairman and Committee Members:

My name is William E. Robinson. I have been employed for five years as a Sanitarian for Buttrey Food Stores Division, Jewel Companies Incorporated, Great Falls, Montana, and I am currently registered under the Sanitarian Registration Act. My job responsibilities include developing and implementing quality assurance, food protection, and general sanitation programs in retail food stores and distribution facilities in the seven state market area, to include monitoring and insuring compliance with the various local, state, and federal food safety regulations. My comments in support of H.B. 685 are therefore limited to the food safety scope of a registered sanitarian's responsibilities.

The following testimony in support of H.B. 685 is respectfully offered for your consideration, and is the view of myself as well as that of Buttrey Food Stores.

The Sanitarian Registration Act in my opinion significantly enhances the public health, safety, and welfare of Montana's citizens by requiring that qualified individuals are hired to assure the wholesomeness and safety of the foods consumed by Montanans. The complexity of the causative factors of food borne illness and its preventative measures necessitates that one be proficient in the basic concepts of food protection and sanitary principles, if he or she is to be able to identify situations or practices in food establishments which may lead to a food borne illness outbreak. Regulations provide the sanitarian with a tool to mandate certain requirements which will reduce the likelihood of a food borne illness, but the sanitarian must be able to interpret these regulations and correlate them with observed situations or practices in a food establishment which might lead to such a food borne illness. If one is not qualified to do this, such situations or practices will very likely go uncorrected and the safety of the consumer will not be assured. The criteria for registration under the current Sanitarians Registration Act helps insure that the individual charged with these responsibilities has this proficiency.

In my opinion the Sanitarian Registration Act does not have the effect of directly or indirectly increasing the costs of any goods or services involved in the operation of a food establishment. A conscientious food operator will strive to comply with the letter and the intent of the sanitary food regulations applicable to his operation, and will design, construct, and maintain the facility and equipment in compliance with those regulations, integrating the required specifications into his operational design. The sanitarian, through the plan approval process, and through pre-opening, and subsequent inspections, is responsible to insure that these specifications are met. The operator must rely on the proficiency of the sanitarian to define these specifications as they relate to his particular plan, equipment, structure, or current operation. The sanitarian must be able to correlate the speci-

fications required in the regulation to the potential food safety hazards which might be associated with a particular food operation. If the sanitarian does not have the background that will enable him to understand the food safety hazards that might be associated with the operation, arbitrary specifications, based on misinterpretation of the regulations, may be required that are costly or counterproductive and serve no useful purpose. Additionally, during the plan approval, construction, and pre-opening inspection process, interpretations may vary if not based on sound food protection concepts and sanitary principles, necessitating costly plan, equipment, and/or construction changes or construction delays. The qualified sanitarian through his knowledge can assist the operator in complying with the regulations at the minimum cost and in a manner most efficient to the productivity of the operation. The converse is true of an unqualified sanitarian. Since costs of operating a business are necessarily passed on to the consumer, the Sanitarian Registration Act, by requiring proficiency, helps reduce, or at least hold down such operating costs.

I hope my comments have been of assistance to the committee in arriving at their recommendation on this bill. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "William E. Robinson".

William E. Robinson, R.S.

Handwritten notes and signatures in the top right corner.

Testimony provided at Legislative Audit Committee Hearing

Gary Lee Watt, R.S.
James M. Peterson, R.S.
Lawrence Wallace, R.S.

Individuals' Letters

Bill DeCou, R.S., Missoula
Malcolm D. Winter, M.D., Custer Co. Hlth. Officer, Miles City
Stephen Hamann, R.S., Miles City
Larry D. Mitchell, R.S., Helena
Sue Cozzans, R.S., Billings
Gary Bradshaw, R.S., Billings
Louis Ladas, R.S., Billings
Ted Kylander, R.S., Billings
James U. Neely, R.S., Billings
Don McLean, R.S., Butte
Edward Grove, R.S., Sidney
Kenneth B. Read, R.S., Missoula
Pete Frazier, R.S., Great Falls
Samuel R. Kalafat, R.S., Great Falls
Paul J. Gans, Health Officer, Lewistown
Robert Childers, R.S., Lewistown
Steven Isaacson, R.S., Lewistown
Duane L. Robertson, R.S., Helena
John C. Geach, R.S., Helena
James E. Leiter, R.S., Helena
Vic R. Andersen, R.S., Helena
Jerry Cormier, R.S., Billings

Professional Individuals & Businesses

James L. Hahn, Land Surveyor
Donald M. Erb, Soil Scientist
Tom Astle, Jr., Land Surveyor
Sage Engineers & Land Planners, Inc.
Sanderson, Stewart, Gaston Engineering, Inc.
Treftz & Associates, Land Surveyors & Engineers

Industry & Establishment Operators

Curtis D. Langendorff, Chairman, Great Falls Food Service Assoc.
Kenneth E. Hickel, Owner, Ponderosa Inn, Billings
F. Jack Anderson, V.Pres. & General Manager, Northern Hotel, Billings
Klaus H. Schuhbauer, Owner, Trail Dust Inn, Billings
Ron Anderson, R.S. and William Robinson, R.S., Industry Sanitarians,
Buttreys, Great Falls, Montana

State Department of Health & Environmental Sciences

John W. Bartlett, Deputy Director

Association

Montana Local Health Officers' Assoc.
David A. Feffer, Chairman

Inventory Letters Supporting Need for Board of Sanitarians

County Commissioners

Big Horn
Broadwater
Hill
Jefferson
Judith Basin
Madison
Petroleum
Toole
Valley
Lake
Cascade

Cities

Billings
Lewistown

Medical Doctors

Robert C. Arfman, M.D.
Robert R. Whiting, Jr., M.D.

Legislator

Rep. Gene Frater, House Dist. #10, Billings, Mt.

Planning Boards

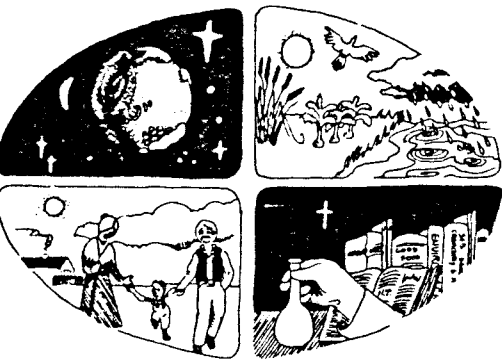
Judith Basin City-County Planning Board

Boards of Health

Butte Silver Bow
Big Horn County Health Board
Missoula City-County Board of Health
Cascade City-County Board of Health

Attorneys

William A. Spoja, Jr., Lewistown
Law offices of Church, Harris, Johnson & Williams, Great Falls, Mt.



...MAKING A DIFFERENCE ...

Board of Health
County Commissioners
City Government
County Attorney
Health Officers Assoc

January 14, 1981

Mr. James Peterson, State Compliance Officer
State Department of Health & Environmental
Sciences
Food & Consumer Safety Bureau
Board of Health Building
Helena, Montana 59620

Dear Jim:

This letter is to inform you that at the December, 1980, Local Health Officers' Association meeting, the local Health Officers unanimously voted to support retention of the Board of Sanitarians. We feel the Board, which operates at no public cost, offers considerable public benefit by establishing and maintaining standards of professionalism among sanitarians working in Montana.

Sincerely,

David A. Feffer, Chairman
Montana Local Health Officers' Assoc.

DAF:mjp

MISSOULA CITY-COUNTY HEALTH DEPARTMENT
301 WEST ALDER STREET MISSOULA, MT 59801
TELEPHONE 721-5700

Cormier Associates

Engineering Firms

Surveyors

Soil Scientists

Doctors

Legislators

Planning Boards

406-656-4231

3911 Pine Cove Road
Billings, Montana 59

January 13, 1981

Mr. James Peterson
Board of Sanitarians
Helena, Montana 59601

Dear Mr. Peterson:

I wanted to write this letter to you to express my concern for the continuance of the Sanitarian Registration Act. First I would like to give you my background in the field, then I shall list the reasons why I think that it is a good law.

I have been a Registered Sanitarian since 1971, having taken and passed the test given by the board that year. For six years I worked for the City-County Health Department in Billings, inspecting food service establishments, and other programs that the Health Department administered. These include inspecting dairy farms, bakeries, meat lockers, food stores, and manufacturing establishments that produced food in Billings. Also included in my job were school plant and school lunch programs, motels and hotels, and public swimming pools. Another program that the local Health Department administered was local compliance of the Sanitation in Subdivisions Act. This involved checking plans as submitted for proposed subdivisions, and also making field inspections at installation of septic systems.

The field of subdivisions led to my leaving the department and starting my own consulting business 3 years ago. I primarily deal with environmental impacts and soil testing for subdivisions. As a Registered Sanitarian, my work in the field is recognized by the Subdivision Bureau of the State Department of Health.

As I listed the duties above for field sanitarians, you can see that the job would most certainly require someone with a bachelors degree in the general area of microbiology or related science fields to be able to understand the complex interactions of the environment around us and the public health and safety. I also feel that a college degree ensures a certain level of competence and maturity in an individual.

In the 10 years that I have been in the field I have been fortunate to see and work for the improvement in the requirements of the individuals that apply for the positions in environmental health. I do not feel that now is the time to dismantle that work and leave the field wide open to anyone.

Environmental Consultants. Land Use Planning. Soil Testing.



**GREAT
FALLS AREA
CHAMBER OF COMMERCE**

P.O. BOX 2127
926 CENTRAL AVENUE
GREAT FALLS, MONTANA 59403
(406) 761-4434

RE

Businesses

MONTA

March 14, 1980

State of Montana Legislative Audit Committee
Room 135, Capital Building
Helena, MT 59601

Dear Legislative Audit Committee:

The Great Falls Area Foodservice Association respectfully submits the following formal testimony concerning the Sunset provision effecting the Montana State Board of Sanitarians, Section 2-8-101(2) MCA.

In the opinion of the Association, the Board of Sanitarians provides the Montana taxpayer an invaluable service. Our local sanitarians have the awesome responsibility, in conjunction with the food service industry, of insuring the health and safety of our Montana citizens. The preservation of their welfare is no matter to be taken lightly nor placed in the hands of unqualified personnel. Through the development of minimum standards of registration, by determining sanitarian eligibility, and by authorizing the Bureau of Occupational Licensing to register sanitarians, the Board of Sanitarians insures that local sanitarians are the true professionals that their responsibilities demand.

Local sanitarians are a prime source of information for food service operators in the areas of health regulation and sanitation standards. It is vital that if the food service industry is to take full advantage of this information, through inspections and seminars conducted by sanitarians, the credibility of these sanitarians must be maintained. It is through the state registration process that Montana restauranters and their patrons are assured of this credibility.

The GFAFSA strongly supports the continuation of the Board of Sanitarians. Just as insuring public welfare and safety is an important function of our state and local governments, it is also of paramount importance to the food service industry. The Board of Sanitarians provides that all sanitarians have the necessary education and expertise to meet their responsibilities with the professionalism we and the public have come to expect from them.

Respectfully,

Curtis D. Langendorff
Curtis D. Langendorff
Chairman



Department
STATE OF MONTANA

DIRECTOR'S OFFICE
449-2544

Dept. of Health

Environmental Sciences

C. Knight, M.D., F.C.C.P.
Director

September 16, 1980

RECEIVED

SEP 18 1980

MONTANA LEGISLATIVE AUDITOR

John W. Northey
Legislative Auditor's Office
Room 135, State Capitol
Helena, Montana 59601

Dear Mr. Northey:

The Department of Health & Environmental Sciences strongly believes that sanitarians must meet uniform state-wide qualifications before working in the profession and believes that screening, testing, registering and monitoring by an independent board is the best process by which this can be accomplished.

The Department recommends the Legislative Audit Committee reconsider its decision to sunset the Board of Sanitarians and determine to re-establish it, with certain changes in its administrative law, in the Department of Professional and Occupational Licensing.

If this is not acceptable, the Department then recommends the Board of Sanitarians be allocated to the Department of Health & Environmental Sciences for administrative purposes, that the Director of the Department of Health & Environmental Sciences be given the authority to appoint the members of the Board of Sanitarians, and the Board of Sanitarians continue its current screening, testing, registering, and monitoring of professional performance activities.

The Department is responsible for the administration of many laws and rules which specifically name the sanitarian as the person to complete public health protection tasks as representatives of the Department. Some of the areas of responsibility are: food processors and manufacturers; food, drugs and cosmetics; food service establishments; hotels, motels, and tourist homes; day care centers; retirement homes; schools; locker plants and frozen food processors; septic tank and cesspool operations; swimming pools and bathing places; tourist campgrounds, trailer courts; vending of food and beverages; water pollution; jails and public buildings. Over 7,000 licensed businesses are included in this workload.

NAME: Thomas A. Jewett DATE: March 6, 1981

ADDRESS: 908 - 5th Ave North - Glasgow, Mont

PHONE: 228 - 8394

REPRESENTING WHOM? Massage Therapist

APPEARING ON WHICH PROPOSAL: HB - 636

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

3-6
#630

① I am Thomas A. Prewett, President of the Board of Massage Therapists. I am here to ask your support of the re-establishment of the board.

Let me explain a little bit about the profession I represent. Massage is an ancient form of the healing arts, known to have been practiced by the Chinese 3000 years ago. Today--most therapists use the SWEDISH technique in their treatments.

Massage is a scientific manipulation of the muscles and reflexes of the body. This increases circulation---stimulates or soothes nerves---thus improving the function of all the organs--glands--and cells of the body.

In Montana---there are 76 licensed massage therapists. You may wonder why---as a small group---we find it important to be licensed.

First---it sets a standard throughout the state for our work. The training required is 1000 hours in an accredited school of massage---teaching anatomy, physiology, and kinesiology.

it also sets a standard of service that the public can expect from a licensed massage therapist.

Second---because prostitution is not licensed---this business has looked for a cover under which to operate and advertise. They find that the words--MESSAGE or OUTCALL provide the cover they need for their advertising. The words MESSAGE PARLOR or MESSAGE SALON covers their place of business. THERE ARE NO REGULATIONS OF THE MESSAGE GIVEN IN THESE ESTABLISHMENTS'

Let me cite Arizona as an example of a state that does not have a control board--but leaves the control to city codes.

Thus the proliferation of illegitimate massage businesses---which use answering services---and have their places of business outside the boundaries of cities where codes are enforced. Often--they are in county islands--within or between cities.

The fore-going information is a direct quote from a description sent me by one of our members who is licensed in Montana, Washington and the city of Phoenix--and is presently working there.

He also sent photostatic copies of six of the yellow pages from the Phoenix telephone directory---mostly ads for questionable massage establishments and outcall services. Many of these are half-page ads---some costing over 700 dollars. In the new book just out--these pages have increased to nine.

2

Many of my patrons tell me that outside of the state of Montana---they do not go to a massage therapist---unless recommended---because they do not know what kind of an establishment they are walking in to.

The Board in Montana has been instrumental in keeping massage parlors out of the state. Through-out the year---we get several applications from unqualified persons demanding to be licensed---even some with forged diplomas. When this happens---we know it is not for legitamate massage purposes.

In 1967 massage was licensed in Montana and a board of three members established. A fee of 35 dollars is set for each new applicant---and each member is charged 25 dollars a year to renew their license. This is the operating fund of the board.

To the present date---the board has operated completely ~~within~~ within these boundaries and has never used one cent of state money.

In the Sunset review of our board--it is said that we allowed one individual to be licensed---with less than the 1000 hours of education.

Our law at that time---certified Sept. 16, 1974 MAC No 40-3-50-3 was accepting 600 hours of study in an accredited college or university---and 400 hours of practical training---under a qualified instructor. This applicant completed her 600 hours---passed her state exam---and was granted a temporary permit to work under a qualified instructor until she had completed her 400 hours. At the completion of her 400 hours--we then issued her a license.

It is then said the board subsequently denied---licensing another individual who also had less than 1000 hours. That we did---because he had only 500 hours of education---not the required 600.

Our law was late~~x~~changed thru legislation---to complete the full 1000 hours in an accredited shcool of massage.

It is also said we did not allow a licensed massage therapist to become an instructor. As there is no law defining instructors---we, as a board based our decision following the guidelines of the American Massage and Therapy Assoc.---which requires 5 years of practice to become an instructor. The person referred to had less than one year.

Lastly--it is said that we did not inspect the premises of any of our licensed people. This is true---our state is large and we do not have the fvnds to carry out insnections on a regular basis. If we had had a complaint against any of our licensed people---this would have been looked into. The only complaints ever submitted to this board---were against people who were not licensed. These complaints were dealt with and corrected by correspondence through the licensing department.

3

The board has always used the utmost integrity in all our actions for the good of everyone concerned. We have administered our funds with care, and worked within our law--as it was in effect at the time of our actions.

When writing our massage law---we recognized that some professions, such as beauticians, barbers, coaches, nurses and health clubs---do use some massage in connection with their work---these people were allowed to implement massage as long as it was not their main line of work.

All of our licensed massage therapists are dedicated to their work and the people they serve. We are proud of our profession---have worked hard to upgrade it---and feel we have earned the respect of our clientele.

The number of licensed massage therapists is not large---however, as ^{our} ~~their~~ work is becoming better known--more people are taking an interest--as evidenced by the increased amount of inquiries by people wanting to take the training and become massage therapists. We have four new applicants who have just completed their massage training and will take their exam in May.

We want to pass on to these people the privilege of using the title---- Licensed Massage Therapist---therefor-I ask you to vote YES on H. E. 636.

Thank you.

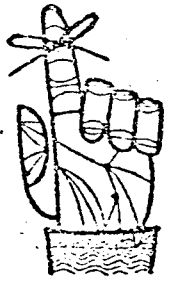
assage (Cont'd)

- Mountain Shadows Health Club
4111 Lincoln Dr Scottsdale 948-7111
- OVER ON SUNDAY
23434 N Cave Creek Dam
Phoenix Tel No 995-1461
(Please See Ad Following Page)
- IRLEANS SCENE
45 Paradise Ln 867-8222
(Please See Ad Page 1229)
- 400 Royal 4747 E Baseline Rd 957-9868
- MOORA'S 4902 E Thomas Rd 267-7657
(Please See Ad Page 1224)
- Andora's Escort Service
4902 E Thomas Rd 267-7657
- PERSONAL OUTCALL SERVICE
916 N 39th Ave Glendale Phoenix Tel No 247-1510
- devious Massage The
527 E Apache Trail Apache Junction 955-0759
- ESORT PARK HEALTH CLUB
Health Club
Scottsdale Only
667 E Northland Dr Scottsdale 946-9515
- or Belles 1050 E Camelback Dr Tempe 958-0128
- LYN'S SEVEN SEAS
953 E Curry Rd Tempe 894-9915
(Please See Ad Page 1223)
- BA DUB EUB MASSAGE PARLOR
245 W Broadway 849-9992
- GUARD ESCORTS 11819 N 29 St 242-5553
(Please See Ad Page 1224)

(Continued Following Page)

If you have goods for sale, the Classified Telephone Directory provides purchasers one of the quickest ways to find your goods. You are invited to call our nearest Business Office for detailed information on advertising in the Classified Telephone Directory.

MEMORIES ARE MIGHTY SHORT



When a name RECOMMENDED has been forgotten!

You remember the recommendation but don't remember the name. If you'll look in the



Bell System Yellow Pages

You'll probably recognize the name when you see it and when you call the firm, tell them you found their name in the YELLOW PAGES.

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955-9132

ALL MAJOR CREDIT
CARDS ACCEPTED

NAME: LOREN GUNDERSON DATE: March 6, '81

ADDRESS: 2760 Country Club Ave, Helena

PHONE: 443-3804

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HB 161

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I support the intent of
HB 161 because my experience
in educating state and local
government personnel in Montana
and other states has taught me
that many opportunities for
the reduction of governmental
energy costs will not be
implemented unless some
incentives are offered. The state
of Colorado saved \$250,000 in a
boiler's operation based upon
the suggestions of a University

employee who was awarded
\$1000 for the suggestion.

The League of Women Voters of Montana

6 March 81

HB 429 - annual sessions - support

The League believes the people of Montana should have the opportunity to vote on re-establishing annual sessions. The citizens have become increasingly aware of the need for a better method of dealing with state business than bi-ennial sessions.

As senators you are all aware of the difficulty in establishing and controlling state finances over a two year period. There are also other legislative matters which suffer from a lack of attention during the twenty month interim.

The League believes that some form of annual sessions is far superior to the establishment of more oversight committees or committees with special powers to act on behalf of the Legislature or to legislating by mail. These proposals acknowledge the problems of bi-ennial sessions, but the solutions they offer would seriously erode some fundamental principles of democracy. The ability of citizens and in some cases legislators to participate would be severely curtailed.

HB 429 proposes limitations on what may be considered at each session during the bi-ennium. Last year we polled legislators on their view of the budget process. The majority of the respondents said that unless they were directly involved, they felt left out altogether. A session dealing primarily with fiscal matters would alleviate this situation. Two shorter sessions would also utilize legislators' experience more effectively. Interim activities could be scaled down to be more responsive to the state's on-going needs, and thereby be more cost effective.

The '73-'74 annual sessions should not be considered as a model for future annual sessions. Thoughtful legislative rules could eliminate the problems experienced eight years ago.

We support annual sessions and ask that you concur in HB 429.

Margaret S. Davis

