

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

MARCH 11, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Wednesday, March 11, 1981 at 12:30 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Himsl who was excused. Senators Johnson and Norman arrived late. Kathleen Harrington, staff researcher, was also present.

Many visitors were in attendance. (See attachment)

CONSIDERATION OF HOUSE BILL 172: Representative Gene Donaldson of district 29, sponsor of House Bill 172, gave a brief resume of the bill. This bill is an act to amend the law relating to the detainer of adulterated or misbranded articles. This bill would provide that if an article has been embargoed by the Department of Health then the owner or other authorized person may enter into a disposal agreement. If the agreement is executed or the embargo is removed and the articles have been damaged by the imposition of the embargo, the department or the state may not be held liable for the damage if there was sufficient cause for the embargo. If a disposal agreement is not executed the agent may petition the court for a condemnation order. Representative Donaldson used the recent PCB problem as an example.

Mr. Vern Sloulin of the Department of Health and Environmental Sciences stated that the purpose of this bill is to amend a section of the Food and Drug Law, 50-31-509, MCA, relating to embargoing products which are adulterated or misbranded. This is being requested due to legal problems which surfaced during the 1979-1980 experience with PCB in Montana. There have been no problems with voluntary embargoes in the past, but the department legal counsel advises that this is extremely risky under present form of law. The Food and Drug Law at present, does not specifically provide for voluntary embargoes. The Department of Health and Environmental Sciences has been operating on the assumption that they could develop an agreement with the owner or the person responsible for the product without involvement of the court. Many agreements of this type have been developed in the past to the satisfaction of the owner and the department. The department is very much in favor of this bill.

PUBLIC HEALTH  
PAGE TWO  
MARCH 11, 1981

Mr. Robert K, Stevenson, representing the City-County Health Department from Great Falls, Montana, stood in support of the bill. He stated that he supports the testimony of Mr. Sloulin from the Department of Health. Mr. Stevenson offered an amendment to the bill. He stated that the term "authorized agent or agents of the Department" is used in several areas of the bill. It had never been clear to whom that term applied. He proposed that the authorized agent term mean "any local Health Officer or Local Sanitarian." This amendment would give the local Health Department the authority to make inspections and take samples of food in food warehouses and transportation facilities. The local department would embargo or detain foods suspected of being adulterated or misbranded. They could authorize condemnation of filthy, decomposed perishable foods. This would allow local departments to enter into voluntary destruction agreements. Providing local Health Departments with authority to deal with the problems of adulterated or misbranded foods, drugs, and cosmetics is the purpose of the proposed amendment. Local health professionals are carrying out the intent and purpose of the Food, Drug and Cosmetic Act because the real life day to day operations of the local communities demand that the department respond to protect consumers.

With no further proponents, Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Hager asked Mr. Steve Purlmutter, legal counsel for the Department of Health and Environmental Sciences, how the voluntary embargoes would affect the owner as far as insurance goes. Mr. Purlmutter replied that perhaps a court order would be needed, however, he was not sure.

Senator Halligan asked if this was not being done on a voluntary basis at the present time. It is not being done in this way at the present time.

Senator Berg asked about the locals being involved more. At the present time it is necessary for the locals to call either the FDA or State Department of Health for clearance. This way the local cannot be held liable, if the state is involved they are the one held liable.

Senator Johnson asked about the salmonella outbreak at King Dairy in Missoula. This was handled through the Department of Agriculture.

PUBLIC HEALTH  
PAGE THREE  
MARCH 11, 1981

CONSIDERATION OF HOUSE BILL 95: Senator Hager read a letter from Representative Jerry Feda as follows:

Dear Senator Hager,

As I discussed with you earlier, I had to go home for a meeting today and realizing the work load you have now, I did not want to ask you to reschedule HB 95.

Judy Carlson will be at the hearing to support the bill.

Since introducing House Bill 95, I have changed my mind and do not feel family members should be relieved of their responsibility to each other, so I am asking you to kill House Bill 95.

Thank you and the Committee for your consideration, I remain;

Sincerely yours,

Jerry Feda  
Representative District 4

P.S. I do not want anyone to carry this bill on the floor.

Judy Carlson, deputy director of SRS, stated that the Department of SRS urges the Committees' support for HB 95. She apologized to Jerry Feda for opposing his move to kill the bill, because they appreciate his past help in sponsoring the bill and help putting it through the House.

The present law has been both unworkable and cost-ineffective, and therefore, a change is needed. The Legislative Auditor has criticized the department for its lack of enforcement of this law. The audit reports have concluded that the department should pursue this law more vigorously or should request repeal by the Legislature. Since experience has shown little or no monetary advantage to vigorous pursuit, SRS is urging repeal of statute and a concentration of time and effort to carrying out a strong child support program. The deletion of this section of law will save county welfare departments a good deal of paperwork and effort which can be more productively used elsewhere. The state can continue to obtain support from the parents of minor children through the Child Support Program. The Department of SRS can satisfy a major criticism of the Legislative Auditor. She urged the support of the Committee for the bill.

PUBLIC HEALTH  
PAGE FOUR  
MARCH 11, 1981

Norman Walterman, representing the Lewis and Clark, Braodwater, and Jefferson County Welfare Departments stated that he concurs with Judy Carlson's testimony. Many relatives do help, however, many do not. Mr. Waterman handed out information to the Committee for its consideration..

With no further proponents, Chairman Hager called on the opponents.

Chuck Cozzens, representative of House District 64, stated that House Bill 95 interferes with the family's responsibility to care for family members by allowing government to exempt direct family meners from financial obligation in selected potential welfare situations. The family is the basic unity of society, and he would like to see the primary family involved.

With no further opponents, the meeting was opened to a question and answer period from the Committee.

Senator Johnson asked if this is the same as Aid to Dependent Children.

Senator Olson asked how the department determines if there is sufficient income for eligibility. Mrs. Carlson stated that there is a table in the MCA which tells this.

Senator Norman stated that if the family members are not willing to help, perhaps there should be more teeth put into the bill.

Senator Johnson what is the cost to the state per fiscal year. Mrs. Carlson stated that there are 7, 000 reciepients in the state and only about 730 of those have family members willing to help.

CONSIDERATION OF HOUSE BILL 127: Chairman Hager read a letter from Representative Fedas, who was unable to attend the hearing.

Dear Senator Hager,

Again I had to get home to a meeting and did not feel I should ask you to change the hearing date on House Bill 127.

I have asked John LaFaver of the Department of Social Rehabilitation Services to please carry this bill for me and He will have some amendments, which I concur with.

This is a good bill and I would appreciate your concurrence.

Sincerely,  
Jerry Fedas

PUBLIC HEALTH  
PAGE FIVE  
MARCH 11, 1981

P.S. I would like to have Senator Himsl carry this on the floor.

This bill was introduced at the request of the Department of Social and Rehabilitation Services.

The bill would allow the Department of Social and Rehabilitation Services to adopt more restrictive property ownership criteria for the eligibility requirements for medical assistance to individuals who are receiving supplemental security income and aid to dependent children.

John LaFaver, representing the Department of Social and Rehabilitation Services, presented the bill. He offered and copy of the changed bill and also the changed Statement of Intent. (See attachments.) He then took the Committee through the new bill.

Chad Smith, representing the Montana Hospital Association, stood in support of the bill as it appeared in the third reading copy. He is opposed to any amendments which would perhaps be proposed.

Beverly Gibson, representing the Montana Association of Counties, stated that she is concerned about that section of the bill which would transfer the costs from the state level to the county level.

With no further proponents, Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Johnson asked if there is not a bill in State Administration at the present time to take care of the problem which Mrs. Gibson spoke of at the hearing. Mr. LaFaver stated "yes" this is the case.

Senator Johnson asked Mr. Smith what the hospitals are afraid of in this bill. He stated that they concerned with who is going to pay the bills of the medical needy.

Senator Johnson asked if the hospitals had a "write off clause". Mr. Smith replied that the hospitals do not have any slush fund.

PUBLIC HEALTH  
PAGE SIX  
MARCH 11, 1981

Senator Norman that if the person is unable to pay the county commissioners must pay. Up to 13 mills can be levied by the Commissioners.

Hospitals can bill the county and if the county cannot pay the state must pay.

Mr. Lavre stated that the problem costs million of dollars to the state.

With no further questions the hearing was closed.

DISPOSITION OF HOUSE BILL 531:

This is an act to provide a person access to his medical records.

Senator Olson made a motion that House Bill 531, BE NOT CONCURRED IN.

Senator Berg stated that he resents that insurance companies can get information but not the person that the information is about.

Senator Hager stated that he has always been able to have access to his medical records.

Senator Johnson stated that the bill address a persons rights and the insurance companies rights.

Action was taken on Senator Olson's motion. All senators voted yes, except Senators Berg and Norman.

DISPOSITION OF HOUSE BILL 7:

This bill is an act regulating the utilization of physician's assistants.

Kathleen Harrington, staff researcher, went over the proposed amendments for the Committee.

A motion was made by Senator Berg that amendment #1 be adopted by the Committee. Motion carried.

A motion was made by Senator Halligan that amendments 3 and 4 be adopted. Motion carried.

A motion was made by Senator Johnson that amendments 2 and 5 be adopted by the Committee. Motion carried.

PUBLIC HEALTH  
PAGE SEVEN  
MARCH 11, 1981

A copy of the approved amendments for HB 7 is attached.

Kathleen again explained amendments 3 and 4 for the Committee.

Senator Johnson moved to strike Section 8 from the bill. She explained that this is the Chad Smith amendment which the Committee has before them. Motion carried.

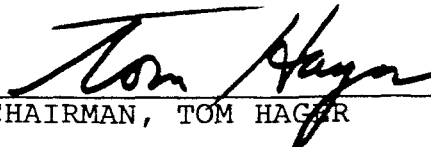
A motion was made by Senator Berg that House Bill 7, BE CONCURRED IN, as amended. Motion carried.

A motion was made by Senator Johnson that the Statement of Intent for House Bill 7, be adopted. Motion carried.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Friday, March 13, at 12:30 in Room 410 of the State Capitol Building.

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 March 11

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

Each day attach to minutes.



# STANDING COMMITTEE REPORT

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

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

having had under consideration ..... HOUSE ..... Bill No. 7 .....

KEYSER (NORMAN)

Respectfully report as follows: That ..... HOUSE ..... Bill No. 7 .....

third reading copy, be amended as follows:

1. Page 1, line 20.

Following: "firm,"

Insert: "state institution,"

2. Page 3, lines 4 through 7

Strike: "NOTHING IN THIS ACT SHALL BE CONSTRUED TO AUTHORIZE  
A PHYSICIAN'S ASSISTANT TO PERFORM THOSE FUNCTIONS AND  
DUTIES SPECIFICALLY DELEGATED BY LAW TO A PERSON LICENSED  
AS AN OPTOMETRIST AS DEFINED UNDER TITLE 37, CHAPTER 10."

3. Page 4, line 5.

Following: "(2)"

Strike: "Each"

Insert: "except as provided in subsection (3), each"

4. Page 4.

Following: line 20

Insert: "(3) In lieu of the requirements of subsection (2)  
(b), (2) (c), and (2) (d) the physician's assistant may  
be a graduate of an approved medical school as defined in  
37-3-102 and pass an examination approved by the board."

CONTINUED

5. Page 9, line 10.

Following: "Licenses and"

Insert: ", with the exception of those licensees who hold  
a medical degree,"

6. Page 10, lines 1 through 3.

Following: "8."

Strike: remainder of lines 1 through 3.

Insert: "Insurance requirement. No physician's assistant may  
perform any service unless he has insurance from liability  
for his errors, omissions, or actions to the limits required  
by the hospital's governing authority."

7. Page 10, lines 6 and 7.

Following: "9"

Strike: "AND SHALL"

Insert: "that"

8. Page 10, line 16.

Following: "(4)"

Strike: ""ADOPT RULES ADDRESSING"

Insert: "address"

9. Page 10.

Following: line 18.

Insert: "Section 10. Limitations on authority conferred --  
exception. Except as provided in 37-10-102, nothing in  
this act may be construed to authorize a physician's  
assistant to perform those functions and duties specifi-  
cally delegated by law to persons licensed as optometrists  
as defined under Title 37, chapter 10."

Renumber: subsequent section

And, as so amended BE CONCURRED IN

And the Statement of Intent BE CONCURRED IN

*Pa.*

# STANDING COMMITTEE REPORT

.....MARCH 11,..... 19 81.....

MR. PRESIDENT:.....

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

having had under consideration HOUSE..... Bill No. 531.....

**KEEDY (HAGER)**

Respectfully report as follows: That HOUSE..... Bill No. 531.....

~~XXXXXASXXX~~ BE NOT CONCURRED IN



NAME: VERN SHOULIN DATE: 2/11/81

ADDRESS: HELENA

PHONE: 449-2408

REPRESENTING WHOM? DEPT. HEALTH & ENV SCES

APPEARING ON WHICH PROPOSAL: H.B. 172

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: IT

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HB 172

Introduced by Rep. Donaldson by the Request of the Department  
of Health and Environmental Sciences

This bill would provide that if an article has been embargoed by the Department of Health then the owner or another authorized person may enter into a disposal agreement. If the agreement is executed or the embargo is removed and the articles have been damaged by the imposition of the embargo, the department or the state may not be held liable for the damage if there was sufficient cause for the embargo.

If a disposal agreement is not executed the agent may petition the court for a condemnation order.

HOUSE BILL NO. 172

The purpose of this bill is to amend a section of the Food and Drug Law (50-31-509, MCA) relating to embargoing products which are adulterated or misbranded.

This amendment is being requested due to legal problems which surfaced during the 1979-80 experience with PCB in Montana.

There have been no problems with voluntary embargoes in the past, but the department legal counsel advises this is extremely risky under present form of law.

The Food and Drug Law at present does not specifically provide for voluntary embargoes. The Department of Health and Environmental Sciences has been operating on the assumption that they could develop an agreement with the owner or the person responsible for the product without involvement of the court. Many agreements of this type have been developed in the past to the satisfaction of the owner and the department. In some cases the product had to be destroyed, but in many cases the product was reconditioned and marketed.

Embargoes are issued:

- (a) As a holding action to provide time to conduct more detailed investigations to determine if the products are misbranded or adulterated. Laboratory analysis is frequently involved in the investigation.
- (b) When there is strong evidence that a product may be contaminated.
- (c) As a result of fires, floods, truck accidents, indiscriminate use of chemicals, accidental chemical contamination, and other emergencies.

The department's experience has been that the owner or responsible person prefers to develop a voluntary agreement rather than become involved with the court.

March 11, 1981

TESTIFYING IN SUPPORT OF HB 172

Robert K. Stevenson, R.S.  
City-County Health Dept. (Area Supervisor)  
1130 17th Avenue South  
Great Falls, Montana 59405

The bill entitled "An act to amend the law relating to the detainer of adulterated or misbranded articles: amending Section 50-31-509 MCA."

I support HB 172 as proposed, however I would like to offer an amendment to Section 50-31-103 Definitions and Section 50-31-509. The term "Authorized Agent or Agents of the Department" is used in several areas of the Act. It had never been clear to whom that term applied. I propose that the authorized agent term means "any local Health Officer or Local Sanitarian." This amendment would give the local Health Departments the authority to:

1. Make inspections and take samples of food in food warehouses and transportation facilities. (See Section 50-31-106) and,
2. Embargo or detain foods suspected of being adulterated or misbranded. (Section 50-31-509) and,
3. Authorize condemnation of filthy, decomposed perishable foods under Section 50-31-510.
4. Allow local departments to enter into voluntary destruction agreements.

Providing local Health Departments with authority to deal with the problems of adulterated and misbranded foods, drugs, and cosmetics is the purpose of my proposed amendment to HB 172. Local health professionals are carrying out the intent and purpose of the Food, Drug and Cosmetic Act because the real life day to day operations of our local communities demand that we respond to protect consumers.



March 11, 1981

AN AMENDMENT TO HB 172

We request that an amendment to HB 172 be adopted. Specifically that: Section 50-31-103 Definitions be amended to include a definition of the term "Authorized Agents"; and that this term be defined as follows: Authorized Agent or Agents of the Department means any local Health Officer(s) or local Sanitarian(s).

Further that the amendment to Section 50-31-509, line 1 - "department or its authorized agents"... and line 5, be amended to read.... "neither the department, the State nor Local Health jurisdiction, City or County, may be held liable....."

Reasons for local Health Department inclusion in the Act.

(1) While the Montana Food, Drug and Cosmetic Act is a most complete and comprehensive food protection law it suffers from a lack of effective and efficient enforcement. Local sanitarians are not empowered to enforce the provisions of this statute in a prompt and efficient manner. Foods contaminated by floods, fire, trucking accidents, PCB, and other contaminants cannot be embargoed or detained promptly without first calling the State Department of Health and Environmental Sciences and getting a verbal ok to detain. This places the local Health Department in a precarious position - on one hand we feel a moral obligation to investigate and control adulterated food items that may go back into commerce if not embargoed - and on the other hand we have no written legal authority for such an embargo until a letter arrives two or three days later. Montana is too large a State for anyone to believe that effective control of contaminated food items can be guaranteed by four or five individuals in the Food and Consumer Safety Bureau who are often hundreds of miles away from the scene of a truck wreck or the location of contaminated foods.

They must depend on the local Sanitarian to act quickly to prevent contaminated foods from leaving the control of officials and going back into commerce where unsuspecting consumers are left to suffer the consequences. The responsibility for performing these duties is clearly laid on the shoulders of your local sanitarian, but the clear authority to go with this responsibility has not been delegated by the State Health Department.

2. The Federal Government through FDA and USDA spends millions of dollars insuring that the industries that produce food provide a quality product. And, the State and Local Health Departments work hard to insuring good food quality at the retail restaurant and grocery store level. However, one large and significant link in the food chain is almost never examined at all. This vital element is the food warehousing and transportation industry.

Existing rules and regulations make it at best unclear if local sanitarians are authorized to make routine inspections of food warehousing and transport. The including of local Health Officers and Sanitarians as authorized agents of the Department for purposes of enforcing the Food, Drug and Cosmetic Act will give the local Department unquestioned authority to investigate problems in food warehousing and transport, provide routine inspectional services and place in the hands of local departments the authority to resolve problems when they are found. FDA officials admit that warehouse inspections in many areas are done on a random basis; and may often go without any official scrutiny for years.

2.(Continued)

Further, in terms of inspection frequency of warehousing State officials do no better than FDA and in fact the FDA contracts with the State to do their random survey inspections. If a means can be found under the Reagan Administration so that FDA could contract directly with local health agencies for warehousing and other types of food establishment inspections, the local Health Department may not be able to accept such contracts without receiving the authority to act as an authorized agent under the Montana Food, Drug and Cosmetic Act. Again, local departments making such contract inspections is far more efficient than Federal and State employees performing the inspections.

3. You may hear the statement from SDHES officials and their legal staff that to grant such authority at the local level is placing the State in a liability situation that leaves them vulnerable from the embargoing actions taken by local sanitarians. This maybe true, however; what protection do local Health Officials have when dispatched to the scene of a truck wreck and some other location where suspect food items are located - why should the local Department be expected to take all the risks while doing most of the work.

If there are problems in insuring consistency of embargo actions throughout the numerous local health jurisdictions, then the solution is not the centralized control of the law's (FD & C ACT) enforcement provisions - but the solution in providing the rules and regulations through which local sanitarians can function effectively. The best insurance against a law suit is proper guidance and training.

The adoption of Rules by the SDHES for "efficient enforcement" of this law would help insure that embargo and detainment actions would be just and consistent throughout the State. The present Food, Drug and Cosmetic Act Section 50-31-104 authorizes the SDHES to adopt such rules. The act has been in effect since 1967 and no rules governing damaged food items relating to warehousing and transportation have been adopted under this Act by SDHES.

4. In addition to foods, local Sanitarians work on a frequent basis with complaints about food supplements, drugs, and cosmetics that are misbranded or adulterated. In retail stores local sanitarians obtain compliance with the Act by having these problem products removed or recalled. Again this function is carried on routinely without the benefit of the authority granted by Montana Food, Drug and Cosmetic Act.

In conclusion I'm employed to protect people from products that may cause them injury and disease and our daily efforts are directed towards that purpose - questions of liability are important considerations, but they can't be allowed to become the only concern and ignore the intent of the legislature when it adopted the Food, Drug and Cosmetic Act. I believe it is time to put equal authority with equal responsibility and amend HB 172, with the provisions that local Health Departments are "authorized agents" for purposes of enforcing the Montana Food, Drug and Cosmetic Act.



Robert K. Stevenson, R.S.  
Area Supervising Sanitarian

HB 95 - INTRODUCED BY FEDA

This bill would eliminate the liability of relatives of applicants for public assistance. As the law now reads, if an applicant receives assistance, the individual's parents or, in the case of a senior citizen, his children must contribute to monthly support of the individual if they have sufficient income to be liable for contributions to the applicant. The applicant may not be denied assistance if he agrees to consent to the recovery of an amount equal to the liability from his responsible relative.

SENATOR TOM HAGER  
PUBLIC HEALTH, WELFARE &  
SAFETY COMMITTEE, CHAIRMAN

RE: HOUSE BILL 95

DEAR SENATOR HAGER:

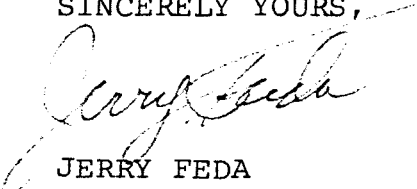
AS I DISCUSSED WITH YOU EARLIER, I HAD TO GO HOME  
FOR A MEETING TODAY AND REALIZING THE WORK LOAD YOU  
HAVE NOW, I DID NOT WANT TO ASK YOU TO RESCHEDULE HB 95.

JUDY CARLSON WILL BE AT THE HEARING TO SUPPORT THE  
BILL.

SINCE INTRODUCING HOUSE BILL 95, I HAVE CHANGED MY  
MIND AND DO NOT FEEL FAMILY MEMBERS SHOULD BE RELIEVED  
OF THEIR RESPONSIBILITY TO EACH OTHER SO I AM ASKING  
YOU TO KILL HOUSE BILL 95.

THANKING YOU AND THE COMMITTEE FOR YOUR CONSIDERATION,  
I REMAIN;

SINCERELY YOURS,



JERRY FEDA  
REP. DIST. 4

P.S. I DO NOT WANT ANYONE TO CARRY THIS BILL ON THE FLOOR.

Testimony on HB 95 - An Act to  
Eliminate Liability of Certain Relatives for Support of Public Assistance  
Recipients

The Department of Social and Rehabilitation Services urges your support for HB 95. We apologize to Representative Feda for opposing his move to kill the bill because we appreciate his past help in sponsoring the bill and shepherding it through the House.

It seems inappropriate for the department to get into a discussion of public policy or public philosophy regarding the liability for certain relatives of recipients of public assistance. Clearly, in most instances, votes on this kind of bill are probably based on personal philosophies regarding its value as public policy. Some will say, for example, that removing the statutory language declaring fathers, mothers, spouses and children to be financially responsible for one another, regardless of age, adds one more rift in society's fragile Family. Others will say that the rift has already occurred in many families and that demanding financial support by one relative for another, when little family feeling remains, will tear the family farther apart - thus having exactly the opposite result from the one intended.

But it does seem appropriate for the department to inform the Legislature that this section of law has been unworkable and cost-ineffective. It has been honored more in the breach than in the observance. And the Legislative Auditor has criticized the department for its lack of enforcement of this law. Our audit reports have concluded that we should pursue this law more vigorously or should request repeal by the Legislature. Since experience has shown little or no monetary advantage to vigorous pursuit, we are urging repeal of this statute and a concentration of time and effort to carrying out a strong child support program.

The statute now requires parents, children, and spouses to support their relatives according to a table of amounts found in the law. When this law was first passed, Montana directly administered a number of public assistance programs. However, the programs of Old Age Assistance, Aid to the Needy Blind, and Aid to the Permanently and Totally Disabled, have been abolished and replaced by the federal Supplemental Security Income program, SSI, which is completely administered by the federal government and which carries no liability for the relatives of the recipient except parents of minor children. Medicaid is administered by the State but federal regulations require relative liability only for spouses or parents of minor or disabled children.

Thus the only major program left which is affected by this law is Aid to Dependent Children, ADC. Who are the relatives required to support ADC recipients? They are the parents, the children, and the spouses. The parent of an ADC mother is likely to be an older person who is retired on Social Security or getting ready for retirement. Or it may be a child, 19-20 years old, just beginning to earn his own way in life who is called on to support his mother and other children.

Clearly the spouse, or most usually the father of minor children, is expected to support his children. Montana has a strong child support program administered by the Department of Revenue, and we are able to enforce that law. This means that the one category of relatives who can effectively contribute to the support of the ADC recipient is covered under other laws,

The deletion of this section of law will save county welfare departments a good deal of paperwork and effort which can be more productively used elsewhere. The State can continue to obtain support from the parents of



minor children through the Child Support program. And the Department of SRS can satisfy a major criticism of the Legislative Auditor.

We urge your support for HB 95.

Judith H. Carlson  
Deputy Director, SRS

NAME: Thomas J. Brennan DATE: 3-11-51

ADDRESS: 234 Park - Eastern Dept

PHONE: 452-2020

REPRESENTING WHOM? L & C Committee

APPEARING ON WHICH PROPOSAL: H R 95

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

REQUEST FOR RELATIVE CONTRIBUTION INFORMATION

TO:	Name:	Name of County Welfare Office:	
	Street Address:	Address of County Welfare Office:	
	City: State:	City: State:	

*Carroll*  
*Lewiston Clark*  
*216 A Park*  
*Leona ME*

Under State law, certain relatives other than legally liable parents and spouses are held responsible for support of an applicant for, or recipient of, public assistance. These certain relatives are the wife, husband, father, mother, son and daughter of the applicant or recipient.

You have been identified as a relative (in accordance with the definition above) responsible for the support of the applicant or recipient named below. So that the amount you are required to contribute may be determined, please complete the three questions below; sign and date this form; and return it to the County Welfare Office above.

Failure to complete and return this form will result in referral to the Office of Legal Affairs, Department of Social and Rehabilitation Services.

*Referred to Legal Affairs 8/20*

*Linda Blust*  
(Eligibility Technician)

*7/21/80*  
(Date)

CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE
		<i>AFDC</i>

Relative Contribution Information:

- Are you now contributing regularly to the support of the person named above? *if she can't live on what she has*  Yes  No  
If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_
- Enter your monthly income as reported on your last income tax return: \$ *none if you*
- How many dependents do you have? *self + wife*

*none*  
Signature of Responsible Relative:

*Carroll*  
*with own heart surger*

*7-26*

ProPie is almost 27 yrs. old & has  
her husband living. Her father is not  
responsible for her since she was  
18 years of age. Also her father is  
years of age and has had to work all of his life.  
Very truly yours

Harrell

Your state may be responsible for  
disabled children, but ProPie is able to work  
unless advised, <sup>otherwise</sup> under a doctor's care, other-  
wise me (her dad & I) have paid enough  
welfare to care for several children in  
our life time. We have both had to work  
to make a living. It's real easy to set your  
up as God, but you're not. She has a son  
that needs child care. Your pay comes from  
government, what makes you think you're  
entitled to it than she is? She has always  
a job if she was able. This state's laws are no  
same as yours.

JAN 15 1987

REQUEST FOR RELATIVE CONTRIBUTION INFORMATION

TO:	Name:	FROM:	Name of County Welfare Office:
	Street Address:		Address of County Welfare Office:
	City: State:		City: State:

*Lucius + Clark*  
*316 No Park*  
*Helena MT 59623*

Under State law, certain relatives other than legally liable parents and spouses are held responsible for the support of an applicant for, or recipient of, public assistance. These certain relatives are the wife, husband, father, mother, son and daughter of the applicant or recipient.

You have been identified as a relative (in accordance with the definition above) responsible for the support of the applicant or recipient named below. So that the amount you are required to contribute may be determined, please complete the three questions below; sign and date this form; and return it to the County Welfare Office above.

Failure to complete and return this form will result in referral to the Office of Legal Affairs, Department Social and Rehabilitation Services.

*Lynn Roberts*  
(Eligibility Technician)

*1/9/87*  
(Date)

CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE

Relative Contribution Information:

- Are you now contributing regularly to the support of the person named above?  Yes  No  
If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_
- Enter your <sup>net</sup> monthly income as reported on your last income tax return: \$ \_\_\_\_\_
- How many dependents do you have? \_\_\_\_\_

Signature of Responsible Relative: \_\_\_\_\_

Date: *1-14-87*

Lewis & Clark County  
Dept. of Welfare  
316 No. Park  
Helena, MT 59601

ATTENTION: Lynn Roberts

Dear Lynn:

I am in receipt of your request for relative contribution information, and should like to reply.

I do not directly contribute to the welfare of Nona-- with the following exceptions. The trailer she is living in is parked on our land, I do not charge her land, sewage, or water rental. She pays only the \$75 per month to the owner of the trailer. She has the free use of my washer and drier and storage use of the root cellar plus a shed for her extra belongings. She also receives whatever she wants or needs of the vegetables we raise on the place.

As to cash--sorry--we do not have the means to more than keep our own heads above water. Our income tax for 1980 was turned in today and we paid no taxes. I am sure that at times our income is to the point where we could qualify for food stamps or other "welfare assistance".

Let's leave well enough alone--Nona is working and you have all the information from her as to salary, etc, and any check that comes from the father goes to you--don't push or I might decide to see if we can also qualify!

Best regards,

P.S.  
This love  
Strike?

REQUEST FOR RELATIVE CONTRIBUTION INFORMATION

TO:	Name:	FROM:	Name of County Welfare Office:
	Street Address:		Address of County Welfare Office:
	City: State:		City: State:

*Montana 59917*

Under State law, certain relatives other than legally liable parents and spouses are held responsible for support of an applicant for, or recipient of, public assistance. These certain relatives are the wife, husband, father, mother, son and daughter of the applicant or recipient.

*Supporting*

You have been identified as a relative (in accordance with the definition above) responsible for the support of the applicant or recipient named below. So that the amount you are required to contribute may be determined, please complete the three questions below; sign and date this form; and return it to the County Welfare Office above.

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*Lynne Roberts*  
(Eligibility Technician)

*12/30/80*  
(Date)

CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE
		<i>AFDC</i>

Relative Contribution Information:

- Are you now contributing regularly to the support of the person named above?  Yes  No  
If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_
- Enter your monthly income as reported on your last income tax return: \$ 900
- How many dependents do you have? None 1 self  
2 grown children, married & on their own - not dependent

Signature of Responsible Relative: \_\_\_\_\_

Date: *Dec 1, 12/27/80*

This seems to be an assumed  
law - if one exists! Further  
more it seems to be un-  
constitutional. How can a  
parent be held responsible for  
a grown child, legally of age?

At the present time, I am  
a retiree on a set salary  
with plenty of obligations of  
my own to meet.

It would <sup>have</sup> been nice to  
receive a stamped envelope  
to return this message.

How about putting the  
children's father & Donna's -  
(that is) to help with this  
support? She is working  
~~trying~~ and doing her best



MAY 13 1980

REQUEST FOR RELATIVE CONTRIBUTION INFORMATION

TO:	Name: 	FROM:	Name of County Welfare Office: <i>Lewis &amp; Clark</i>	
	Street Address: 		Address of County Welfare Office: <i>314 No. Park</i>	
	City: <i>Newport</i> State: <i>Washington</i> <i>99151</i>		City: <i>Helena</i> State: <i>MT</i>	

Under State law, certain relatives other than legally liable parents and spouses are held responsible for the support of an applicant for, or recipient of, public assistance. These certain relatives are the wife, husband, father, mother, son and daughter of the applicant or recipient.

You have been identified as a relative (in accordance with the definition above) responsible for the support of the applicant or recipient named below. So that the amount you are required to contribute may be determined, please complete the three questions below; sign and date this form; and return it to the County Welfare Office above.

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*Sue Bachus*  
(Eligibility Technician)

*5/13/80*  
(Date)

CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE
		<i>AFDC</i>

Relative Contribution Information:

- Are you now contributing regularly to the support of the person named above?  Yes  No  
If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_
- Enter your monthly income as reported on your last income tax return: \$ *no income tax*
- How many dependents do you have? *120022*


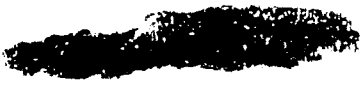
Signature of Responsible Relative: *not responsible*   
Date: *May 13, 1980*

In reply to this letter, I am 79  
years old & in poor health, my  
income is only social security  
of \$121.60 per month. I have not  
seen my son [redacted]  
for over 10 yrs. I do not know  
where he is the last I heard  
from others he was in Utah  
last winter. With his wife  
[redacted] I own no  
property. I am not responsible for  
inlaws, or anyone.  
[redacted]

P.S. I hope you can find him.  
It is his responsibility.

1111

REQUEST FOR RELATIVE CONTRIBUTION INFORMATION

TO:	Name: 	FROM:	Name of County Welfare Office: <i>Lewis, Clark DPW</i>	
	Street Address: 		Address of County Welfare Office: <i>316 N. Park</i>	
	City: <i>Helena</i> State: <i>MT 59601</i>		City: <i>Helena</i> State: <i>MT 59632</i>	


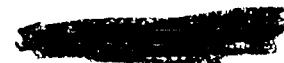
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*Stephen Kramel*  
(Eligibility Technician)

*1/30/81*  
(Date)

CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE
		<i>AFDC</i>


Relative Contribution Information:

1. Are you now contributing regularly to the support of the person named above?  Yes  No  
If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_

2. Enter your monthly income as reported on your last income tax return: \$ *17,825.00*

3. How many dependents do you have? 1

*I am not responsible for the support of my daughter or my granddaughters & I do not intend to become responsible for the full support of the full.*

Signature of Responsible Relative:  Date: *2/5/81*

DEPARTMENT OF SOCIAL & REHABILITATION SERVICES  
 PUBLIC ASSISTANCE DIVISION  
 REQUEST FOR RELATIVE CONTRIBUTION INFORMATION

TO:	Name: 	FROM:	Name of County Welfare Office: <i>Lewis Clark</i>
	Street Address: 		Address of County Welfare Office: <i>316 N. Park</i>
	City: <span style="margin-left: 100px;">State:</span> <i>Missoula, MT 59801</i>		City: <span style="margin-left: 100px;">State:</span> <i>Helena MT 59623</i>

Under State law, certain relatives other than legally liable parents and spouses are held responsible for the support of an applicant for, or recipient of, public assistance. These certain relatives are the wife, husband, father, mother, son and daughter of the applicant or recipient.

You have been identified as a relative (in accordance with the definition above) responsible for the support of the applicant or recipient named below. So that the amount you are required to contribute may be determined, please complete the three questions below; sign and date this form; and return it to the County Welfare Office above.

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*Stephen Kinnick*  
 (Eligibility Technician)

*1/27/81*  
 (Date)

CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE
		<i>AFDC</i>

Relative Contribution Information:

- Are you now contributing regularly to the support of the person named above?  Yes  No  
 If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_
- Enter your monthly income as reported on your last income tax return: \$ *Am claimed as a dependent on younger daughters TAX report-*
- How many dependents do you have?

*Have been unable to find a job I can handle, and am not able to support myself. Therefore I am living with younger daughter who also isn't able to keep up with living expenses of both me and hers. We are scratching to stay alive & on our own.*

Signature of Responsible Relative: Date: *May 2, 1981*

STATE OF MONTANA, LEGISLATURE

NAME: Henry A. Cousins DATE: 5-11-51

ADDRESS: 1811 28<sup>th</sup> St. W. Billings

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: H.B. 95

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: H.B. 95 Interferes with the family's responsibility to care for family members by allowing Government to take over

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATOR TOM HAGER  
CHAIRMAN PHW&S

RE: HOUSE BILL 127

DEAR SENATOR HAGER:

AGAIN I HAD TO GET HOME TO A MEETING AND DID NOT  
FEEL I SHOULD ASK YOU TO CHANGE THE HEARING DATE ON  
HOUSE BILL 127.

I HAVE ASKED JOHN LAFAVER OF THE DEPARTMENT OF SOCIAL  
REHABILITATION SERVICES TO PLEASE CARRY THIS BILL FOR  
ME AND HE WILL HAVE SOME AMENDMENTS, WHICH I CONCUR WITH.

THIS IS A GOOD BILL AND I WOULD APPRECIATE YOUR  
CONCURRENCE.

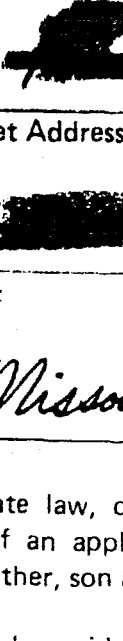

SINCERELY,



JERRY FEDAK  
REP. DIST. 4

P.S. I WOULD LIKE TO HAVE SENATOR HIMSL CARRY THIS ON  
THE FLOOR.

MISSOURI DEPARTMENT OF SOCIAL SERVICES  
 MISSOURI WELFARE ASSOCIATION  
**REQUEST FOR RELATIVE CONTRIBUTION INFORMATION**

TO:	Name: 	FROM:	Name of County Welfare Office: <i>Jewell Clark</i>
	Street Address: 		Address of County Welfare Office: <i>316 N. Park</i>
	City: _____ State: _____ <i>Missoula, MT 59801</i>		City: _____ State: _____ <i>Helena MT 59623</i>


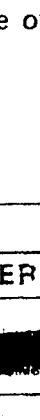
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*Steven K. Kaniel*  
 (Eligibility Technician)

*1/27/81*  
 (Date)


CLIENT NAME	CASE NUMBER	TYPE OF ASSISTANCE
		<i>AFDC</i>

Relative Contribution Information:

1. Are you now contributing regularly to the support of the person named above?  Yes  No  
 If yes, what is the amount of monthly contribution? \$ \_\_\_\_\_

2. Enter your monthly income as reported on your last income tax return: \$ *Am claimed as a dependent on younger daughters TAX report-*

3. How many dependents do you have?  
*Have been unable to find a job I can handle, and am not able to support myself. Therefore I am living with young lady who also isn't able to keep up with living expenses & both m*

Signature of Responsible Relative:  Date: *May 2, 1981*

*ills and pers. We are scratching to stay alive & on our own*

HB 127

Introduced by Representative Feda by request of the Department of Social and Rehabilitation Services

This bill would allow the Department of Social and Rehabilitation Services to adopt more restrictive property ownership criteria for the eligibility requirements for medical assistance to individuals who are receiving supplemental security income and aid to dependent children.



NAME: JOHN LATAVEL DATE: \_\_\_\_\_

ADDRESS: Helene

PHONE: 458-9618

REPRESENTING WHOM? SRS

APPEARING ON WHICH PROPOSAL: HB 127

DO YOU: SUPPORT?  AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: I am presenting proposed amendments to the bill to allow SRS to determine optional services in the Medicaid program.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: CFAD DATE: 3-1-51

ADDRESS: Box 400

PHONE: 202-211

REPRESENTING WHOM? CFAD

APPEARING ON WHICH PROPOSAL: HR 100

DO YOU:  SUPPORT?  AMEND?  OPPOSE?

COMMENTS: on the bill...

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Beverly Gibson DATE: 3-11-01

ADDRESS: Helena

PHONE: 442-5209

REPRESENTING WHOM? MT. Assn. of Co's

APPEARING ON WHICH PROPOSAL: HR 127

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Concerned about transferring  
the costs from state level  
to county level

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.