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

MARCH 24, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman, Tom Hager, on Tuesday, March 24, 1981 at 12:30 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Senators Himsl, Norman, and Halligan arrived late. Kathleen Harrington, Staff researcher, was also present.

DISPOSITION OF HOUSE BILL 646: Representative Ann Mary Dussault in the sponsor of HB 646. This bill is an act to revise and clarify the state laws relating to child day-care facilities; to clarify the rulemaking authority of the Department of Health and Environmental Sciences; to require registration of family day-care homes; to provide a penalty for failure to comply.

The amendments proposed by Senator Dover were reviewed. Senator Johnson stated that she like the amendments proposed by Senator Dover as they would make it affect only those homes which are taking care of children which recieve day-care payments from either state or federal funds.

A motion was made by Senator Johnson to adopt the Dover amendments.

Senator Berg stated that the COmmittee had an obligation to protect the public.

Senator Himsl stated that the parents have the first responsibility.

A Roll Call Vote was made on the motion of Senator Johnson. Motion carried. (See attachments.)

The amendments proposed by Representative Dussault were reviewed.

A motion was made by Senator Halligan to accept amendment number 1 which would change the number requirements of homes which care for children. Motion carried.

A motion was made by Senator Johnson to accept amendment #2 which is the penalty clause being deleted. Motion carried with all Senators voting "yes" except Senators Halligan and Berg who voted "no".

PUBLIC HEALTH PAGE TWO MARCH 24, 1981

A motion was made by Senator Johnson that House Bill 646 BE CONCURRED IN, as amended. Motion carried with all Senators voting "yes" except Senator Olson who voted "no".

A motion was made by Senator Berg to amend the Statement of Intent to coincide with the adopted amendments to the bill. Motion carried.

A motion was made by Senator Berg that the Statement of Intent BE CONCURRED IN, as mended. Motion carried.

Senator Johson will carry this bill on the floor of the Senate.

DISPOSITION OF HOUSE BILL 726: Representative John Vincent is the sponsor of House Bill 726. This bill is an act to allow certified school employees to administer a prescribed medicine to a student if the trustees of the school district have established a written policy that includes certain conditions for the administration of prescribed medicines.

A motion was made by Senator Berg to amend the bill to state that teachers do not have to administer the medicine if they do not wish to do so.

Senator Halligan asked what is considered a certified person. Is if the superintendent, principal, vice principal or the teachers.

Senator Berg stated that it is all of the above mentioned and is defined in the law.

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

A motion was made by Senator Johnson that House Bill 726 BE CONCURRED IN, as amended.

Senator Berg stated that this is another issue "pushed off" on the schools that should be not done.

Senator Johnson stated that she felt that this bill has many safeguards.

PUBLIC HEALTH PAGE THREE MARCH 24, 1981

A vote was taken on the motion of Senator Johnson with all Senators voting "yes" except Senator Berg who voted "no". Motion carried.

Senator Johnson will carry this bill on the floor.

DISPOSITION OF HOUSE BILL 734: Representative Cal Winslow is the chief sponsor of this bill. The bill is an act to waive state licensure inspection for hospitals that are accredited by the Joint Committion on accreditation of hospitals.

There was no opposition to the bill at the hearing.

A motion was made by Senator Norman that Section 3 of page 9, line 13 be struck in its entirety. Motion carried.

A motion was made by Senator Norman that HB 734 BE CONCURRED IN as amended. Motion carried with all Senators voting "yes" except Senators Berg and Olson, who voted "no".

DISPOSITION OF HOUSE BILL 735: Representative Cal Winslow is the chief sponsor of this bill. This bill is an act to waive state licensure injection for clinical laboratories that are accredited by the College of American Pathologists.

Kathleen explained the proposed amendments to the bill.

Senator Johnson explained that Bozeman Deaconess is the only hospital in Montana that would be effected by this bill at the present time.

Senator Norman stated that C.A.P. approval is a very much a "deemed status". This would give hospitals an incentive for a C.A.P. Accreditation.

Senator Himsl asked if this bill would put the state out of the hospital inspection business. It would not.

A motion was made by Senator Norman that HB 735 be amended on Page 9, line 3; Following: "3"; Insert: "Application". Motion carried unanimously.

A motion was made by Senator Norman that House Bill 735 BE CONCURRED IN as amended. Motion carried with all Senators voting "yes" except Senators Johnson and Halligan who voted "no".

Senator Norman will carry this bill on the floor of the Senate.

PUBLIC HEALTH PAGE FOUR MARCH 24, 1981

DISPOSITION OF HOUSE BILL 127: Representative Jerry Feda is the sponsor of this bill. This bill is an act to allow the Department of Social and Rahabilitative Services to adopt more restrictive eligibility criteria for medical assistance.

A substitute bill was handed out which had been prepared by the Department of SRS.

Senator Olson asked why the bill was rewritten. Senator Himsl stated that the new bill was more clear than the previous one.

A motion was made by Senator Johnson that House Bill 127 BE CONCURRED IN as amended. Motion carried.

A motion was made by Senator Johnson that the Statement of Intent for House Bill 127 BE CONCURRED IN, also. Motion carried.

Senator Johnson will carry this bill on the floor.

DISPOSITION OF HOUSE BILL 686: Representative Jean McLane is the sponsor of House Bill 686. This bill is an act to allow for licensure of residential care facilities; and providing an immediate effective date.

Senator Johnson stated that this bill effects those people on social security.

A motion was made by Senator Olson that House Bill 686 BE NOT CONCURRED IN. Motion carried with all Senators voting "yes" except Senators Jonnson and Hager who voted "no".

DISPOSITION OF HOUSE BILL 577: Representative Dan Harrington is the sponsor of House Bill 577. This bill is an act to revise certain laws administered by the Montana State Board of Medical Examiners.

Senator Himsl stated that this pill is not needed as everything is covered in a previous pill which the Committee passed to the House regarding the Board of Medical Examiners.

A motion was made by Senator Hinsl that House Bill 577 BE NOT CONCURRED IN. Motion carried unanimously.

PUBLIS HEALTH PAGE FIVE MARCH 24, 1981

DISPOSITION OF HOUSE BILL 794: Representative Bob Ellerd is the sponsor of House Bill 794. This is an act to generally revise the public health laws relating to clean indoor air; providing penalties.

Senator Norman stated that he would like to see the bill made clear as to who it is addressing either the business or the person smoking.

Kathleen gave a report on some amendments to take care of that problem.

A motion was made by Senator Norman that the bill be amended to address the business which is in violation of the law and not the person smoking. Motion carried.

Senator Olson asked the Department of Health if the county or city attorney does not prosecute the business in violation because of a conflict of interest, who will handle the matter then in that case. It was reported that the Attorney General's Office will then handle the matter. However, it is optional for them to do so.

A motion was made by Senator Johnson on Page 3, following line 4, to insert the following: "(3) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which some patrons choose to eat their meals in the tavern, is not required by this part to post a sign described in subsection (2) in the tavern area of the establishment". Motion carried.

A motion was made by Senator Johnson that HB 794 BE NOT CONCURRED IN, as amended. Motion carried. (See attachments)

DISPOSITION OF HOUSE BILL 566: Representative Andrea Hemstead is the sponsor of House Bill 566. This bill is an act to define electrology to mean removal of superfluous hair with an electrified need and to require a cosmetology license for the removal of superfluous hair by a means other than electrology.

A motion was made by Senator Halligan that HB 566 be amended to strike the part requiring a cosmetology license for the removal of superfluous hair by a means other than electrology; and also to strike Section 1 on Page 1, line 21. Motion carried.

PUBLIC HEALTH PAGE SIX MARCH 24, 1981

A motion was made by Senator Halligan that HB 566 BE CONCUR-RED IN as amended. Motion carried unanimously.

Senator Halligan will carry the bill on the floor of the Senate.

ANNOUNCEMENTS: The Public Health, Welfare and Safety Committee will meet next on Wednesday, March 25, 1981 at 12:30 in Room 410 to consider HB 445, 797, HJR 21 and HJR 36.

ADJOURN: With no further business the meeting was adjourned.

CHAIRMAN, TOM HAGER

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date_	3-24-81	HOUSE	Bill No.	646	Time
NAME			•	YES	NO
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	TOM HAGER				
 	MATT HIMSL				
	S. A. OLSON			/	
	JAN JOHNSON			./	
	BILL NORMAN			/	
	HARRY K. BERG				~
	MICHAEL HALLIGAN	I			
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ر درگرم	Carrie Su	willy			Hayn.
Secre	etary ELAINE GRAVELEY		Chairman SEN	ATOR TOM	HAGER
Motic	on: A motion was	made by Sen	ator John	son that	the amendment
	proposed by Se	nator Dover	to HB 646	be adop	ted. Motion
	carried.				
(incl	ude enough informat ttee report.)	ion on motion	-put with ye	llow copy o	of

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

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ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date	Mar 24
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NAME	PRESENT	ABSENT	EXCUSED
Tom Hager			
Matt Himsl	Cati		
S. A. Olson			
Jan Johnson			
Dr. Bill Norman	Lati		
Harry K. Berg			
Michael Halligan	Carta		
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		MARCH 24	19 31
MR. PRESIDENT:			
We, your committee on	PUBLIC HEALT	H. WELFARE & SAFETY	
naving had under consideration	Hous	E	Bill No 735
WINSLOW (N	ORMAN)		
Respectfully report as follows: That.		HOUSE	Bill No. 735,
	opy be amended a		
<pre>l. Page 9, lin Following: "3." Insert: "Applic</pre>			

4/6.

XXXXXXX And, as so amended BE CONCURRED IN

STATE PUB. CO.

Helena, Mont.

Chairman.

PADGE 34

MR. PRESIDENT:	100 mg/s
We, your committee on PUBLIC HEALTH, WELFARE & SAFETY	
naving had under consideration	Bill No 7.94
ELLERD (HAGER)	

Respectfully report as follows: That HOUSE Bill No. 794

third reading copy be amended as follows:

1. Page 3,

Following: line 4.

Insert: "(3) The proprietor or manager of an establishment containing both a restaurant and a tavern, in which some patrons choose to eat their meals in the tavern, is not required by this part to post a sign described in subsection (2) in the tavern area of the establishment."

2. Page 4, lines 7 and 8.

Following: "45-2-1017"

Strike: "violates the provisions of this part"

Insert: "fails to designate or reserve a smoking or non smoking area in their establishment as provided for in 50-40-104"

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And, as so amended, BE NOT CONCURRED IN

JU.

TOM HAGER

Chairman.

		MARCH 24,	19 81
MR. PRESIDENT:			
We, your committee on	PUBLIC HEALTH, WELI	FARE & SAPETY	
having had under consideration	HOUSE		Bill No 686
MC LANE	(HAGER)		
_	нонск		606
Hespectfully report as follows: 1	hat HOUSE		Bill No92.5

MANSON BE NOT CONCURRED IN

TOM HAGER Chairman.

STATE PUB. CO. Helena, Mont.

		MARCH 24, 19.81		
MR PRESIDENT:				
We, your committee on	PUBL	IC HEALTH, WELL	fare & Safe	TY.
having had under consideration		HOUSE		Bill No 5.7.7
HARRINGTON	(HAGER)			
Respectfully report as follows:	That	HOUSE		Bill No577
of/C,	ANIANDDEN TY	-		•
DXXXXXXXX BE NOT	CONCURRED IN			
	•			
STATE PUR CO		том нас	FR	Chairman.

TOM HAGER

STATE PUB. CO. Helena, Mont.

	MARCH 24,	19 81 .
MR. PRESIDENT:		
We, your committee onPUBLICHEALT	H,WELFARE&SAFETY	
having had under consideration		Bill No 7.3.4
WINSLOW (NORMAN)		
Respectfully report as follows: That		Bill No 734.
third reading copy be amended a		
<pre>l. Page 9 Following: line 13. Strike: Section 3 in its entire</pre>	ety	
5		
DOXANXX And, as so amended, BE CO	NCURRED IN	

STATE PUB. CO. Helena, Mont.

TOM HAGER

Chairman.

		MARCH 24,	19.81
νir	PRESIDENT:		
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We	e, your committee on PUBLIC HEALTH,	WELFARE & SAPETY	
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navina	had under consideration		Bill No. 726
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	VINCENT (JOHNSON)		
Respec	tfully report as follows: That HOUS	E	Bill No. 726
	third ready copy be amended as	follows:	• .
	1. Page 1, line 14. Following: "if"		
	Insert: "the certified school	employee elects to	administer such
	a prescribed medicine and		
	2. Page 2, line 20.		
	Following: "(3) the" Insert: "certified"		
		ge area	
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O)OXPXA	XX And, as so amended, BE CONCL	JRRED IN	
	·	TOM HAGER	Chairman.
	TATE PUB. CO. Helena, Mont.	- Addmi nor	Onan man.

MARCH_24	19
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IR. PRESIDENT:	
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We, your committee onPUBLIC HEALTH. WELFARE & SAF	K. I. I.
aving had under consideration	Bill No 5.6.6
HEMSTAD (HALLIGAN)	
BENSIAD (IMIDIGAR)	
espectfully report as follows: That	DHI No. 566
espectionly report as follows. That	
third readying copy be amended as follows:	
1. Title, line 6.	
Following: "NEEDLE Strike: "AND TO REQUIRE A COSMETOLOGY LICENSE FO	R THE REMOVAL
OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELEC	
2. Title, line 8.	
Following: "AMENDING" Strike: "SECTIONS"	
Insert: "SECTION"	
Following: "37-32-103"	
Strike: "37-31-101 AND"	
2 Page 1 line 21 through line 2 on mage 2	
 Page 1, line 21 through line 2 on page 3. Following: line 20 	
Strike: Section 1 in its entirety	
Renumber: subsequent sections accordingly	
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CONTINUED	
STATE PUR CO	Chairman.

STATE PUB. CO. Helena, Mont.

MARCH 24, 19 81 PUBLIC HEALTH HOUSE BILL 566 PAGE TWO

4. Page 3, line 19

Following: "PILETHERMOLOGY"

Insert: "which is the study and professional practice of removing superfluous hair by passage of rado frequency energy with electronic tweezers and similar devices."

5. Page 4, line 6 through line 7 on page 6. Following: line 5

Strike: Section 3 through Section 7 in their entirety

And, as so amended, BE CONCURRED IN

& SAFETY	Sec
HOUSE	Rill No. 646
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HOUSE	Bill No646
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-	HOUSE

STATE PUB. CO. Helena, Mont. TOM HAGER

Chairman.

	MARCH 24.	19 8.1
PRESIDENT:		
We, your committee onPUBLIC HEALTH WELFAR	RE & SAFETY	
naving had under considerationSTATEMENT_OF_INTENT	HOUSE	Bill No 646
Respectfully report as follows: ThatSTATEMENT OF INTENT	HOUSE	Bill No .646
third reading copy be amended as follo	ows:	
<pre>l. Page 1, line 13. Following: "for" Strike: "6 or fewer" Insert: "three to six"</pre>		
<pre>2. Page 1, line 14. Pollowing: "children" Insert! "from seperate families"</pre>		

XXXXXXXXX

And, as so amended, BE CONCURRED IN

F.a

TOM HAGER Chairman.

STATE PUB. CO. Helena, Mont.

		ARCH 24.	19 81
R PRESIDENT:			
We, your committee on PUBLIC HE	alth, welfare & sa	PETY	•••••
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HOT	CB DITT		n
aving had under consideration	SE BIIM		Bill No
DUSSAULT (JOHNSON)			
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espectfully report as follows: That	HOUSE		. Bill No646
, ,			
third reading copy be an	ended as follows:		
1. Page 3, lines 11 and	1 12.		
Following: "to"			
Insert: "three to"	Randon Maria de la Carlo d La Carlo de la		
Following: "six"			
Strike: "or fewer"			
Following: "children"			
Insert: "from seperate:	families"		
2. Page 3, line 12.			
Following: "basie"			
Insert: "that elect: to		ments under	sections .
53-4-514 and 53-4-51	б "		2.
3. Page 3, line 15.			
Following: "basié"			
Insert: "that elect to !		ment under i	sections
097A69 53-4-514 and 53-4-51	6*		
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A.,	CONTEN	UED	
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CTATE BUR CO			Chairman.

STATE PUB. CO. Helena, Mont. 4. Page 4, line 18.

Following: "home"

Insert: "as defined in 53-4-501,"

5. Page 4, line 21. Pollowing: "home"

Insert: "as defined in 53-4-501"

6. Page 5, line 2. Following: "children"

Strike: "must be" Insert: "are not"

7. Page 5, line 3.

Following: line 2

Strike: "THE MANNER PROVIDED FOR IN DEPARTMENT REGULATIONS IN"

8. Page 5, line 15.

Following: "home"

Insert: "as defined in 53-4-501,"

9. Page 5, line 22. Following: "home"

Insert: "as defined in 53-4-501,"

10. Page 13, line 3.

Following: "home"

Insert: "as defined in 53-4-501,"

11. Page 15, line 23.

Following: "certificate"

Insert: "as required by this part"

12. Page 17, line 23.

Strike: Section 18 in its entirety Renumber: Subsequent subsection

AND, as so amended, BE CONCURRED IN

4/0

Statement of Intent Attache

STATEMENT OF INTENT

HOUSE BILL NO. 701

The Board of Physical Therapy Examiners is authorized to adopt necessary and reasonable rules governing the application and application procedures. It is provided that the application fee may be established by board rule and it shall include the application fee, original licensure fee and cost of examination and its administration. A person failing the first examination may retake the examination by paying a fee established by board rule that is commensurate with cost of examination and its administration.

The Board may adopt necessary and reasonable rules governing the application procedures for applicants licensed in other states (reciprocity). The Board may adopt necessary and reasonable rules to govern the procedures for applying for and the issuance of a temporary license. Board may provide rules for the re-instatement of a lapsed license and late renewal fees. It is not intended that rule making authority on application procedures restrict the Board to three affidavits of good moral character, recent photograph and verification of physical therapy instruction and graduation from a board approved physical therapy school if additional requirements are found to be necessary.

AMENDMENTS HB 735

- 1. Title, Line 5.
 Following: "FOR"
 Insert: "HOSPITAL"
- 2. Page 2, line 12.
 Folllowing: "(7)" "
 Strike: "clinical"
 Insert: "Hospital clinical"
- 3. Page 8, line 23.
 Following: "Any"
 Insert: "hospital"
- 4. Page 9, line 3. Strike: Section 3 in its entirety Renumber: subsequent subsection

Amendment to HB 646

1. Page 3, lines 11 and 12

Following: "to"
Insert: "three to"
Following: "six"
Strike: "or fewer"
Following: "children"

Insert: "from separate families"

2. Page 17, line 23

Strike: Section 18 in its entirety Remember: Subsequent subsection That Hinel

of family day care centers knowled be burdensome and certain the Karrasament will result in banishing family home day care" To many it is dufflemental income all will bet greatly annoyed by This government intrusion in our private Thomas, private Thomas,

The want gout. OUT of our homes

Also I strongly object to the open enter working of this bill that would allow promulgation beyond our control once passed in this form.

The don't need this big brotherism and could well

lead to eliminating many of our fine grivate home tailed while our precious young mould be warehoused in what the good. demosprojee- not necessarily what garente feel es essential.

Please note an Implatic NO on HB 64.

Thombyon, Sincerely Rose Many Colgan 1517 However Velena Mr. 59601

TESTIMONY IN SUPPORT OF HB 646

I'm here in favor of HB 646. It is a bill designed to allow a greater variety of child care services for the working parents of our State, and at the same time ask for minimal standards to protect the children that must be cared for away from home.

Requesting that a person or persons who are selling services to the public be registered or licensed is not new, and does not infringe upon the rights of a citizen to choose where they shop. For example: A citizen's right to choose a bakery, resturant, bar, hospital, rest home, beauty shop, barber shop, etc. is not being infringed upon because state law requires these services to be licensed. Are not our children as important as our "hair".

If someone decides to care for a friend's or relative's children, that is not our concern. That is between the two parties. When a person chooses to care for children as a business, then there must be some guidelines to protect the children and assure that they will not be exploited in order for that person to make a profit.

For this reason I, as a concerned citizen and an advocate for quality child care, urge you to support HB 646.

Janice Watson 1330 So. 4th St. W. Missoula, Montana 59801

NAME: Fan The DATE: 3-16-91
NAME: Jan Jolie DATE: 3-16-81 ADDRESS: 914 Ciw. B" N.W. St. Jakes Mrs. Egyfod
PHONE: 12-2318
REPRESENTING WHOM? St. Jack Slay Care Chamication
APPEARING ON WHICH PROPOSAL: 46 646
DO YOU: SUPPORT? V AMEND? OPPOSE?
COMMENTS: Lelies and line of
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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PHONE:	443-5,	188				
REPRESENT	'ING WHOM?	leff			· · · · · ·	٠
APPEARING	ON WHICH PRO	OPOSAL: <u># /3</u>	646			
DO YOU:	SUPPORT?	AMEND?		OPPOSE?	<u>/</u>	
COMMENTS:	The al	amouth Re	luge of	with gr	rulinged	
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Jan Hague. 3/16/8/ Dear Members of Committee, HB. 646 is highly objectionable smeeting istration be levelensone and certainly the harrist will result in banishing family Inversiment day care. To many it is seeled income & certainly inversion of many it is seeled income & certainly invariant with a their kindly sittees can only be greatly annoyed at this gavernment intrudien in Their privated homes. The want gout OUT of our homes. also I object to the offen ended morning of this hill that would allow fromulyation by and controlonce fassed in this form. Do we need it? Many more aluses will follow once we eliminate the frinate homebaly. Dietling facilities & warehouse our freedom france in belhal gant deems profer. Blease note an emphatic NO on 64 Rose Mary ladgers) 1519 Hougher Helena Mr. 5760,

1529 Chateau Street Helena, Montana 59601 Jenate Pullic Health Com. erator, Tom Hager, Clairman Vote against 4B6461 Good Lathering and good mathering begin with reconsilility. One does not became mare risponsible by remaning responsibility. The authority of the family nieds to be stringthered today - Inat I weakened. Let the Jamily aldre, Parente io know what's befor Itheir own shildren. I resent leureauerate constantly be-littling parents. stop telling parents that social service experts sam do a thetter job than they in earing their own children. eteen can never be realized by government handoute. ment handause. Let alone, parents can be innovative, nterprising, productive in caring fartheir unchildren and at no cost to myone! Mrs: Benerly Gluckert

AMENDMENTS TO HOUSE BILL 566

1. Title, line 6. Following: "NEEDLE"

Strike: "AND TO REQUIRE A COSMETOLOGY LICENSE FOR THE REMOVAL OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELECTROLOGY"

2. Title, line 8.

Following: "AMENDING"

Strike: "SECTIONS" Insert: "SECTION"

Following: "37-32-103" Strike: "37-31-101 AND"

3. Page 1, line 21 through line 2 on page 3.

Following: line 20

Strike: Section 1 in its entirety

Renumber: subsequent sections accordingly

4. Page 4, line 6 through line 7 on page 6.

Following: line 5

Strike: Sections 3 through 7 in their entirety