

MINUTES OF THE MEETING
PUBLIC HEALTH AND WELFARE
MONTANA STATE SENATE

March 4, 1983

The meeting of the Public Health and Welfare Committee was called to order by Chairman Tom Hager on March 2, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senators Hager, Marbut, Himsl, Christiaens, Jacobson and Norman present. Senator Stephens was absent.

HOUSE BILL NO. 123: Hearing commenced on House Bill No. 123, introduced by Representative Hart. Representative Hart told the committee this is an act to clarify that a local health officer is appointed by a local health board rather than county or city officers; and this makes it consistent with the other applicable code sections. This discrepancy was found in the statute by Diana Dowling. The bill was requested by the Department of Health and Environmental Sciences. She read the changes to the committee, refer to the bill, lines 15, 16, 17, 20 and 21.

There were no further proponents and no opponents.

Senator Hager asked if all this does is point out an inconsistency.

Representative Hart said yes, it does.

Senator Himsl asked if the County Commissioners were being taken out of it.

Representative Hart told the committee the County Commissioners appoint some members of the Health Board, and the City Council appoints other members.

Senator Norman told the committee it is broader than it appears. The County Commissioners appoint some members of the Health Board and the City Council appoints other members of that same Health Board. What Matt is saying is correct. So, we have both and they are responsible to the Board. The Board appoints the local Health Officer, who is responsible to the Board, who is appointed by both the County Commissioners and the City Council.

Senator Himsl asked if all they are trying to do is make the law consistent.

Woody Wright, Legislative Council, checked the codes and told the committee yes.

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Representative Hart told the committee the present law has the County Commissioners appointing the board. She read section 50-2-104. The point of this bill is to eliminate inconsistencies between that one subsection and the rest of the law.

Senator Hims1 told the committee the County Commissioners could put themselves on the Board, if they want to retain that power.

In closing, Representative Hart said this is really getting the codes together.

There being no further discussion, hearing on House Bill No. 123 was closed.

ACTION ON HOUSE BILL NO. 123: Senator Hims1 made the motion that House Bill No. 123 BE CONCURRED IN. The motion carried unanimously. Senator Norman carries the bill on the floor of the Senate.

HOUSE BILL NO. 181: Hearing commenced on House Bill No. 181, introduced by Representative Hart. Representative Hart told the committee this bill was introduced by request of the Department of Institutions. It is an act changing the name of the Eastmont Training Center to the Eastmont Human Services Center, removing a provision relating to the purposes of the Glendive Nursing Home facility. Back when the Eastmont Training Center came into being, it was exactly that, a training center. It provided special education for mentally retarded children of that area so they did not have to come to Boulder. It provided training at that center for those persons between the ages of 6 and 17. Then in 1970, the Federal Law mandated free appropriate education and de-institutionalization became quite the thing. The school districts started to provide education and group homes started to provide residencies. At that time, Eastmont was expanded to a 40 bed facility and they have changed the program to a seven day a week program for services to the developmentally disabled. So, it is now a licensed interim care facility for the mentally retarded and has lost it's training center concept. Logically, to make everything conform, the language for a training center should be removed. There is a repealer in Section 6, which is the law that named it back in 1969. Those 40 beds were to provide nursing home facilities and it no longer does that. There is someone here from the Department of Institutions that will be able to answer questions.

Curt Chisholm, Department of Institutions, said this bill is simply trying to carry out the wishes of the Mental Health Division to reflect what they are. The repealer will take

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the language out that reflects the nursing home facility. It will eliminate confusion when a Judge commits a person.

There were no further proponents and there were no opponents.

Senator Himsl asked if the 40 bed unit that we built as a Nursing Home facility is now all used in the Training Center Program.

Curt Chisholm told them there were two nursing homes built. They were built for geriatrics. Once the one at Glendive was under way, the other one was then proposed as a nursing home for the mentally retarded. So, that's the difference.

Senator Marbut asked if this bill takes all reference of SRS out.

Curt Chisholm said yes, it does. He made the statement that he thought they did not want anything to do with residential care facilities.

There being no further discussion, hearing on House Bill No. 181 was closed.

ACTION ON HOUSE BILL NO. 181: Senator Himsl made the motion that House Bill No. 181 BE CONCURRED IN. The motion carried unanimously. Senator Himsl will carry the bill on the floor of the Senate.

HOUSE BILL NO. 223: Hearing commenced on House Bill No. 223, introduced by Representative Hammond. Representative Hammond said this is an act to increase the time period for involuntary commitment of alcoholics to 40 days. Representative Hammond went over each change in the bill. This has to do with involuntary commitment. Let's say, John Doe is committed through the Courts, to Galen. Right now they can hold him for 30 days. The Training program is 28 days. If John Doe takes more than two days to de-tox, he does not have enough time to complete the 28 day program. So, he finishes his 30 days and leaves, appears before the Judge. The Judge asks him if he finished the program and he says no he has not. It is a problem. We are sending people back before the Judge who have not completed the program. This bill will assure people who are involuntarily committed, that they will finish the program.

Curt Chisholm, Department of Institutions, told the committee they support this bill. The reason we requested the bill is exactly what Representative Hammond explained to you. Last year 13% were involuntarily committed. They need to go through a de-tox period, which could be from one day to ten

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days. Once they have reached their 30 day commitment, many like to leave and right now we have no authority to keep them and make them finish the therapy program. The therapy program is 28 days. By extending this to 40 days, they will be able to finish the program. We can release them under the 40 days, if they finish the program.

Senator Marbut asked why the program is 28 days.

Curt Chisholm said the 28 day program is processing the individual through the first five of a twelve step program of AA. This includes therapy with the family. It seems to be pretty standard.

Senator Marbut asked if they will be back to try to extend it in the future.

Curt Chisholm said he felt it would stay at the 40 day period. We would not want to go much beyond what we are right now.

Senator Himsl asked if the de-tox period is generally done in two days.

Curt Chisholm said it can take from two to ten days, depending on how severe the alcohol problem is. We are talking about withdrawal.

There being no further discussion, hearing on House Bill No. 223 was closed.

ACTION ON HOUSE BILL NO. 223: Senator Christiaens made the motion that House Bill No. 223 BE CONCURRED IN. The motion passed unanimously. Senator Jacobson will carry the bill on the floor on the Senate.

ACTION ON HOUSE BILL NO. 262: Senator Jacobson made the motion that House Bill No. 262 BE CONCURRED IN. The motion carried unanimously. Senator Hager will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 128: Senator Jacobson made the motion that House Bill No. 128 BE CONCURRED IN. The motion carried with Senator Marbut voting no. Senator Jacobson will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 90: Senator Marbut gave the sub-committee's report on House Bill No. 90. It was the sub-committee's opinion that we were getting ourselves into a complicated situation. It was difficult to arrive at a decision, just given the testimony of the Humane Societies. I think we all heard Representative Harper say if the amendments were

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requested, it would destroy the bill. We think the Vet's should get together at their annual conference and endorse a proposal by the Humane Societies. This is a very highly controlled substance. If we pass this bill without the Board of Pharmacists recommendation, we will have a bad situation. It is the subcommittee's recommendation that we kill the bill.

Senator Hager told the committee he talked with a member of the House of Representatives, and they indicated that they thought this bill should be passed. However, in discussing this bill with another member, they had the idea that the people from the Humane Societies were not taking this drug seriously. I don't believe they feel it is a dangerous drug. If this bill is passed, it would have to be tightened down enough and make the people administering and handling the drug bondable. Putting the word "administer" into the bill would help it.

Senator Marbut told the committee if the drug is used improperly on the animal, it is very inhumane. If the individual administering the drug does not hit the vein it is very inhumane. Then, because they cannot hit the vein, they administer it intra-thoracic. This is not humane. It is a tough job to hit the veins. The animal appears to be dead, but is not. It appears this bill was written by the Humane Societies.

Senator Norman asked why the Humane Societies do not use T61.

Senator Marbut said because they cannot use T61 intra-thoracically.

Senator Jacobson asked Senator Marbut how Missoula handles this problem.

Senator Marbut told her Missoula has a hi-altitude chamber. However, most larger cities have enough veterinarians to handle this problem on a volunteer basis, as Great Falls does. The Humane Societies want to be independent of the veterinarian. I don't think we can allow them to use this controlled drug. You know when an animal is dead with T61, whereas, there is a fine line between anesthetized and dead with sodium pentobarbital. I think they are destroying dogs and cats that are still alive, they are asleep, most of the time.

Senator Hims1 asked why the Humane Societies have to have this controlled drug, when the vet's use T61, safely.

Senator Marbut said it is purely for mechanical reasons. They can use the drug intrathoracically and they cannot use T61 intrathoracically.

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Senator Christiaens asked what sodium pentobarbital really does to a person if he gets ahold of it.

Senator Marbut said it does three things. First, it is a downer. Secondly, you can put it in a drink and thirdly, used for suicide. That is a known fact.

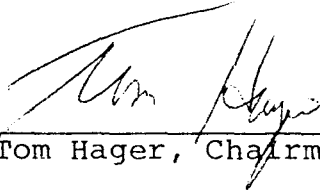
Senator Hims1 said if this is such a highly potent drug, how can they make it available to the Humane Societies.

Senator Marbut made the motion that House Bill No. 90 BE NOT CONCURRED IN. The motion passed unanimously. Senator Marbut will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 28: Senator Hager made the motion that the amendments be adopted. The motion passed unanimously. Senator Hager made the motion that House Bill No. 28 as amended BE CONCURRED IN. The motion failed. Senator Hager made the motion that House Bill No. 28 as amended, BE NOT CONCURRED IN. The motion passed with Senator Marbut abstaining. Senator Hims1 will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 96: Senator Hager asked that we hold up on this bill until Elaine Gravely, Committee Secretary returns and is able to read the minutes of the hearing to the committee.

ADJOURN: There being no further business before the committee, the meeting adjourned at 2:10 p.m.



Senator Tom Hager, Chairman

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Unrestricted Fund Balances
A/E 02131 Consolidated General Ledger

FYE June 30, 1982

<u>Month</u>	<u>Unrestricted Fund Balance</u>
Balance on June 30, 1981	3,011,182.17
July	2,710,348.86
August	2,425,133.01
September	2,434,301.88
October	2,256,957.25
November	2,625,096.35
December	2,202,701.04
January	1,740,736.63
February	1,429,617.88
March	1,670,916.37
April	2,023,648.08
May	3,273,920.17
June	4,026,778.77

July 1 through December 31, 1982

Balance on June 30, 1982	4,026,778.77
July	3,865,724.32
August	4,101,590.56
September	3,819,213.21
October	3,661,240.88
November	4,134,707.43
December	3,838,589.85

Fiscal 1985 Balance	\$1,946,066
Total Additional Revenue	<u>955,011</u>
Fiscal 1985 Balance(with fee increase)	\$2,901,077

Deduct:

Fish, Wildlife, and Parks Minimum Balance for day to day operation	<u>\$1,500,00</u>
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Total Available Revenue - 1985 Biennium	\$1,401,077
Surplus to new programs & projects.	-----

STANDING COMMITTEE REPORT

Pages

March 4 19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH AND WELFARE

having had under consideration HOUSE Bill No. 123

Hart.(Norman)

Respectfully report as follows: That HOUSE Bill No. 123

BE CONCURRED IN

~~DO NOT PASS~~

STANDING COMMITTEE REPORT

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March 4 19 83

MR. PRESIDENT

We, your committee on PUBLIC HEALTH AND WELFARE

having had under consideration HOUSE Bill No. 181
Hart (Hims1)

Respectfully report as follows: That HOUSE Bill No. 181

BE CONCURRED IN
~~XXXXXX~~

7:24

STANDING COMMITTEE REPORT

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March 4

19 83

PRESIDENT:

MR.

We, your committee on PUBLIC HEALTH AND WELFARE

having had under consideration HOUSE Bill No. 223

Hammond (Jacobson)

Respectfully report as follows: That HOUSE Bill No. 223

BE CONCURRED IN
~~EXPASS~~

STANDING COMMITTEE REPORT

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March 4

19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH AND WELFARE

having had under consideration HOUSE Bill No. 262

Schye (Hager)

Respectfully report as follows: That HOUSE Bill No. 262

BE CONCURRED IN

~~EXPASSX~~

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SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date 3/4/83 HB 128 Bill No. _____ Time _____

NAME	YES	NO
SENATOR TOM HAGER	✓	
SENATOR REED MARBUT		✓
SENATOR MATT HIMSL	✓	
SENATOR STAN STEPHENS	absent	
SENATOR CHRIS CHRISTIAENS	✓	
SENATOR JUDY JACOBSON	✓	
SENATOR BILL NORMAN	✓	

Carol Francis
Secretary

Tom Hager
Chairman

Motion: Senator Jacobson made the motion that House Bill
No. 128 Be Concurred In. The motion carried
with Senator Marbut voting no. Jacobson
will carry.

(include enough information on motion--put with yellow copy of committee report.)

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19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH AND WELFARE

having had under consideration House Bill No. 128

Schye (Jacobson)

Respectfully report as follows: That House Bill No. 128

BE CONCURRED IN
EXPRESS

STANDING COMMITTEE REPORT

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March 4

19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH AND WELFARE

having had under consideration House Bill No. 90

HARPER (MARBUT)

Respectfully report as follows: That HOUSE Bill No. 90

BE NOT CONCURRED IN
~~XXXXXX~~

74 24

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SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date 3/4/83 HB 28 Bill No. HB 28 Time _____

NAME	YES	NO
SENATOR TOM HAGER	✓	
SENATOR REED MARBUT		<i>abstained</i>
SENATOR MATT HIMSL		✓
SENATOR STAN STEPHENS		
SENATOR CHRIS CHRISTIAENS		✓
SENATOR JUDY JACOBSON		✓
SENATOR BILL NORMAN		✓

Carol Fraser
Secretary

Tom Hager
Chairman

Motion: Senator Hager made the motion that HB28 as amended
be concurred in - the motion failed. Without objection
Senator Hager asked for Reverse vote for DO NOT Pass.
the motion carried. Amdt Carty.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

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March 4

19 83

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH AND WELFARE**

having had under consideration **HOUSE** Bill No. **28**

Kitselman (Himsel)

Respectfully report as follows: That **HOUSE** Bill No. **28**
third reading bill be amended as follows,

1. Page 2, lines 10 and 11.

Strike: "THE EXPENSES FOR THE MEETING, INCLUDING THE NOTICE, SHALL
BE BORNE BY THE OPERATOR OF THE HOME."

2. Page 2, line 12.

Strike: "hearing"

Insert: "meeting"

3. Page 2, line 17.

Following: "TITLE"

Strike: "43"

Insert: "41"

4. Page 2, line 18.

Strike: "HEARING"

Insert: "MEETING"

And, as so amended,
BE NOT CONCURRED IN
~~XXXXXX~~