

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

MARCH 21, 1983

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Monday, March 21, 1983 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. However, Senators Norman, Christiaens, and Jacobson arrived late. Woody Wright, staff attorney, was also present.

There were visitors in attendance. See exhibits.

CONSIDERATION OF HOUSE BILL 792: Representative Cal Winslow of House District 65, the chief sponsor, of House Bill 792 gave a brief resume of the bill. This bill is an act to allow emergency admissions to the State Hospital from a local facility that does not have available space to detain a person who appears to be seriously ill, and providing an immediate effective date.

Representative Winslow stated that he introduced this bill at the request of a Billings Psychiatrist. At the present time when there are no beds available at the local hospital the mental patient is sometimes detained at the local jail.

Bill Leary, representing the Montana Hospital Association, stood in support of the bill. This bill is an expression that appropriate care must be given to mental patients.

Kelly Moorse, executive secretary of the Mental Disabilities Board of Visitors from the Office of the Governor, stood in support of the bill if it were amended. House Bill 792 is unacceptable on page 1 line 23, because it suspends a persons civil rights and does not provide due process for the detained person. In order to protect an individual's rights when considering an involuntary detention a petition for commitment must be filed or the person should be released. As written, the bill on page 1, line 23, does not provide for a filing provision as required by the Mental Commitment and Treatment Act. They do support the provision whereby Warm Springs must be notified prior to a transfer and state that a bed is available. Ms. Moorse handed in written testimony for the consideration of the committee. See exhibit 1.

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Jim Johnson, attorney for legal services, stood in support of everything Kelly Moorse had stated previously. He stated that for the last 7 years he has represented the patients in Warm Springs. He urged the committee to amend the bill on page 1, line 23.

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

Senator Hims1 asked who pays for the transportation and care of a patient. This expense is a local expense paid by the county.

Senator Hims1 asked if all hospitals have psychiatric units. Hospitals in Billings, Great Falls, Butte, Helena, and Missoula all have psychiatric units.

Senator Stephens asked what is the process at the present time when there is not enough room at the local hospitals.

Representative Winslow closed.

CONSIDERATION OF HOUSE BILL 728: Representative John Shontz of House District 53, the chief sponsor of House Bill 728, gave a brief resume of the bill. This bill is an act relating to county control of littering and dogs; providing for county ordinance power to control littering and provide a penalty; and providing for a penalty for violation of a dog control ordinance.

Representative Shontz stated that this bill would give the counties ordinance authority.

Senator Larry Tveit of Senate District 27 stood in support of the bill.

Mike Stephens, Montana Association of Counties, stood in support of the bill. He stated that this bill gives both flexibility and control for the counties.

With no further proponents the chairman called on the opponents. Hearing none the meeting was opened to a question and answer period from the committee.

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Representative Shontz closed. He stated that there seems to be a real problem when they get outside of the city limits in some of the counties. It would help many individuals. Representative Shontz told of an example down in his area with litter control. He urged the committee to give this bill favorable consideration.

CONSIDERATION OF HOUSE BILL 862: Representative John Shontz of House District 53, the chief sponsor of House Bill 862 gave a brief resume of the bill. This bill is an act to amend the laws relating to licensing and registration of radioactive materials and devices; and providing an immediate effective date. This bill was requested by the House Appropriations Committee.

Representative Shontz stated that this bill gives the option.

Larry Lloyd of the Department of Health and Environmental Sciences stood in support of the bill.

With no further proponents the chairman called on the opponents. Hearing none, Representative Shontz closed.

DISPOSITION OF HOUSE BILL 862: A motion was made by Senator Christiaens that HB 862 BE CONCURRED IN. Motion carried unanimously. Senator Christiaens will carry this bill on the floor of the Senate.

CONSIDERATION OF HOUSE BILL 248: Representative Jay Fabrega of House District 44 is the chief sponsor of House Bill 248. This bill is an act to provide that a county or an incorporated city or town may establish by resolution exceptions that would reduce or eliminate the statute requiring 600 feet to separate the premises of a business that serves alcoholic beverages from a place of worship or schools.

Senator Hager read a letter to the committee from Representative Fabrega asking that the committee hold HB 248 to be acted on only if SB 439 should fail to pass the House. See exhibit 2.

DISPOSITION OF HOUSE BILL 248: A motion was made by Senator Norman that HB 248 be tabled at the request of the sponsor. Motion carried unanimously.

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DISPOSITION OF HOUSE BILL 728:

A motion was made by Senator Norman that the bill be amended on page 2, following, line, 16; to add a new section 3, the severability clause. Motion carried with all voting "yes" except Senator Christiaens who abstained.

A motion was made by Senator Marbut that the bill be amended on page 2, lines 7 through 10. A misdemeanor punishable by a fine of not more than \$500 is to be amended into the bill. Senator Marbut stated that this would allow the counties to get some action. Motion carried.

Senator Hims1 told of some of the problems in his area.

Senator Marbut stated that he is concerned with the local landowners and how this bill would affect them. A motion was made by Senator Marbut that the bill be amended with a new Section 5 to add flexibility for the landowners.

Senator Christiaens stated that he felt that the flexibility for the landowners would be hard to enforce.

Senator Marbut's motion failed with everyone voting "no" except Senator Marbut.

A motion was made by Senator Marbut that HB 728 BE CONCURRED IN as amended. Motion carried. Senator Marbut will carry this bill on the floor.

DISPOSITION OF HOUSE BILL 792: This bill introduced by Representative Winslow is an act to allow emergency admissions to the state hospital from a local facility that does not have available space to detain a person who appears to be seriously mentally ill, and providing an immediate effective date.

A motion was made by Senator Marbut that HB 792 be amended on page 1, line 23, strike: "as provided in subsection (3) or". Motion carried.

A motion was made by Senator Hims1 that HB 792 BE CONCURRED IN as amended. Motion carried. Senator Hims1 will carry this bill on the floor of the Senate.

DISCUSSION OF HOUSE BILL 284: This bill sponsored by Representative Cal Winslow is an act to license social workers.

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Representative Winslow stated that the insurance is not mandatory that it is completely optional.

A motion was made by Senator Norman that the bill be amended on page 13, line 19 that the new language be stricken.

Representative Winslow stated that a nurse specialist is a nurse with two more years of special training.

A Roll Call Vote was taken on the amendment of Senator Norman. Motion carried. See exhibit 3.

Senator Marbut read the amendments presented by the Montana Hospital Association and they were discussed.

Woody stated that perhaps the proposed amendments should be a separate section in the bill.

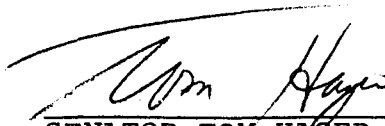
A motion was made by Senator Christiaens that HB 284 BE CONCURRED IN as amended.

Motion was withdrawn.

A subcommittee was appointed by Chairman Hager to consist of Senator Hager, Senator Marbut and Senator Christiaens.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Tuesday, March 22, 1983 in Room 415 of the State Capitol Building to consider House Bill 445.

ADJOURN: With no further business the meeting was adjourned.

  
\_\_\_\_\_  
SENATOR TOM HAGER, CHAIRMAN

ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/21/83

[illegible]



SENATE

COMMITTEE

BILL

H.R. 862

VISITORS' REGISTER

DATE

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOSE

LARRY LLOYD

DHES

862

✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY



NAME: James Don Johnson DATE: 3-21-83

ADDRESS: Box 481, Battle Mountain

PHONE: 693-2221 Ext. 2478

REPRESENTING WHOM? Mont. Legal Services

APPEARING ON WHICH PROPOSAL: H.B. 792

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

COMMENTS: Amend by delete on line 23,  
page 1, "as provided in subsection  
3 or "

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Kenny Moore DATE: 21 March 83

ADDRESS: \_\_\_\_\_

PHONE: 449-3955

REPRESENTING WHOM? Board of Visitors + Montana Mental Health Association

APPEARING ON WHICH PROPOSAL: 28 792

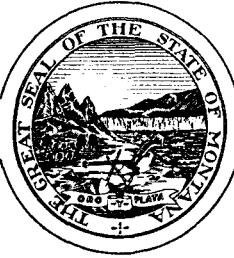
DO YOU: SUPPORT? \_\_\_\_\_ AMEND? ✓ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*C. J. Mohr*

●OFFICE OF THE GOVERNOR  
MENTAL DISABILITIES BOARD OF VISITORS



TED SCHWINDEN, GOVERNOR

CAPITOL STATION

STATE OF MONTANA

(406) 449-3955

HELENA, MONTANA 59620

March 21, 1983

Senator Tom Hager, Chairman  
Public Health, Welfare and Safety Committee  
Senate Chambers  
State Capitol  
Helena, Montana 59620

Mr. Chairman  
Members of the Committee:

For the record my name is Kelly Moorse and I am the staff person for the Mental Disabilities Board of Visitors. The Board of Visitors in its mandate to protect patient rights opposes House Bill 792 in its present format.

House Bill 792, as worded on page one, line 23, is not acceptable because it suspends a persons civil rights and does not provide due process for the detained person. In order to protect an individual's rights when considering an involuntary detention a petition for commitment must be filed or the person should be released. As it reads now, the language on page one, line 23, does not provide for a filing provision as required by the Mental Commitment and Treatment Act.

The Montana Mental Health Association joins us in our opposition to House Bill 792. Joy McGrath, a Director for the Mental Health Association, is testifying on two other bills before the House Human Services Committee, and asked me to convey the Associations's concerns. We do support the provision whereby Warm Springs must be notified prior to a transfer and state that a bed is available.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Moorse".

Kelly Moorse  
Executive Secretary



*The Big Sky Country*

**MONTANA STATE HOUSE OF REPRESENTATIVES**

March 16, 1983

The Honorable Tom Hager  
Montana State Senate  
Capitol Station  
Helena, Montana 59620

Dear Tom:

In view of the fact that the House is considering Senate Bill 439 which grants rule latitude to local governments then I request that you cancel the hearing on House Bill 248 which I have sponsored and which is now before your committee.

I am asking that you hold House Bill 248 in your committee to be acted on only if Senate Bill 439 should fail to pass the House.

Sincerely yours,

A handwritten signature in cursive script, reading "W. Jay Fabrega".

W. Jay Fabrega  
Representative

WJF:mpb

HB 284

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# **ANSWERS TO QUESTIONS STATE LEGISLATORS ASK ABOUT SOCIAL WORK LICENSING**

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**A RESPONSE TO QUESTIONS PROPOSED BY THE  
COUNCIL OF STATE GOVERNMENTS IN  
OCCUPATIONAL LICENSING:  
QUESTIONS A LEGISLATOR SHOULD ASK.**

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**FOR FURTHER INFORMATION CONTACT:  
SHARON HANTON, MSW  
EXECUTIVE DIRECTOR  
MONTANA CHAPTER  
NATIONAL ASSOCIATION OF SOCIAL WORKERS  
20 HODGMAN CANYON  
BOZEMAN, MT. 59715  
(406) 586-9500**

**National Association of Social Workers  
1425 H Street, N.W.  
Washington, D.C. 20008**

**If you have questions contact Lobbyist, J. D. Holmes.**

# STANDING COMMITTEE REPORT

MARCH 21, 19 83

MR. **PRESIDENT:**

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

having had under consideration **HOUSE** Bill No. **792**

**WINSLOW**

**(HIMSL)**

Respectfully report as follows: That **HOUSE** Bill No. **792**

**blue copy be amended as follows:**

1. Page 1, line 23.

Strike: "as provided in subsection (3) or"

~~DOXASSX~~ And as so amended,  
BE CONCURRED IN

110

# STANDING COMMITTEE REPORT

MARCH 21, 19 83

MR. **PRESIDENT:**

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

having had under consideration **HOUSE** Bill No. **862**

**SHONTZ** (CHRISTIAENS)

Respectfully report as follows: That **HOUSE** Bill No. **862**

~~XXXXXXXX~~ BE CONCURRED IN

40.

# STANDING COMMITTEE REPORT

.....MARCH 21,..... 19 83.....

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

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

having had under consideration.....**HOUSE**..... Bill No.....**728**..

**SHONTZ (MARBUT)**

Respectfully report as follows: That.....**HOUSE**..... Bill No.....**728**.....

**blue copy be amended as follows:**

**1. Title, line 8.**

**Strike: "SECTION"**

**Insert: "SECTIONS"**

**Following: "7-23-2108"**

**Insert: "AND 7-23-104"**

**2. Page 2, line 7.**

**Following: "(2)"**

**Strike: remainder of line 2 through "imprisonment" on line 10.**

**Insert: "Violation of an ordinance adopted under subsection (1)  
is a misdemeanor punishable by a fine not to exceed \$500"**

**XXXXXX**

.....**CONTINUED**.....

*Y.C.*



3. Page 2,

Following: line 16.

Insert: "Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

4. Page 2,

Following: line 16.

Insert: "Section 4, Section 7-23-104 is amended to read:  
7-23-104. Violations. Violation of any provision of this part or part 21 shall constitute a misdemeanor."

And, as so amended,  
BE CONCURRED IN

M.B.

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date MARCH 21, 1983 HOUSE Bill No. 284 Time 1:45

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

Clair Gravesley  
Secretary

Tom Hager  
Chairman

Motion: A motion was made by Senator Norman that the bill  
be amended on page 13, line 19 to strike the new language.

Motion carried.

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