

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 16, 1985

The meeting of the Human Services and Aging Committee was called to order by Chairperson Nancy Keenan on January 16, 1985 at 3:00 p.m. in Room 312-2 of the State Capitol building.

ROLL CALL: All members were present.

HOUSE BILL NO. 116: Hearing commenced on House Bill No. 116. Representative Joan Miles, District 45, sponsor of the bill stated that an act to delete the requirement that a privately owned public swimming pool have a lifeguard unless a person certified as trained in basic water safety measures is accessible to the pool was needed. Before 1983, the laws governing swimming pools required that any public pools had a lifeguard. Last year, the legislature decided that a bill introduced by Senator Story, wanted to eliminate lifeguard from privately owned public pools. The intent of that was because it was a financial hardship on hotel and motel owners. His bill said that no lifeguard was needed as long as it was posted. The Committee that heard that bill was worried about just doing away with lifeguard requirements at all and put in two clauses, one that someone would be on the premises that is trained in basic water safety and cardiopulmonary resuscitation (CPR). It has been determined in the two years since the legislature decided to operate without lifeguards and practice water safety that that course is not accessible especially in rural areas. Ms. Miles also indicated that within the two years since this law has been a part of the statute, there is not a single swimming pool operator in the state that is meeting both of these qualifications. The intent is that since the Legislature decided to not require lifeguards we are eliminating the requirement for basic water safety. Ms. Miles stated that she proposes to keep in the CPR requirements because this is something that is available anywhere in the state and is a very accessible course for persons to acquire and it is the single most important thing that someone on the premises is the best life saving technique.

Proponent was Sam Murfitt of the Montana Department of Health and Environmental Sciences, Food Consumer Safety Bureau. Written testimony was given and is attached hereto as Exhibit 1. Proponent Phil Strobe of the Montana Innkeepers Association, which is a trade association representing the lodging industry of the state, endorsed the bill. There being no further proponents or opponents, Chairperson Keenan closed the discussion on House Bill 116.

Questions were raised by Representatives Phillips and Gould.

There being no further discussion to House Bill No. 116, the hearing was closed.

HOUSE BILL NO. 114: Hearing commenced on House Bill No. 114. Representative Joan Miles, District #45, sponsor of the bill, stated an act to generally revise and clarify the laws relating to swimming pools and bathing places; clarifying that the Department of Health and Environmental Sciences may set safety standards for public swimming pools and bathing places was needed. Ms. Miles presented a Statement of Intent. She also stated that House Bill No. 114 was a rerun from last year. This bill clarifies that the State Health Department not only has the jurisdiction over public health but also safety in regard to swimming pools. The two instances were that health and safety have been eliminated from the current bill. She indicates that these regulations are not substantive because the Montana Department of Health and Environmental Sciences does not really have the authority to adopt a regulation on safety.

Proponent Sam Murfitt of the Montana Department of Health and Environmental Sciences, Food and Consumer Safety Bureau supplied written testimony which is attached hereto as Exhibit 2. There were no further proponents to House Bill No. 114.

Opponents to the bill were Phil Strobe of the Innkeepers Association of Montana who indicated that he questioned as to whether he was a proponent or an opponent to this bill. Mr. Strobe indicated that this bill had been killed in 1977, 1979 and 1981. He also mentioned that he had inquired from pool liability carriers who typically have coverage on most of the public pools in the hotels and motels of this state and the general comment was that the liability risk of the carriers has not increased. The carrier would probably charge the same fee whether the state was or was not involved. There being no further opponents to this bill, discussion opened to the questions. Questions were raised by Representatives Gould, Darko, Phillips, Bergene, Wallin, Simon and Waldron.

There being no further questions, Chairperson Keenan closed the discussion.

HOUSE BILL NO. 141: Representative Rex Manuel, District #11, sponsor of the bill indicated that an act to delete the requirement that the Department of Health and Environmental Sciences perform syphilis tests without charge was needed.

Proponent Yvonne Sylva, Administrator of Management Services, Montana Department of Health and Environmental Sciences supported this bill as indicated in Exhibit 3.

There were no opponents to this bill.

Questions were raised by Representative Phillips, Campbell and Waldron.

There being no further discussion, Chairperson Kennan closed the discussion.

HOUSE BILL NO. 142: Representative Rex Manuel, District #11, also the sponsor of the bill indicated that an act to conform the time limit within which a premarital seriological test performed outside of Montana must be performed to that required for such tests performed within Montana was needed.

Proponent Yvonne Sylva, Administrator of Management Services, Montana Department of Health and Environmental Sciences supported this bill as indicated in Exhibit 4.

There were no opponents to this bill.

Questions were raised by Representative Gould as to the definition of a seriological test.

There being no further discussion, Chairperson Keenan closed the discussion.

EXECUTIVE SESSION

ACTION ON HOUSE BILL NO. 116: Representative Darko made a motion that House Bill No. 116 DO PASS. The motion was seconded by Representative Cohen and the bill was unanimously voted to DO PASS.

ACTION ON HOUSE BILL NO. 141: Representative Gilbert made a motion that House Bill No. 141 DO PASS. The motion was seconded by Representative Darko and the bill was unanimously voted to DO PASS.

ACTION ON HOUSE BILL NO. 142: Representative Hansen made a motion that House Bill No. 142 DO PASS. The motion was seconded by Representative Wallin and the bill was unanimously voted to DO PASS.

ACTION ON HOUSE BILL NO. 49: Representative Wallin made a motion that House Bill No. 49 DO NOT PASS. The motion was seconded by Representative Gilbert and the bill was unanimously voted to DO NOT PASS. Representative Hart questioned as to why the bill did not pass. Representative Waldron indicated that to hire eligibility technicians was too costly; Representative Simon stated that the program was too costly; Representative Gilbert stated that the bad outweighs the good.

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Chairperson Keenan then stated that further action on House Bill No. 114 would be reheard at a later date.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 4:55 p.m.

Nancy Keenan
NANCY KEENAN, Chair

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date January 16, 1985

NAME	PRESENT	ABSENT	EXCUSED
NANCY KEENAN	X		
BUDD GOULD	X		
TONI BERGENE	X		
DOROTHY BRADLEY	X		
JAN BROWN	X		
BUD CAMPBELL	X		
BEN COHEN	X		
MARY ELLEN CONNELLY	X		
PAULA DARKO	X		
BOB GILBERT	X		
STELLA JEAN HANSEN	X		
MARIAN HANSON	X		
MARJORIE HART	X		
HARRIET HAYNE	X		
JOHN PHILLIPS	X		
BRUCE SIMON	X		
STEVE WALDRON	X		
NORM WALLIN	X		

STANDING COMMITTEE REPORT

January 16, 1985 19.....

MR. Speaker.....

We, your committee on Human Services and Aging.....

having had under consideration House..... Bill No. 49.....

first..... reading copy (white)
color

An act to require counties and the Department of Social and Rehabilitation Services to provide senior citizens access to food stamps and other programs in convenient locations other than county welfare offices

Respectfully report as follows: That..... House..... Bill No. 49.....

DO NOT PASS
DO NOT PASS

STANDING COMMITTEE REPORT

January 16 19 85

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 116

first reading copy (white)
color

An act to delete the requirement that a privately owned public swimming pool have a lifeguard unless a person certified as trained in basic water safety measures is accessible to the pool

Respectfully report as follows: That House Bill No. 116

DO PASS

STANDING COMMITTEE REPORT

January 16

19 85

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 141

first reading copy (white)
color

An act to delete the requirement that the Department of Health and Environmental Sciences perform syphilis tests without charge

Respectfully report as follows: That House Bill No. 141

DO PASS

STANDING COMMITTEE REPORT

January 16

19 85

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 142

first reading copy (white)
color

An act to conform the time limit within which a premarital seriological test performed outside of Montana must be performed to that required for such tests performed within Montana

Respectfully report as follows: That House Bill No. 142

DO PASS

INFORMATION RELATIVE TO H.B. 116

During the 1983 legislative session, legislation was introduced to remove lifeguarding requirements from privately-owned public swimming pools. This was done largely to ease the burden on motel and hotel swimming pools (privately-owned public pools include all pools except medicinal hot baths for individual use; those pools used only by the owner, family members, or the owner's invited guests; and those pools owned by a municipality, school district, etc.). The legislation passed, along with an amendment requested by the Department of Health and Environmental Sciences which required, as a substitute for the lifeguard, that an individual certified in cardiopulmonary resuscitation and in Red Cross basic water safety be accessible to the pool.

The Department of Health and Environmental Sciences endorsed the amended bill in part as a result of assurances given concerning the contents of the basic water safety course, i.e., that the basic water safety course offered by the American Red Cross was a short (4-hour) non-swimming course geared toward the basics of water safety (safety equipment, etc.). After passage of the bill, it was discovered that the basic water safety course could be longer than 4 hours and involved a substantial amount of water work by those taking it. Attempts were made to negotiate a shortened course which did not necessitate water activity or boating units, but those efforts were to no avail.

Therefore, the department is of the opinion that the basic water safety course requirement should be stricken because:

(1) It is difficult to find an instructor to present the course, particularly in rural areas.

(2) The many individuals operating facilities where pools are present who are themselves handicapped or elderly cannot reasonably be expected to undergo the extensive in-water training involved.

(3) In the last two years, no pool operator in Montana has been certified, as a result of the difficulties described in (1) and (2) above.

(4) If, because the operator could not be trained, an individual with the training has to be hired, the original purpose of the legislation is largely defeated.

INFORMATION RELATIVE TO H.B. 114

Historically, safety has been a major portion of a total swimming pool program throughout the nation.

In Montana, safety has been a major portion of the swimming pool program since 1967 when the present law was passed. The law was written with safety included in some sections and not in others. In those sections where the terms "safety" or "safe" were not used, the term "to protect the public health" was substituted.

Rules were adopted pursuant to the law and both safety and sanitation were addressed.

The purpose of this bill is therefore to clarify those sections where the term "to protect public health" is used instead of the terms "safe" or "safety" and to make those sections consistent with the rest of the law.

Some of the items which would be covered under the "safety" heading are as follows: improper bottom slope, inadequate depth for diving, absence of shallow end, lighting, underwater protrusions, no pool decking, warning signs or other life saving apparatus, depth markings, fencing, pool water clarity, etc.

In many cases safety and sanitation aspects of swimming pool design, maintenance and operation are interrelated. For example, water clarity (which can be a safety problem) is maintained by proper balancing of water chemistry (chlorine, pH, etc.) which in turn inhibits bacterial growth and the transmission or spread of disease.

Swimming pool safety rules are supported and recommended by the swimming pool industry and expected by the general public utilizing public swimming facilities.

Proposed amendment to HB 114 as introduced:

1. Page 2, line 19.

Following: "~~1~~"

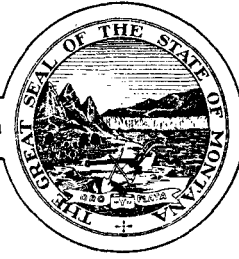
Insert: "(1)"

2. Page 2.

Following: line 24

Insert: "(2) Any rule that is a building regulation as defined in 50-60-101 is effective only when the department of administration approves it and files it with the secretary of state as part of the state building code pursuant to 50-60-204."

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

TESTIMONY
January 16, 1985

HELENA, MONTANA 59620

Representative Keenan, members of the committee for the record, I am Yvonne Sylva, Administrator of Management Services Division, State Department of Health and Environmental Sciences, I am here to speak in support of HB 141.

HB 141 was introduced at the request of the Department of Health and Environmental Sciences.

The intent of the proposed legislation is to delete the requirement that syphilis testing be performed without charge. The Forty-Eighth Legislature did not adequately fund the laboratories of the Department. This necessitated implementation of a handling charge to be assessed on all microbiological specimens (including syphilis) to generate the additional revenue necessary to maintain current level laboratory services.

Passage of House Bill 141 will allow the Department to continue to generate necessary revenue from syphilis testing via the handling charge.

Non-passage of this bill would result in an estimated loss of revenue to the Department of approximately \$25,000 next biennium.

I urge your favorable consideration on this bill.

Thank you.

YS/cmb/200

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

TESTIMONY
January 16, 1985

Representative Keenan, members of the committee, for the record, I am Yvonne Sylva, Administrator of Management Services Division, State Department of Health and Environmental Sciences.

House Bill 142 was introduced at the request of the Department.

The intent of this legislation is to bring into conformance the time limit within which a pre-marital serological test performed outside of Montana is the same as one performed in-state.

Currently statutes provide that a pre-marital test performed in-state within the last six months is acceptable. However, pre-marital serological performed out-of-state must have been done within the last twenty days.

House Bill 142 will extend the acceptable out-of-state testing to six months, making it the same required as for in-state.

I urge your favorable consideration of HB 142.

Thank you.

YS/cmb/201

VISITOR'S REGISTER

HOUSE HUMAN SERVICES AND AGING COMMITTEE

BILL HB 114

DATE 1/16/85

SPONSOR Joan Miles

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE HUMAN SERVICES AND AGING COMMITTEEBILL HB 116DATE 1/16/85SPONSOR Joan Miles

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
SAM MIERLITZ	DHES	DHES	X	
Ellie Parker	Helena	DHES	X	
James M. Peterson	Helena	DHES	X	
DAVID LACHMAN	Helena	MT Pub Hlth. Assn.	X	

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VISITOR'S REGISTER

HOUSE HUMAN SERVICES AND AGING COMMITTEE

BILL HB 141

DATE 1/16/85

SPONSOR Rex Manual

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE HUMAN SERVICES AND AGING COMMITTEE

BILL HB 142

DATE 1/16/85

SPONSOR Rex Manual

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.