

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

JANUARY 28, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by chairman, Judy Jacobson, on Monday, January 28, 1985 in Room 410 of the State Capitol at 1:00 p.m.

ROLL CALL: All members were present for the meeting. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

CONSIDERATION OF SENATE BILL 173: Senator Jack Haffey of Senate District 33, the chief sponsor of SB 173, gave a brief resume of the bill. This bill is an act to generally revise the laws relating to the practice of radiologic technology; restructuring the Board of Radiologic Technologists; defining "limited permit technician"; revising limited permitholder procedures; giving the board additional rulemaking authority; providing for annual licensure; providing for disciplinary procedures for limited permit technicians and providing an immediate effective date.

Senator Haffey stated that this bill has come about because of an attorney general's opinion. It changes the present renewal forms and has clarifying language.

Lou Rominger of Great Falls, representing the Board of Radiologic Technologists stood in support of the bill stated that today, more ex-ray equipment is being operated and installed than at any other time in the history of modern medicine. Your support of SB 173 will help protect the citizens of Montana from unnecessary radiation exposure administered by unqualified individuals. The Board needs control.

Don Allen, representing the Montana Hospital Association, stood in support of the bill.

Tim Marn, a radiologic technologist, stood in support of the bill. He is the past president of the Montana Radiologic Technologist. He stated that SB 173 more completely addresses the needs of the people of this state.

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Mr. Marn stated that SB 173 will help ensure the quality of technical ability of those individuals by whom the public receives treatment.

Jerry Loendorf of the Montana Medical Association, stood in support of the bill. He stated that SB 173 will make the law more flexible.

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 Norman asked about the Attorney General's Opinion. He was told that the law needs to be more specific.

Senator Stephens asked if radiologic technologists are used in chiropractors' offices. "Yes", but it is limited.

Senator Towe asked Karen to check and see if this bill will do what the proponents hope it will.

Senator Haffey closed. He asked Karen to contact Jeff Brazier, an attorney for the Department of Commerce, and work with him regarding this bill and any questions he may have.

CONSIDERATION OF SENATE BILL 73: Senator Richard Manning of Great Falls, the chief sponsor of SB 73, gave a brief resume of the bill. This bill is an act to define "firecrackers"; to prohibit aerial fireworks except in authorized public displays; to require fireworks wholesalers to obtain permits; and providing and effective date.

Senator Manning handed in letters of support from the Kalispell Fire Department and the Missoula City Fire Department. See attachments.

Bob Kelly, the state fire marshal from the Department of Justice, stood in support of the bill. He stated that this bill would merely restrict fireworks not ban them. Mr. Kelly said that the dealers are cooperative even though relations do become a little strained just before the fourth of July, when law enforcement officers confiscate illegal fireworks. There are about 16,000 fires caused annually from fireworks and costs \$5 to \$10 million in damages and nearly 9,000 injuries each year. In Montana, nearly 300 fireworks-caused fires were reported to Mr. Kelly's office in 1983.

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Because of the large volumes of fires, the fire departments and tied up with fireworks caused fires instead of the usual fires. Fireworks are baned in 15 states and the present time and only 13 states allow only sparklers and snakes.

Bruce Sueram, head of the Missoula Rural Fire District, stood in support of the bill. He stated that he would like to see fireworks completely banned, but realizes that it would be ineffective because of his areas close proximity of the nearby Flathead Indian Reservation. Federal regulations are more liberal than Montana's and determine legal fireworks on Indian Reservations.

Bobby Williams, of the Billings Fire Department, stood in support of the bill. He stated that fireworks present a major problem to the Bilings Fire Department and its firefighters and also the citizens of Billings. Each year these devices are the cause of fire and injury in significant numbers, causing additional expense to the taxpayers and suffering to those harmed physically. He suggested that the bill be amended to allow local option to counties and municipalities to both ban sale and use. There were 107 fireworks "incidents" in Billings last year, even though that city has a total ban on fireworks within the city limits. He stated that he hired two additional engine companies for the fourth of July period last year. Even with the additional personnel, fire protection was virtually stripped away.

With no further proponents, the chairman called on the opponents. They were reminded to please not be repetitious of one another.

Dennis Schweitzer of R and S Marketing in Bozeman stood in opposition to the bill. He stated that there are four other large wholesalers in Montana in addition to himself. He stated that under this bill, as written, he has a warehouse fully of illegal fireworks. He urged the Committee to adopt the federal definitions of fireworks. He stated that he has a bill being introduced in the House at the present time that would do just that. Mr. Schweitzer stated that toothpicks cause more injuries than fireworks. If fireworks are banned the ban would be ineffective because of the Indian reservations around our state. Fourteen states have liberalized their laws to conform with the federal laws. Aerial items cause less fires than ground items.

John Schully, representing several whole salers, stood in opposition to the bill. He stated that the real problem is enforceability of any fireworks law. He stated that Bozeman has a ban on fireworks, however, they are everywhere on the

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fourth of July. It is not practical to arrest a whole neighborhood. He also referred to the bill which is in the House which would ban mailorder buying of fireworks and also require a wholesaler permit.

Also standing in opposition to the bill was Dick Stablein of Bozeman. He stated that this bill would create more, not less, ambiguity and inconsistency in the interpretation of what is legal and what is illegal concerning the sale, distribution and possession of Class C fireworks. The use of fireworks has been widespread throughout the world for many many centuries. Fireworks has played an effective significant role in the celebration of the independence of our own country. Passage of this bill is the first step in completely making all fireworks illegal which would be a loss of freedom. This is a direct contradiction to the idea of indepenence, What a slap in the face to July 4th and the Independence Day celebration.

Jim Hendrickson of Butte, Bob Brown of Great Falls, and Tom Hendricks of Great Falls stood in opposition to the bill.

Bob Schweitzer of R. and S. Marketing of Bozeman also stood in opposition to the bill. He stated that this bill does not address any of the problems which we have in the fireworks industry. He urged the Committee to kill this bill and instead adopt the federal standards regarding fireworks. He then stated that any item which we can buy can cause either body or property damage. Our forefathers used fireworks.

John Peterson of Frenchtown stood in oppostion to the bill. He stated that this bill would eliminate 90% of the fireworks which are currently sold in Montana. If the fire marshal or his deputies so decided alot of undue power would be placed in the fire marshall's office.

John Thompson of Helena stood in opposition to the bill. He stated that this bill is like trying to eliminate poor health. Fireworks have printed instructions on them. He invited the Committee to watch the fireworkds displays of Montana.

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

Senator Lynch asked Bobby Williams of Billings what happens when someone in his town is caught shooting off fireworks within the city limits. He stated that the fireworks are confiscated and a warning is given, if the warning is not heeded then a citation is issued.

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Senator Hims1 stated that the Indian Reservations can use all fireworks.

Senator Towe asked Mr. Williams what happens to the fireworks which are confiscated. They are formally disposed of by the department.

Senator Manning closed. He urged the Committee to look favorably on this bill. He stated that it is needed to protect the people of Montana.

COMMITTEE BILL: Senator Hager asked the Committee for permission to have a Committee Bill drafted which would create an umbrella board for the allied health systems, most especially those boards which are having trouble financially.

A motion was made by Senator Lynch that a Committee Bill be drafted for the Committee to review before it is introduced. Motion carried.

COMMITTEE RESOLUTION: A motion was made by Senator Towe that the Committee have a Resolution drafted which would reauthorize Indian Health Care. Motion carried with the same stipulations.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Wednesday, January 30, 1985 in Room 410 of the State Capitol to consider Senate Bill 174, and House Bills 116, 141, and 142.

ADJOURN: With no further business the meeting was adjourned.

eg


SENATOR JUDY JACOBSON, CHAIRMAN

Each day attach to minutes.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Lois Rominger	Board of Radiologic Tech.	173	✓	
Tim J. MARN L.T.	MONTANA SOCIETY OF RAD. TECHS.	173	✓	
Don Allen	Montana Hospital Assn.	173	✓	
Jim Henrichsen	Tracy's Fireworks	173		✓
John Sully	R+S Marketing et al	73		✓
Dennis Schweitzer	R+S Marketing	73		✓
John F. Peterson	Fox Mktg Co.	73		✓
Bob Buser	Red Devil Fireworks	73		✓
Richard Stiller	myself - fireworks	73		✓
Bob Schweitzer	R+S Mktg	73		✓
Gary Pollington	SELF	73		✓
Tom HENDRICKS	my SELF - fireworks	73		✓
Margaret Larson	self	73		✓
Bruce Swenson	Missa Rural Fire Dept	73	✓	
Billy Williams	Billings Fire Dept	73	✓	
Robert E. Kelly	State Fire Marshal	73	✓	
Robert Lundson	Helena Fire Dept.	73	✓	
Ken T. Zander	St. Peter's Hospital	173	✓	
Bruce Dunshee	RT's of St. Peter's Hosp.	173	✓	
Mike Malinsek	" " "	173	✓	
LOIS TUNAK	MT FEEL OF FRONTIERS	73		
Erlyn J. J. J.	Self	73		✓
Shirley Palmer	MTN - self	173		✓

(Please leave prepared statement with Secretary)

(This sheet to be used by those testifying on a bill.)

NAME: Don Rominger

DATE: 1-28-85

ADDRESS: 2025 32 St So Ft Collins, CO 59405

PHONE: 453-2220

REPRESENTING WHOM? Board of Radiologic Technologist

APPEARING ON WHICH PROPOSAL: SB 173

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: I am here to represent the Board of Radiologic Technologists and express our support for SB #173.
Today, more X-RAY equipment is being operated and installed than at any other time in the history of modern medicine.
We feel that your support of SB #173 will help protect the citizens of CO from unnecessary radiation exposure administered by ~~with~~ unqualified individuals.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: Don Allen DATE: 1/28/85

ADDRESS: Helena, MT.

PHONE: 449-4795

REPRESENTING WHOM? MT. Hospital Assn.

APPEARING ON WHICH PROPOSAL: SB 173

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: TIM J. MARN R.T. DATE: 1-28-85

ADDRESS: Box 553 DELT, MT. 59412

PHONE: 277-3868

REPRESENTING WHOM? MEMBER OF MONTANA SOCIETY OF RADIOLOGIC TECHNOLOGIST.

APPEARING ON WHICH PROPOSAL: SENATE BILL 173

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENT: AS MOST RECENT PAST PRESIDENT OF
THE MSRT, I STAND IN FAVOR OF SENATE BILL 173.
REGULATION AND CONTROL OF INDIVIDUALS ADMINISTERING
RADIATION IS ESSENTIAL TO THE SAFETY AND GENERAL
HEALTH OF THE PUBLIC SECTOR.

THE PASSAGE OF S.B. 173 WILL HELP ENSURE
THE QUALITY OF TECHNICAL ABILITY OF THOSE
~~THESE~~ INDIVIDUALS BY WHOM THE PUBLIC RECEIVES
TREATMENT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

January 25, 1935

Senator Judy Jacobson

Chairman Senate PublicHealth Welfare and Safety Committee

Honorable Chairman and esteemed members of the committee:

At this time I would like to submit written testimony on Senate Bill 173,
General Revision of the laws relating to the practice of radiologic technology;
Restructuring of The Board of Radiologic Technologists.

I currently am serving a second three (3) year term on the Board of Radiologic Technologists. I am an American Registered and Montana licensed Radiologic Technologist. I am proud to say that the Montana Legislature had the foresight that in 1975 they enacted Chapter 37, Title 15 (MCA), to control the practice of Radiologic Technology in the public interest and to protect the public from the unprofessional, unauthorized or unqualified practice of radiologic technology. Senate Bill 173 revises and upgrades the law by clearly stating statute by statute the requirements to obtain a license or a limited permit. At this time it will also give the Board of Radiologic Technologists additional rulemaking authority. The restructuring of the Board to have a physician licensed to practice medicine in the state of Montana and employing a permit person, I feel will give the Board better rapport with the Montana Medical Association. I feel sure that as members of this committee and as residents of the state of Montana you want to see that the health, safety, and welfare of the residents of Montana.

In this modern era of Medicine, more and more physicians are installing x-ray equipment in their offices and clinics. Many physicians have their nurses, laboratory technologists and sometimes office personnel taking x-rays. I have no objection to this as long as these people have received proper training and with the success of this bill, will have to prove to the satisfaction of the Board that they are qualified and will not be endangering the public health, safety and welfare.

I served on the legislative committee that helped to prepare this bill.

Ladies and Gentlemen, as you take this bill under consideration, please think of the impact and value of this bill in protecting the public, health, safety, and welfare of each and everyone of us.

If you have any questions or I can be of further help, please feel free to contact me

Respectfully Submitted,



Alice M. O'Donnell, L.R.T. (A.R.R.T.)

(This sheet to be used by those testifying on a bill.)

NAME: Philip A. Harris DATE: 1/9/85

ADDRESS: Iklin, ind.

PHONE: 227-6328

REPRESENTING WHOM? Montana Nurses Assn. - self

APPEARING ON WHICH PROPOSAL: S.B. 73

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENT: I am very concerned about another
health provider layer being added without
qualifications, i.e. education, practice etc.
X-Ray's safety is of great concern, and
consumer safety should be of primary
concern. X-Ray burning and overexposure
is not unknown. Certainly qualified
personnel is needed.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

1 STATEMENT OF INTENT

2 SENATE BILL 73

3
4 It is the intent of the legislature that the department
5 of commerce adopt rules that include the setting of a permit
6 fee to cover the costs of administering the fireworks
7 wholesaler permit program and to establish rules providing a
8 monitoring and information function. The rules should elicit
9 pertinent information from the applicant, such as business
10 name and location, mailing address, suppliers, products to
11 be sold under the permit, etc. The rules should provide for
12 conveying of information to the applicant at the time of
13 application, such as responsibilities under Montana law and
14 federal law and both state and federal administrative rules.



GENE DOTY
CHIEF

KALISPELL FIRE DEPARTMENT

1000 1st Avenue
Kalispell, MT 59901
406/338-1111

JUANE LARSON
CONSTANT CHIEF



BOB BOWMAN
FIRE MARSHAL

January 24, 1985

Senator Judy Jacobson
Chairperson
Public Health, Welfare & Safety Committee

RE: Senate Bill 73 Title: Define Firecrackers - prohibit
aerial fireworks, create wholesaler permits.

Dear Judy:

I am writing to express my opinion on Senate Bill 73. I would like to see this bill amended to prohibit the sale of all types of fireworks in the State of Montana. Limiting the use of fireworks to only public displays where they are controlled by professional personnel. (County and state fairs, winter carnivals, public 4th of July displays, etc.)

As Fire Chief of the Kalispell Fire Department, I have witnessed several occasions where the improper use of our presently available fireworks have started timber fires, grass fires on vacant lots and where one smoke bomb set a house on fire, damages exceeded \$10,000.00. We also have treated children for burned fingers and other burns.

If prohibiting the sale of fireworks is too large an undertaking at this time, I strongly support Senate Bill 73.

Respectfully,

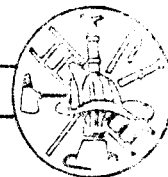
Gene Doty
Fire Chief

GD/ms



CITY FIRE DEPARTMENT

200 W. PINE • MISSOULA, MT 59802-4220 • (406) 721-2291



RECEIVED

January 24, 1985

JAN 25 1985

FIRE MARSHAL BUREAU

Senator Judy Jacobson, Chairperson
Public Health Welfare and Safety Committee
State Capital
Helena, Montana 59601

Re: SENATE BILL #73

Dear Senator:

I would like to add my support for Senate Bill number seventy-three (73). This bill will give control and guidance in the use of fireworks-firecrackers within the state, and substantially reduce fire, injuries, and loss of life.

I urge your support on this bill.

Sincerely,

Burton K. Walsh
Fire Chief

BKW:rab



KALISPELL FIRE DEPARTMENT

518 W. Avenue E
P.O. Box 1035
KALISPELL, MONTANA 59501



GENE DOTY
CHIEF

DUANE LARSON
ASSISTANT CHIEF

RECEIVED

ROYER BOWMAN
FIRE MARSHAL

January 24, 1985

JAN 25 1985

Senator Judy Jacobson
Chairperson
Public Health, Welfare & Safety Committee

FIRE MARSHAL BUREAU

RE: Senate Bill 73: Define Firecrackers-Prohibit Aerial Fireworks-Create
Wholesaler Permits.

Dear Judy:

Please consider the following comments, concerning fireworks in Montana. I have been a member of the Fire Service in Montana for over 27 years. During this time I have witnessed many fires caused by fireworks and many injuries to young people. During the late 1950's, I was a member of the Evergreen Volunteer Fire Department, when two youths were killed in a fireworks stand explosion and fire. This needless tragedy served to make me realize that the very brief amount of enjoyment derived from fireworks is far outweighed by the amount of grief they can produce. I am of the firm opinion that complete prohibition of fireworks in the State of Montana is the best course of action to follow.

I fully realize that many times, complete prohibition is not possible and if that is found to be the case, please then lend your support to Senate Bill # 73 which would at least limit the fireworks hazard potential.

Respectfully submitted,

M. Duane Larson, Asst. Fire Chief
City of Kalispell

(This sheet to be used by those testifying on a bill.)

NAME: Bruce Suenram DATE: 1/28/85

ADDRESS: 2521 S. Ave West. Mpls

PHONE: 549-6172

REPRESENTING WHOM? Missola Rural Fire Dist.

APPEARING ON WHICH PROPOSAL: SB 73

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: Missola Rural Fire District supports
the intent of SB73, however we would be
in support of local option control of fireworks.
~~not in support of fireworks~~

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: BOBBY WILLIAMS DATE: 1-28-85

ADDRESS: 2305 8TH AVE N. BILLINGS, MT 59101

PHONE: 657-8420

REPRESENTING WHOM? BILLINGS FIRE DEPT. - CITY OF BILLINGS

APPEARING ON WHICH PROPOSAL: SB 73

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENT:

FIREWORKS PRESENT A MAJOR PROBLEM TO THE BILLINGS FIRE
DEPT, ITS FIREFIGHTERS & THE CITIZENS OF BILLINGS.

EACH YEAR THESE DEVICES ARE THE CAUSE OF FIRE & INJURY
IN SIGNIFICANT NUMBERS, CAUSING ADDITIONAL EXPENSE
TO THE TAXPAYER & SUFFERING TO THOSE HARMED PHYSICALLY.

IN ADDITION TO THE BILL, IT IS URGED THAT THE BILL BE
AMENDED TO ALLOW LOCAL OPTION TO COUNTIES & MUNICIPALITIES
TO BOTH BAN SALE & USE.

THIS BILL IS ALSO SUPPORTED BY THE YELLOWSTONE CO.
SHERIFF'S DEPT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: RICHARD STABLEIN DATE: 1/23/5

ADDRESS: 516 N. BOZEMAN

PHONE: 596-3459

REPRESENTING WHOM? MYSELF AS A FIREWORKS RETAILER

APPEARING ON WHICH PROPOSAL: 73 (SENATE BILL)

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENT: I believe that this bill would create more (not less)

ambiguity and inconsistency in the interpretation of
what is legal and what is illegal concerning the sale,
distribution, and ~~the~~ possession of Class C fireworks.

The use of fireworks has been widespread throughout the
world for many, many centuries. Fireworks has played
an effective significant role in the celebration of the
independence of our own country. Passage of this bill in
my opinion is the first step in completely making illegal all
fireworks which would be a loss of freedom. This is a
direct contradiction to the idea of independence. What
a slap in the face to July 4th and the Independence Day
celebration.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: John F. Peterson DATE: 1-22-85

ADDRESS: 1401 U.S. Highway 10 West Frenchtown MT 59831

PHONE: 406-626-5578

REPRESENTING WHOM? For MMT Co. owned by above

APPEARING ON WHICH PROPOSAL: #73

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENT: This bill does not address any of the problems
we have in the fireworks industry. This bill would eliminate
possibly 90% of the fireworks currently sold in Montana if the
fire Marshal or his deputies decided to do so. It would
place undue power in his office. We believe based on many
years of experience with these officials that they do not know
nor seem to care about the difference in product available.
They seem to believe that the people of Montana must be
protected from themselves. This bill would eliminate
several hundred part-time jobs for our youth and cut
fund raising efforts of near a hundred non-profit
community organizations. The bill contains many errors
in definition of product and would not be beneficial to the
people of Montana.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME :

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

PLEASE

LEAVE

PREPARED

STATEMENTS

WITH

THE COMM

ITTEE SEC

ETARY.

SB 173
STATEMENT OF INTENT

This bill is a response to Vol. 40 Opinions of the Attorney General No. 50. Because it delegates authority to the Board of Radiologic Technologists, a statement of intent is required.

It is the intent of the legislature that the board be required by section 3 of the bill to adopt rules establishing the standards of formal classroom training in darkroom procedures for those individuals who by reason of their training and based on the fact that they perform only darkroom procedures are exempt from licensure.

It is the intent of the legislature that the board be required by section 4 of the bill to adopt rules setting standards of formal classroom training for permit holders; defining specific x-ray procedures the permit holders will be allowed to perform; regarding the renewal of permits; establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required; outlining additional eligibility requirements when an applicant fails an examination; and defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of the bill require that the Department of Commerce establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of the bill delegates authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians.

1 STATEMENT OF INTENT

2 SENATE BILL 73

3
4 It is the intent of the legislature that the department
5 of commerce adopt rules that include the setting of a permit
6 fee to cover the costs of administering the fireworks
7 wholesaler permit program and to establish rules providing a
8 monitoring and information function. The rules should elicit
9 pertinent information from the applicant, such as business
10 name and location, mailing address, suppliers, products to
11 be sold under the permit, etc. The rules should provide for
12 conveying of information to the applicant at the time of
13 application, such as responsibilities under Montana law and
14 federal law and both state and federal administrative rules.