

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

MARCH 25, 1985

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman, Judy Jacobson on Monday March 25, 1985 at 12:30 in Room 410 of the State Capitol.

ROLL CALL: All members were present, with the exception of Senator Hager who was excused. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

CONSIDERATION OF HOUSE BILL 896: Representative Dennis Iverson of District 12 at Whitelash, the sponsor of HB 896, gave a brief resume of the bill. This bill is an act revising the definition of premissible fireworks; providing for fireworks wholesaler permits; further regulating the use and sale of fireworks and providing an immediate effective date.

John Scully representing R and S Marketing from Bozeman stood in support of the bill. He stated that Montana does not have a very good definition of what fireworks really are. This bill would ban mail order fireworks to help eliminate illegal fireworks. This bill will also allow the Department of Commerce to set a permit fee to cover the costs of administering the fireworks wholesaler permit program.

Bob Kelly, state firemarshall, stood in support of the bill.

Lyle Nagel, representing the Montana State Volunteer Firemen's Association, stood in support of the bill.

Vic Reichenback, representing Reichenback Fireworks of Billings, stood in support of the bill. He stated that he is an importer and distributor of fireworks. He has been in the fireworks business in Billings for 37 years.

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 Lynch asked if the departments felt that there would be enforcement problems with this bill. They felt that this would help their situation so that they would know what is legal and what is illegal.

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Senator Himsl asked if it is permissible to prohibit mail order fireworks. He was told that this would be handled the same as the present drug paraphernalia law.

Senator Himsl asked about the effect of the bill on the Indian Reservations. The state has no authority on the Indian Reservation and would not be able to do anything about that situation.

Senator Himsl stated that there are seven reservations in this state and they basically cover all of Montana.

Senator Jacobson stated that she felt that this bill should be amended to also include animals on page 2, line 18 in regards to it being unlawful for an individual to discharge firework in the vicinity of.

Representative Iverson closed. He stated that this bill is a mere clarification on the present law and it also has a safety feature that the fire department people can track.

ACTION ON HOUSE BILL 896:

Senator Lynch moved that the bill be amended on page 2, line 18 to include animals. Motion carried.

A motion was made by Senator Lynch that HB 896 BE CONCURRED IN AS AMENDED. Motion carried.

Senator Dick Manning of Great Falls volunteered to carry this bill on the floor of the Senate.

CONSIDERATION OF HOUSE JOINT RESOLUTION 19: Representative Steve Waldron of Missoula, the chief sponsor of HJR 19, gave a brief resume of the bill. This bill is a joint resolution of the Senate and House of Representatives of the State of Montana urging the Department of Social and Rehabilitation Services to provide priority referral and placement for pregnant teenagers.

His bill will affect single mothers and pregnant teenagers. They are a very high risk group.

Karen Northey, representing the Florence Crittenton Home in Helena, stood in support of the bill. She stated that this resolution calls for the person who is making the referral for the girl to follow-up and see to it that she is receiving the aid which is available to her. This bill would not have any fiscal impact. She handed out some fact sheets dealing with the resolution. See attachments.

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Carrol Morris, representing the Florence Crittenton Homes, stood in support of the bill. She stated that this resolution would reaffirm Montana's commitment to the pregnant teens of our state.

Dr. Donald Esplin, representing the Department of Health and Environmental Sciences, stood in support of the bill. He stated that 98% of the pregnant teens keep their babies now. This group is notorious for not getting the proper prenatal care. Many of these girls do not deliver a live birth. A large number have preemies.

Anne Brodsky, representing the Women's Lobbyist, stood in support of the bill. Her organization supports the right of reproductive choice of women. This choice embodies that choice to carry pregnancy to term and in the cases of teenage pregnancy in particular, this choice carries with it many unique and serious obstacles. These obstacles include medical, economic and attitudinal ones. HJR provides the important recognition that must be given to the difficulties faced by young, single, pregnant women and young single mothers. Enactment of HJR 19 will aid in making the choice of a young woman to carry a pregnancy to term as safe and as free of social stigma as possible.

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 Himsl asked if this is being done by the local health departments. Referrals come from everywhere. Teens, themselves, do not follow through.

Senator Towe asked about the state funding impact of this resolution. The money comes from the Foster Care Budget.

Senator Towe asked how much it costs at the Florence Crittenton Home for a girl. It costs 26.05 per day during the pregnancy and \$31.50 per day for the mother and the baby following the birth

Senator Towe asked about the SRS budget for this. It is very minimal.

Representative Waldron closed. He stated that these girls are are very high risk and if money could be spent wisely now on then they would be kept off of the welfare rolls at a later date by the preventive activities.

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CONSIDERATION OF HOUSE BILL 489: Representative Steve Waldron of Missoula, the sponsor of HB 489, gave a brief resume of the bill. This bill is an act to generally revise the laws relating to residential youth care facilities; to require prior consultation with the Department of Social and Rehabilitation Services for placement of youths in residential youth facilities. This bill was requested by the Department of Social and Rehabilitation Services.

Representative Waldron stated that this bill would require advance notice to the SRS to help place a child. For example, one child was placed at Vision Quest in Arizona without consultation of the Department and therefore it greatly affected their budget.

A child in eastern Montana, for example, may be placed out of state when in fact it is closer to his residence. There is no encouragement given to keep the child in the state when this is the case. There are 40 children placed out of state at the present time. SRS was not aware of this situation until they received the bill. At the consultation the costs should be known regarding the facilities being considered. If this bill does not pass, the foster care budget will have to be increased.

Norma Harris, representing the Department of Social and Rehabilitation Services, stood in support of the bill. She stated that SRS has a great concern regarding this problem. It would clarify the confusing language in the present law. It would help them manage their budget better. This bill would formalize communication process, it will not solve all of the problems but it will help.

Tom Druegger stood in support of the bill.

Curt Chisolm, deputy director of the Department of Institutions stood in support of the bill. He stated that his department supports the efforts of the SRS.

With no further proponents, the chairman called on the opponents.

Glen Huffstettler, chief probation officer of Kalispell, stood in opposition to the bill. He stated that he was also representing the Montana Probation Officers Association. He stated that children have not been placed out of state indiscriminantly. The courts are very responsible. There has been excellent results by placing the youths out of state.

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Mr. Huffstettler also stated that HB 489 would allow for the court to provide the department at least 5 days written notice and opportunity to be heard before ordering the placement of the youth. A lot of time has been spent in deciding where to place the child. He feels that that part of the bill will hinder the process while awaiting the approval of the SRS. They try to keep the child at home, however, they must do something with the child immediately. He does not want to see the process hindered while waiting for the department to look for a place to go with the child. He urged the Committee to give the bill Be Not Concurred In recommendation.

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

Senator Towe asked why some of the youths are placed out of state. Mr. Huffstettler stated that they are placed out of state because it is sometimes cheaper and also better for that individual youth.

Senator Stephens address the question of giving the people 5 days notice about coming into court and also the screening committee.

Representative Waldron closed. He stated that many people have worked very hard to help youth court probation officers with this problem. There is no federal money in this budget. The bill would require formal notice for the hearing. He urged the Committee to give the bill favorable consideration.

CONSIDERATION OF HOUSE BILL 560: House Bill 560 was introduced by Representative Francis Bardanouve of Harlem at the request of the Department of Institutions. He gave a brief resume of the bill. This bill is an act to remove the Swan River Youth Forest Camp from designation as a juvenile correctional facility.

He stated that this is a simple bill which affects only the Swan River Youth Camp. This camp is now an adult prison and therefore, the name is inappropriate. When the camp was originally started it was to be a home away from home, but that is not the case now. This would be a safety valve. The atmosphere is different than that of a prison.

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Curt Chisolm, deputy directors of the Department of Institutions, stood in support of the bill. He stated that it was fitting to change the name of the Swan River Youth Camp.

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 Towe stated that the Swan River Youth Camp does not deal with youth and, therefore, should be changed.

Representative Bardanouve closed. He stated that this is a good bill.

ACTION ON HOUSE BILL 560: A motion was made by Senator Hims1 that HB 560 BE CONCURRED IN. Motion carried.

Senator Hims1 will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 676: Representative Gene Donaldson of Helena introduced this bill. HB 676 is a regulation of underground storage tanks.

A motion was made by Senator Towe that HB 676 be amended on Page 9, line 9, to strike the "rights and duties that matured," Motion carried.

Senator Hims1 asked how this will affect the operators of service stations being as there is no grandfather clause. Who will pay for this measuring and keeping track of the contents of the tanks to see if there is any leakage.

Senator Stephens stated that this is a noble attempt for the environment, however, next session perhaps all of the underground tanks should be placed above ground.

A motion was made by Senator Towe that HB 676 BE CONCURRED IN AS AMENDED. Motion carried with all present voting "yes" with the exceptions of Senator Newman and Senator Hims1 voting "no".

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

DISCUSSION ON HOUSE BILL 766: Representative Bob Ream of Missoula introduced this bill which is an act authorizing the Department of Health and Environmental Sciences to take remedial action to prevent or alleviate release of hazardous

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or deleterious substances into the environment; establishing a special fund for remedial action; providing for funding of the special fund and providing effective dates.

A motion was made by Senator Towe to accept the proposed amendments. Motion carried.

Senator Towe stated that he is still not comfortable with this bill as it is still too broad. He asked the chairman to please hold the bill until the next meeting.

ANNOUNCEMENTS: The next meeting of the Senate Public Health Welfare and Safety Committee will be held on Wednesday, March 27, 1985 at 12:30 in Room 410 of the State Capitol to executive action on the remaining bills.

ADJOURN: With no further business the meeting was adjourned.


SENATOR JUDY JACOBSON,
CHAIRMAN

eg

STANDING COMMITTEE REPORT

MARCH 25, 1935

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 676

THIRD reading copy (BLUE)
color

REGULATION OF UNDERGROUND STORAGE TANKS

DONALDSON (TONE)

Respectfully report as follows: That HOUSE BILL No. 676

be amended as follows:

1. page 9, line 9.

Following: "affect"

Strike: "rights and duties that matured,"

2. Page 9, line 10.

Following: "incurred"

Strike: ", "

~~XXXXXX~~

~~XXXXXXXXXX~~

AND AS AMENDED
BE CONCURRED IN

SENATOR JUDY JACOBSON

Chairman.

STANDING COMMITTEE REPORT

MARCH 25, 19 85

MR. PRESIDENT

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

having had under consideration.....HOUSE BILL..... No. 396.....

THIRD reading copy (BLUE)
color

DEFINING PERMISSIBLE FIREWORKS & FURTHER REGULATING THEIR SALE AND USE

IVERSON (R. MANNING)

Respectfully report as follows: That.....HOUSE BILL..... No. 396.....

be amended as follows:

1. Page 2, line 13.
Following: "people"
Insert: "or any animal"

~~DO PASS~~ AND AS AMENDED

~~DO NOT PASS~~ BE CONCURRED IN

.....
SENATOR JUDY JACOBSON

Chairman.

STANDING COMMITTEE REPORT

MARCH 25, 1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House No. 560

third reading copy (blue)
color

SWAN RIVER YOUTH FOREST CAMP NO LONGER A JUVENILE FACILITY

BARDANOUVE (HIMSL)

Respectfully report as follows: That House No. 560

~~DO PASS~~

BE CONCURRED IN

~~DO NOT PASS~~

Senator Judy Jacobson

Chairman.

NAME: Vic Reichenbach DATE: 3/25/85

ADDRESS: 2135 Harmon Lane Billings, MT. 59105

PHONE: 259 3973 248 1150

REPRESENTING WHOM? Reichenbach Fireworks

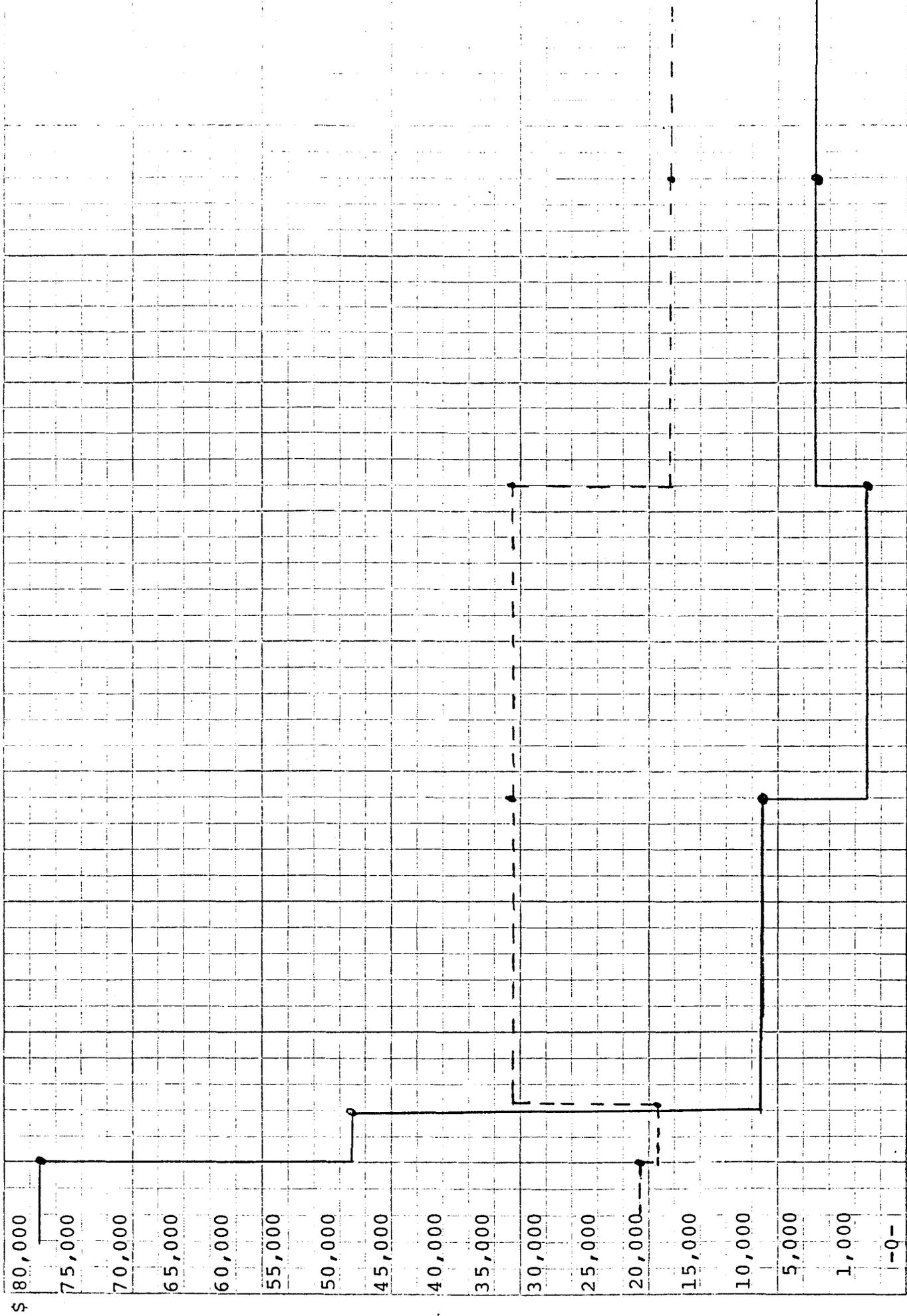
APPEARING ON WHICH PROPOSAL: HB 896

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I Am an importer and distributor of Firework. I have been in The fireworks bussiness in Billings for 37 years. I support This bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MONTHLY COST COMPARISON OF SERVICES FOR 200 TEENAGE PREGNANCIES (100 receiving services ---
 100 with no services ----)



Months 3 5 12 17 24 29 36 41
 mo mo mo mo mo mo mo mo

COST ANALYSIS OF TEENAGE PREGNANCIES

Cost Ratio FCH/No S

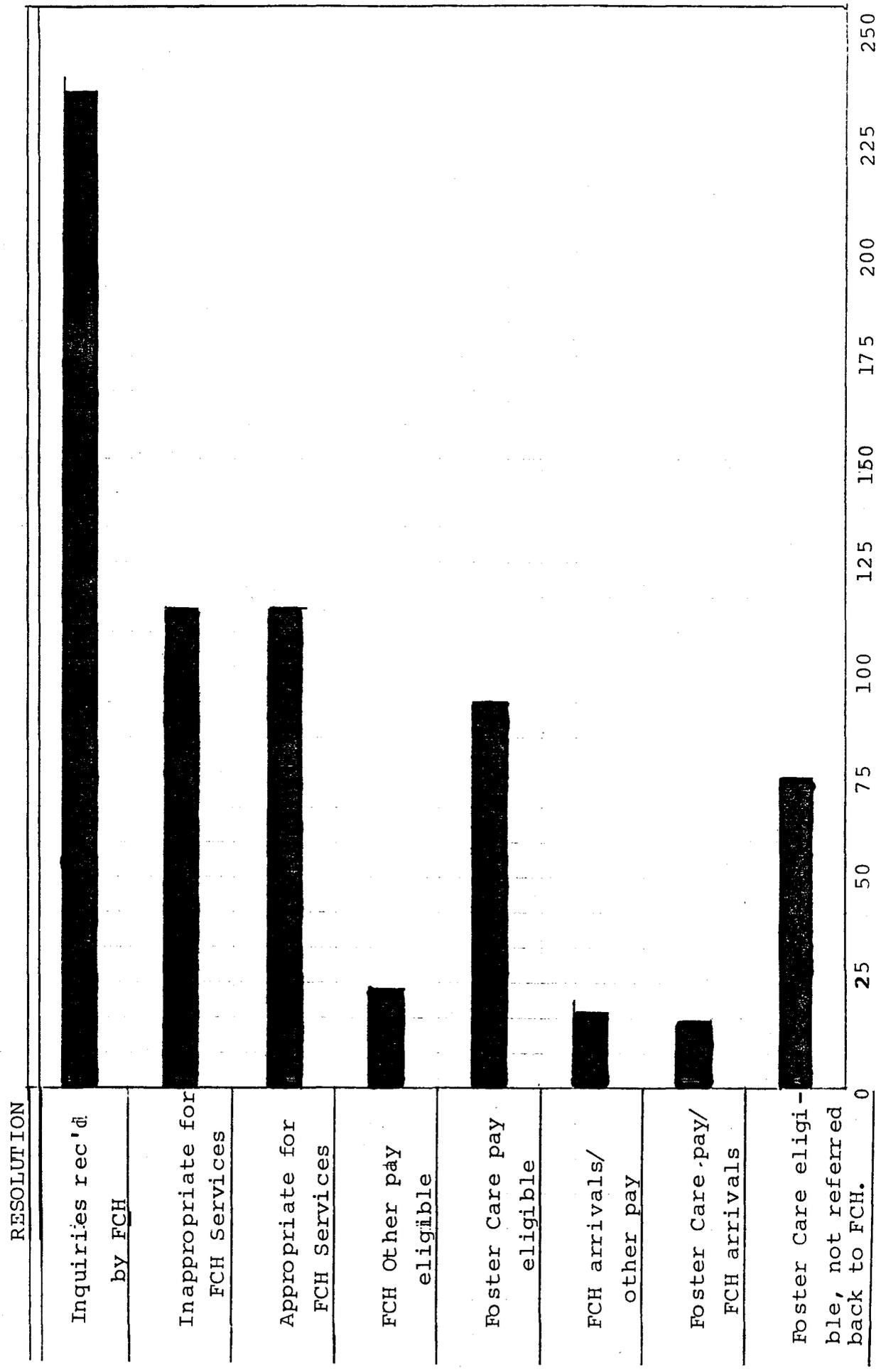
Florence Crittenton Home & Services (FCH)		No Services		
<p>Last Trimester of Pregnancy</p> <p>100 girls @ \$795/mo x 3 mo = (Maternity Home fee)</p> <p>(50% plan adoption)</p>	<p>COST</p> <p>\$238,500 (79,500/m)</p>	<p>100 girls @ \$212/mo x 3 mo = (AFDC grant)</p> <p>(3% plan adoption & 72% of the remaining go on welfare)</p>	<p>COST</p> <p>\$ 63,600 (21,200/m)</p>	<p>4/1</p>
<p>First two Months after Birth</p> <p>50 girls @ \$961/mo x 2 mo = (Mother/Baby Program fee)</p> <p>(50% plan adoption while in M/B Program)</p>	<p>\$ 96,100 (48,050/m)</p>	<p>70 girls @ \$279/mo x 2 mo = (AFDC grant for 2)</p>	<p>\$ 39,060 (19,530/m)</p>	<p>2/1</p>
<p>First Year on Leaving FCH</p> <p>25 girls @ \$470/mo x 1 year = (80% of FCH mothers are off welfare by end of first yr)</p>	<p>\$141,000 (11,750/m)</p>	<p>70 girls @ \$470/mo x 1 year = (AFDC grant + food stamps & subsidized house)</p>	<p>\$394,800 (32,900/m)</p>	<p>1/3</p>
<p>TOTAL: 17 months with services</p>	<p>\$475,600</p>	<p>TOTAL: 17 months with no services</p>	<p>\$497,460</p>	
<p>Second Year</p> <p>5 girls @ \$470/mo x 1 year =</p>	<p>\$ 28,200 (2,350/m)</p>	<p>70 girls @ \$470/mo x 1 year =</p>	<p>\$394,800 (32,900/m)</p>	<p>1/14</p>
<p>Subsequent Years</p> <p>10 girls @ \$470/mo x 1 year = (FCH statistics show only 5% remain on welfare but with M/B Program new (1981) we estimate some clients returning on welfare = 10)</p>	<p>\$ 56,400 (4,700/m)</p>	<p>38 girls @ \$470/mo x 1 yr = (National statistics indicate 54% of teen mothers continue on welfare into their 20s)</p>	<p>\$214,320 (17,860/m)</p>	<p>1/4</p>

SOURCE: Florence Crittenton Home statistics

SOURCE: 11 Million Teenagers and Teenage Pregnancy: The Problem that Hasn't Gone Away

PROSPECTUS FOR TEENAGE PREGANCY OUTCOMES--IN SUPPORT OF HOUSE JOINT RESOLUTION #19

TYPES OF PREGNANT GIRLS	TREND IF RECEIVES COMPREHENSIVE SERVICES (counseling, pre-natal etc.)	TREND IF NO SERVICES RECEIVED
<p><u>TYPE A:</u> Stable family, good communications. Good to average academic student, plans post-secondary educ. Self-esteem damaged by pregnancy. Family (girls, father of baby and his family) usually willing to participate in counseling</p>	<p>Usually chooses adoption for her child. Begins to resolve guilt, hurt, disappointment in self and family. Develops independence, maturity, decision making and coping skills. Minimal occurrence of second out-of-wedlock pregnancy. Usually completes post-secondary education, college or Vo-Tech.</p>	<p>Usually parents (keeps) the baby. Dra most support and planning from peers and family. Tends to see "no choice" in parenting vs adoption. Parents help raise the child. Young marriage because of pregnancy is common, often leading to second child and early divorce. Rarely completes more than high school education.</p>
<p><u>TYPE B:</u> Problem family history, encompassing drug and alcohol abuse, divorce possible physical and/or sexual abuse. Girl has poor school attendance and performance. Possible history of running away and connection to probation dept. Father of baby often unable or unwilling to give financial or emotional support.</p>	<p>Greatly improves school performance and attitude. Receives in depth counseling for alcohol/drug abuse, physical and/or sexual abuse developing better coping skills. Generally breaks with or develops healthier relationship with Father-of-the-baby. Better life style (nutrition/structure) results in healthier, full term babies. Gets supervised parent training if she chooses parenting. Good chance she'll become self-sufficient; not welfare parent.</p>	<p>Usually drops out of High School and never returns. Parents (keeps) to have someone to love her. Uses child as means to leave unhappy home life. Limited participation in community program due to limited parental involvement & poor motivation on girl's part. High risk pregnancy problems increased due poor nutrition and lifestyle. High probability of second out-of-wedlock pregnancy in under one year. Often utilizes welfare funding indefinitely</p>
<p><u>TYPE C:</u> None or very poor family involvement or support. Often court ordered to FCH from juvenile prob. dept. History of chemical abuse/dependency of parents and child. Abuse is common Poor student or already dropped out. History of foster homes, group homes & running. Father-of-baby gone or no help.</p>	<p>Improves self-esteem, confidence, school attendance and performance. Begins developing abilities for living in society, exposed to positive role models, structured life style. Begins to confront alcoholism, drug dependency, abuse and develops coping skills. Makes real choice between parenting/adoption--more likely to choose adoption. Begins to like self; less chance of repeated out-of-wedlock pregnancy.</p>	<p>Usually results in several serious problems. High school drop out, often miscarry or have serious problems with pregnancy due to poor care and health. Rarely goes to any counseling as has no respect for or relationship to a helping adult figure. Nearly always parents (keeps) the baby as possessive but often loses to welfare after abuse or neglect. Successive out-of-wedlock pregnancies and welfare recipient very likely. Near tragedy in human terms.</p>



ESTIMATED FIGURES BASED ON FCH FOLLOW-UP INFORMATION.

Chairman and Members of the Committee:

I am unable to attend the committee session today, but I am writing this to support House Joint Resolution 19.

When I was a freshman in college I found out that I was pregnant, I felt alone and very scared. I heard about the services available at the Florence Crittenton Home and contacted them.

With the help that I received from the Crittenton Home, my life made a turn for the better. I was able to re-adjust my goals and to achieve them.

I am presently a senior in Nursing at Carroll College and will graduate in May of 1985.

Without the guidance through individual counseling and the support and encouraging from girls in the same situation I wouldn't have achieved my goals.

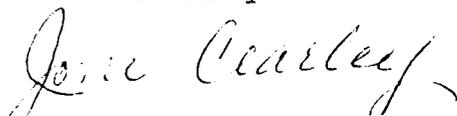
I feel that this resolution is an important one as it calls for the person who makes the referral for the girl to follow-up and see to it that she is receiving the aid that is available to her.

At the time when someone is young, single, and finds themselves pregnant, referrals and follow-up are important as denying the pregnancy is very common. When someone denies the pregnancy, prenatal care isn't sought as eagerly as when a person is older, married, and ready to assume the responsibility.

As a future health care provider, I feel that referrals and follow-up on the referrals is a must as young, single pregnant women are at a high risk for complications during their pregnancy. As a result of receiving services, the risks can be decreased and complications, if they occur, can be dealt with early.

I would like to see you vote positively for this resolution so that more young women can have the chances that I did. Thank you.

Joni Cearley



WOMEN'S LOBBYIST FUND

Box 1039
SANTA FE SPRING
CALIF.



March 25, 1985

Madam Chair and Members of the Senate Public Health Committee:

My name is Anne Brodsky and I am here on behalf of the Women's Lobbyist Fund (WLF) to speak in support of HJR 19. The WLF has a strong platform position endorsing the right of reproductive choices of women. This choice embodies the choice to carry a pregnancy to term, and, in the cases of teenage pregnancies in particular, this choice carries with it many unique and serious obstacles. These obstacles include medical, economic, and attitudinal ones.

HJR 19 provides the important recognition that must be given to the difficulties faced by young single, pregnant women and young, single mothers. Enactment of HJR 19 will aid in making the choice of a young woman to carry a pregnancy to term as safe and as free of social stigma as possible.

We urge you to pass the resolution.

SENIORS' OFFICE
LEGAL AND OMBUDSMAN SERVICES



TED SCHWINDEN, GOVERNOR

P.O. BOX 232
CAPITOL STATION

STATE OF MONTANA

(406) 444-4676
1-(800) 332-2272

HELENA, MONTANA 59620

March 11, 1985

Senate Committee on Public Health
49th Legislative Session
Montana Legislature
State Capitol
Helena, Montana 59620

re: House Bill 783
Residents' Bill of Rights

Dear Chairman Jacobson & Committee:

I serve as the attorney for Doug Blakley, the State Long-term Care Ombudsman and I wish to go on record in support of House Bill 783, the Nursing Home Resident's Bill of Rights, which is sponsored by Rep. Joan Miles. I am unable to personally appear before you today but would like to express my support for this Bill while requesting that you consider accepting an amendment to one section of the Bill, Section 7.

If you will note this section as it passed the House it was amended substantially on the House floor to the effect that unless the Senate re-inserts the language that was stricken or similar language, it may not be financially feasible for the average resident or his or her family to file a claim. For example, a resident may believe that he has been injured as a result of a facility abridging his rights guaranteed in this bill. The amount of damage may amount to \$500 but it will cost him \$1000 to hire an attorney to file his suit and bring the issue to trial. As the bill now stands, the resident may win his lawsuit and receive the damages to which he is due but as a result of not being able to recover from the facility his court costs and attorney fees, the client is now in debt.

I would urge your Committee to report this Bill favorably out of Committee with an amendment allowing the prevailing party in a lawsuit under this act, be it the resident or the facility, to recover their costs and reasonable attorney's fees from the other party. In addition, I would urge you to re-insert the language that was in the original bill that the remedies in the bill are in addition to any other legal or administrative sanctions that may apply.

Letter to Senate Public Health Committee
re: House Bill 783 - Nursing Home Residents
Bill of Rights
March 11, 1985
Page 2

Some of the rights of residents that are enumerated within this Bill are specifically recognized under federal and state licensure regulations adopted by the federal Department of Health and Human Services and the Montana Department of Health and Environmental Sciences' Licensing and Certification Bureau. It is important not to foreclose these agencies as a result of this Bill from imposing licensing sanctions against facilities that violate rights that are recognized here as well as in their licensing regulations. By including the language["The remedies provided in this section are in addition to any other legal or administrative remedies available."] the public and the facilities should be on notice that non-compliance with some of these rights may also result in administrative sanctions affecting the facility's license.

Thank you for your consideration of these amendments which I believe will make the Bill more effective in encouraging the recognition of nursing home residents' rights. I have included the amendments that I am recommending on a separate page which is attached to this letter.

Sincerely,



Douglas B. Olson
Attorney
Seniors' Office of Legal &
Ombudsman Services

Attachment
cc: Rep. Joan Miles

Amendments to House Bill 783
Residents' Bill of Rights
Proposed by Doug Olson, Attorney for
State Long-term Care Ombudsman
Submitted to Senate Public Health Committee
March 11, 1985

1. Page 8, line 23

Following: "available."

Insert: "THE ACTION MAY BE BROUGHT IN THE DISTRICT COURT
TO ENFORCE SUCH RIGHTS AND RECOVER DAMAGES FOR ANY
DEPRIVATION OR INFRINGEMENT OF THE RIGHTS OF RESIDENTS.
THE JUDGE IN HIS DISCRETION MAY AWARD TO THE PREVAILING
PARTY REASONABLE ATTORNEY FEES AND COSTS OF THE ACTION.
THE REMEDIES PROVIDED IN THIS SECTION ARE IN ADDITION
TO ANY OTHER LEGAL OR ADMINISTRATIVE REMEDIES
AVAILABLE."

AMENDMENT TO HOUSE BILL 676
(committee concurred in bill as amended, 3/25/85)

1. Page 9, line 9.
Following: "affect"
Strike: "rights and duties that matured,"
2. Page 9, line 10.
Following: "incurred"
Strike: ", "