

MINUTES OF THE MEETING
STATE ADMINISTRATION
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 4, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on February 4, 1987, at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: Reps. Fritz and Moore were excused. All other committee members were present.

CONSIDERATION OF HOUSE BILL NO. 552: Rep. Sands, House District #90 and sponsor of the bill, stated the bill is being introduced at the request of the Secretary of State. The purpose of HB 552 is to deal with the uncertainty and the problems resulting from court challenges to initiatives. In the last election, three of the four initiatives that were certified by the voters were ultimately challenged in the Supreme Court. It is generally recognized that something should be done to deal with the uncertainty inherent in those challenges and to establish a framework for dealing with them. HB 552 will provide those guidelines.

PROPOSERS: Larry Akey, Chief Deputy, Secretary of State stated that in 1986, three of the four initiatives that qualified for the ballot were challenged in courts. Over 100,000 Montanans signed initiative petitions to place an issue before the people of the state. This bill will provide ground rules in the future under which challenges can be conducted and will stipulate timeframe guidelines. HB 552 is one of several bills that attempts to address the problems that occur with untimely judicial challenges. He strongly supported the bill.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 552: Rep. Cody asked Rep. Sands if the language under section 5 on page 3 means a person has one year to contest a valid issue approved by the majority, and he replied "yes". Rep. Cody asked Rep. Sands why it would take a whole year to challenge an issue. He replied that it could take that long, i.e. in a fraud situation.

Discussion on HB 552 was closed by Rep. Sands who asked that action on HB 552 be deferred until Rep. Kadas' bill is heard in committee later this week.

CONSIDERATION OF HOUSE BILL NO. 510: Rep. Hoffman, House District #74 and primary sponsor of the bill, stated he was asked by a number of his constituents from Montana Peoples' Action to bring this bill to the legislature which provides for the election of the Commissioner of Agriculture, rather than having him appointed. The constitution allows for such election, and HB 510 complies with the framework of the current laws. The bill defines the head of the Department of Agriculture as being the Commissioner of Agriculture. The general feeling of the people that asked him to present this legislation is that an elected official will be more responsive to the needs of the people than an appointed director.

PROPONENTS: Roy Patte, President of the Montana Peoples' Action and a farmer from Ryegate, Montana, stated support for HB 510 and submitted written testimony (Exhibit #1). He stated the underlying concept of the bill is "democracy". He feels the individual responsible for administering the state department which is directly responsible for serving the needs of the state's number one industry should be elected by the people.

OPPONENTS: Jo Brunner, representing Montana Cattlefeeders, Montana Grange, Montana Cattlemen, and the Montana Farmers Union spoke in strong opposition to HB 510. Her testimony is submitted as Exhibit #2. She urged the bill to be killed in committee.

Kim Enkerud, representing the Montana Association of State Grazing Districts, the Montana Stockgrowers, and the Montana Cattlewomen, spoke in opposition to HB 510 and submitted written testimony (Exhibit #3). She stated that many times it seems as if an elected official is not performing his or her job efficiently. A case in point would be when the elected official is campaigning for re-election. She urged the committee not to pass this bill.

Bob Stephens, representing the Montana Graingrowers Association, stated that electing the Commissioner of Agriculture could result in the election of someone that does not know a thing about farming. He opposed HB 510.

Alan Eck, Montana Farm Bureau Federation, did not testify during the hearing but submitted written testimony (Exhibit #4). He urged a do not pass.

DISCUSSION OF HOUSE BILL NO. 510: Rep. Holliday asked Jo Brunner to tell the committee what accessibility the women involved in farm economics had to the Director of Agriculture in Texas in the 70's. Ms. Brunner replied that there was no accessibility at all. If there was a problem, it was

brought to the attention of one of his assistants. Rep. Jenkins asked Mr. Patte if he knew what the Montana Commissioner of Agriculture received as a salary. A visitor responded that the Montana director receives a salary of \$50,500. Rep. Jenkins then asked Mr. Patte why this is a Peoples' Action bill. Mr. Patte replied that the leadership of the Montana Peoples' Action group is made up of people from all walks of life. It is a progressive organization. They feel an elected official would be more democratic as he would be elected by the people and for the people. They feel an elected official will be more responsive.

Rep. Hoffman closed discussion on HB 510 stating that all the people of Montana are affected by the actions of the Department of Agriculture. Whether the commissioner of that department is appointed or elected is the decision of the Committee. The bill itself is a revenue neutral.

CONSIDERATION OF HOUSE BILL NO. 445: Rep. Cohen, House District 3, and primary sponsor of the bill, stated this is an act to remove the requirement that the Director of the Department of Health and Environmental Sciences be a physician. The department needs the most competent director available, but there is no real need for the director to be a physician.

PROPOSERS: George Ochenski, representing the Montana Environmental Information Center, stated support for HB 445. He stated the department needs a good administrator, and it does not have to necessarily be a doctor.

OPPOSERS: Annie Bartos, a Helena attorney and representing the Montana Medical Association, said the Association opposes HB 445. There are several concerns with this legislation if the physician requirement is eliminated from the statute. The director makes the ultimate decisions in the state regarding the health and safety of its citizens. More importantly, the director also directs health care providers in the state, i.e. other physicians, nurses, therapists, etc. He must be able to effectively communicate with other health care providers. She urged the committee to kill the bill. The Association feels the director should continue to be a physician.

Bill Optiz, Deputy Director, Department of Health and Environmental Sciences spoke in opposition to HB 445 and submitted written testimony (Exhibit 5). He stated that not only does the Department of Health Director need to be a physician, but he has to be appointed on the basis of his professional and administrative knowledge and experience. He stated there were requirements of the director's position that can only be fulfilled by a physician, i.e. signing for

drugs. The primary thrust of the whole department is to protect the health of the public. This is best accomplished by having a physician at the top. He requested a do not pass by the committee.

Dr. Don Espelin, Pediatrician in Helena and currently on staff at the Health Department, said that the administrator has to understand the medical aspects of what goes on in the department. Every action taken by the department regarding the health of the citizens has to be understood by the administrator. In the best interests of public health, the director has to be a physician.

George Fenner, Administrator, Health Services Division, Department of Health and Environmental Sciences stated the director of the Department of Health and Environmental Sciences is the central public health authority for the state and exercises this authority in both routine and emergency situations. He submitted written testimony (Exhibit #6) and urged a do not pass.

Dr. Martin Skinner, a Helena internist, stated the director of the Department of Health has traditionally been a physician with a thorough knowledge of disease processes in terms of human health. Most of the strategic authority that the state health officer is concerned with by statute involves not only the knowledge of disease processes but knowledge of the overall health care systems. A non-physician would not have the credibility outside of the department.

DISCUSSION OF HOUSE BILL NO. 445: Rep. Jenkins asked Annie Bartos if the Director of DHES received the same salary as the directors of other departments. She referred the question to Bill Optiz for response who said the director gets about \$5,000 more than the other directors. Rep. Jenkins asked Annie Bartos if, within the DHES, is there a director and an assistant director - one overseeing health and one overseeing environmental sciences. She again referred the question to Bill Optiz for response who explained the organization within the department.

Discussion on HB 445 was closed by Rep. Cohen who stated that if the committee feels there is a need for a chief medical officer for the state, he suggest amending the bill. Rather than repealing Section 2-15-2102, just amend the section to read "either the director or the deputy director meet those requirements". In that way, the department would still have a medical spokesperson on staff.

The committee recessed at 10:15 and reconvened for executive action at 10:25 a.m.

DISCUSSION OF AMENDMENTS TO HOUSE BILL NO. 325: Rep. Phillips moved to reconsider the committee's action on HB 325 for the purpose of reviewing amendments. Rep. Nelson seconded the motion, and it carried unanimously.

Gene Huntington from the Governor's Office, explained that a compromise suggestion was accepted in terms of the probation officers. He submitted amendments addressing the major elements of the compromise (Exhibit #7). The probation officers would not be taken into the new department but would remain as employees of the Youth Court and their powers would remain the same. In turn, the department would receive the authority now exercised by the Youth Court in terms of placement of youth. There would be a committee made up of four community agencies that are involved in placement. The committee would make recommendations to the department. The ultimate placement decision would reside in the department. Mr. Huntington then reviewed each of the proposed amendments. He also submitted a proposed amendment from Rep. Cobb (Exhibit #8) and said he has no problem with Rep. Cobb's amendments. He also distributed another amendment (Exhibit #9) which addresses concerns of one of the labor union representatives in connection with some of the people involved in the reorganization. He said that he has no problem in accepting that amendment.

Mona Jamison, representing the Probation Officers' Association, made a few comments regarding the amendments outlined by Gene Huntington which have come to be called the Huntington-Jamison Amendments because the amendments resulted from their joint efforts. She emphasized that basically the amendments represent a compromise. The youth court maintains control, jurisdiction, and the appointment over the probation officers. In turn, local control is being maintained. The placement committee in each judicial district involves the department, the probation officer, mental health professionals, and the school districts. This is an innovative and exciting concept since they deal with the kids directly, and they can discuss their ideas regarding a particular child. In terms of accountability, "the buck will stop where the bucks are". If the department does not like the recommendation of the placement committee, it can let the committee know in writing why it objects which will allow accountability as regards to the rejection. The probation officers of Montana support these amendments. Conceptually, this takes care of all concerns and the new department ultimately controls the placement and the money.

Rep. Mercer stated the proposed amendments actually improve the bill as originally drafted. He liked the addition of the school districts and the mental health professionals on the placement committee. There is a serious problem in

youth services because of the lack of consolidation. This bill basically seeks to take what is already out there in the way of services and put it in one place where attention can be focused on what is best for kids. He is happy that the probation officers have found an acceptable solution to their concerns. He asked the committee's concurrence in these amendments.

Chairman Sales moved the amendment (Exhibit #9) that addresses the concerns of the labor union representative. Rep. Nelson seconded. The motion carried unanimously.

Rep. Nelson moved DO PASS on Rep. Cobb's amendment (Exhibit #8), seconded by Rep. Phillips. The motion carried unanimously.

Rep. Phillips moved the Huntington-Jamison amendments DO PASS, seconded by Rep. Pistoria. Rep. Whalen asked Gene Huntington what the status of the judge is under these amendments. Gene Huntington referred Rep. Whalen to Section 3 of the Huntington-Jamison amendments. Rep. Cody expressed concern that in Section 15, there is absolutely nothing in the way of parental input in the placement of the child. Gene Huntington referred Rep. Cody's question to Rep. Strizich for reply. He stated that the probation officer works with both parent and child as an advocate.

Rep. Whalen made a substitute motion to POSTPONE executive action on HB 325 until the committee members have adequate time to digest the contents and implications of the numerous proposed amendments. Rep. Cody seconded the motion, and it carried on a roll call vote of 14-2 with Reps. Roth and Jenkins voting no.

DISPOSITION OF HOUSE BILL NO. 510: Rep. Nelson moved DO NOT PASS, seconded by Rep. Peterson. Motion carried unanimously.


DISPOSITION OF HOUSE BILL NO. 445: Rep. Peterson moved DO NOT PASS, seconded by Rep. Nelson. Rep. Whalen made a substitute motion DO PASS, seconded by Rep. Jenkins. The motion failed 3-13. The vote was reversed to DO NOT PASS 13-3.

DISPOSITION OF HOUSE BILL NO. 296: Rep. Pistoria moved DO PASS, seconded by Rep. Sales. Rep. Whalen moved to amend the bill by deleting section 1(b). Rep. Pistoria seconded the motion. The amendment tied 8-8. Rep. O'Connell made a substitute motion DO NOT PASS, seconded by Rep. Phillips. The motion carried 13-3 with Reps. Pistoria, Roth and Whalen voting no.

DISPOSITION OF HOUSE BILL NO. 355: Rep. Hayne moved DO NOT PASS, seconded by Rep. Compton. The motion carried 10-5 with Reps. Stratford, Jenkins, Pistoria, DeMars, and Moore voting no and Rep. Nelson abstaining from the vote. Rep. Roth stated this is a bad bill that has serious problems. Rep. Whalen stated HB 355 will greatly expand what denturists are allowed to do.

DISPOSITION OF HOUSE BILL NO. 364: Rep. O'Connell moved DO NOT PASS, seconded by Rep. Stratford. Rep. Cody made a substitute motion DO PASS, seconded by Rep. Campbell. Rep. Cody expressed concern about the financial blackmail by the dentists toward the denturists. Rep. Cody moved to amend the bill (Exhibit #10) seconded by Rep. Campbell. The motion to amend carried with Rep. Nelson abstaining from the vote. Rep. Jenkins moved to amend the bill on page 2, lines 2-4 to provide for two dentists, two denturists, two dental hygienists, two lay persons, and one senior citizen on the Board of Dentistry. His motion was seconded by Rep. Whalen. Motion failed. Rep. Pistoria moved to TABLE, seconded by Rep. Jenkins. Motion failed. The committee reverted to the DO PASS motion made by Rep. Cody. The roll call vote on the motion was 8-8. The chairman announced that the bill would be sent to the floor without a committee recommendation.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 11:50 a.m.


Walter R. Sales, Chairman

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/4/87

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz			✓
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore			✓
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

VISITORS' REGISTER

St administration COMMITTEE

BILL NO. 355

DATE 9/14

SPONSOR Hanson,

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>James M. Harrison</i>	<i>M.S.C.A.</i>	X	
ORACE WAGNILD	M S C A	X	
Martha Lee	MSCA	X	
Adolph E. Lee	MSCA	X	
Philip L. Paul	MSCA	X	
Sam Lee	MSCA	X	
Elsie Latham	M. S. C. A.	✓	
Altha B. Van Allen	MSCA	✓	
Theresa V. Van Allen	MSCA	✓	
Elie Fox	MSCA	✓	
LEE WISER	DENTURIST	✓	
Robert Vavas	Lab. Tech.	✓	
ANNETTE ESCHENKO	DENTURIST	✓	
Tom Meyer	SENIOR SC	✓	
ARNE LIGHT	Belgrade, Concerned citizen	✓	
<i>James H. Light</i>	" " "	✓	
Frank Brisendine	Denturist	✓	
Hilda Dale Evans	Remedy MSCA	✓	
Margaret Kreskemeti	Remedy, MSCA	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

February 4, 1987

BILL #1
DATE 2/4/87
NO. 510

Mr, Chairman, members of this Committee, Ladies and Gentlemen, my name is Roy Patte, I am a farmer from Ryegate and the President of Montana Peoples's Action.

This piece of legislation is a simple one. It states simply that the individual responsible for administering the state department which is directly responsible for serving the needs of the state's number one industry shall be elected by the people. The underlying concept of this bill is called "democracy".

Agriculture has always played a critical role in our state's economy. Given the current crisis in our agricultural economy, now, more than ever, we need leadership that is accountable to the public. This bill provides that accountability.

Furthermore, we have done some preliminary research on how the elected agriculture commissioner has worked out in Texas. What we've found out is that the Texas Department of Agriculture has reduced its budget while simultaneously becoming increasingly active and visible around both producer and consumer issues.

Twelve States have an elected Commissioner of Agriculture. Since 1972 when legislation was introduced in Texas for Elected Commissioner of Agriculture the overall cost of this department has essentially gone down. 21 million in 1983 was their budget and in the last four years it has gone down to 18 million. They expect from 1.5 to 1.6 million, ^{less} in the next bianium.

The Ag travel and related costs are basically the same as they were when the Commissioner was appointed. They also have had no significant

increase in staff costs. Due to the department budetory accounting for an elected commissioner of agriculture, overall expenses have stayed the same as they were before 1972 - 15 years ago.

Texas does have consumer protection laws to provide protection to users of the Ag Department for both urban, city and rural problems, waight measures, contents came under the Department of Ag there. This has worked very effectively for them. They also have provision for part of their fuel tax as administered by the Ag Department.

Another provision Texas uses is a limitation on elected officers salaries of \$73,000 excluding the Governor. All of their personal expenses comes out of their maximum salary.

Agriculture in Montana faces many changes. We believe that the citizens of Montana should have a greater voice in what those changes will be. We believe that the first step in giving citizens a voice in those changes is to give them the right to elect a commissioner of agriculture. We urge you to pass House Bill 510.

NAME Jo Brunner DATE 2/4/87
ESS 2015 1/2 9th Avenue, Helena, #2
PHONE 442-2654 2/4/87
SENTING Montana Grange, Cattlemen, Cattlefeeders 510
VOTING ON WHICH PROPOSAL HB 510
SUPPORT AMEND OPPOSE X

REMARKS:

Mr. Chairman, members of the committee, for the record, my name is JO Brunner and I represent the Montana Cattlefeeders, the Montana Grange and the Montana Cattlemen *and the Montana Farmers Union - submit Farm Bureau as in opposition*. Frankly, it is beyond our comprehension how this effort has come as far as it has. Considering the economic situation of agriculture in not only Montana today, we do not see the rationale behind a move that would cost our state additional money to accomplish perhaps less than we are able to accomplish now.

We are in jeopardy of losing our ONE Deputy Director of Agriculture, yet we should put in a system that would allow an elected Commissioner of Agriculture to perhaps have several director assistants *IT is my understanding that the Texas Com. & we should even consider requesting changing a position that would of necessity require the Commissioner to campaign for the position, and this amid the constant barrage from Legislators that our commissioner should not go out in the field, but stay in the office, so that we don't need the services of an assistant director?*

Agriculture has one hard time to maintain any semblance of support from the Montana Legislature, yet we are asking for a system that would allow, conceivably, the labor unions, taxpayers association, teachers organizations, a city, to elect the one official that benefits and works for the betterment of agriculture in the state. *We do not have the numbers to control the election of a Commissioner of Agriculture*. It doesn't make sense, at this time, especially at this time, but it doesn't make sense for Montana to ever go to that system.

We ask that this bill be killed by this committee.

We are not always in complete accord with each and every decision a Commissioner or Ag makes - However we do realize the very many different interests he has to represent and we do not believe that electing a much more political inclined Commissioner would be beneficial to Agriculture -

MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS

420 North California St.

Helena, Montana 59601

(406) 442-3420

#3

2/4/87

510

DIRECTORS

John Pfaff, President Miles City
Sever Enkerud, Vice President Glasgow
Stuart Doggett, Executive Secretary Helena

Bill Almy Ismay
Lynn Cornwell Glasgow
Mark Davies Chinook
Joe Etchart Glasgow
Jack Hughes Grassrange

HB 510

My name is Kim Enkerud and I am representing the Montana Association of State Grazing Districts, the Montana Stockgrowers, and the Montana Cattlewomen. These three organizations represent about 4600 members from around the State of Montana.

We are opposed to this bill.

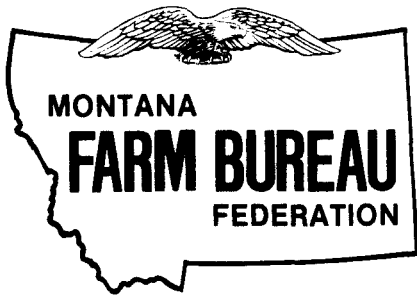
Many times it seems as if an elected official is not performing his or her job efficiently. A case in point might be when the elected official is campaigning for re-election. Time that should be spent in his or her office performing his or her duties, are spent on the campaign trail.

Agriculture is in dire straits these days. This business needs all the attention the Director of Agriculture can give it to make it a viable industry. All of his time should be performing this task before him.

It could also become a possibility that the Director of Agriculture would not necessarily be a practicing farmer. I can foresee someone who farms on the side as being qualified for this position. Another point I would like to point out is the urban areas of this state could possibly band together and elect a Commissioner of Agriculture. How would that help the agricultural industry?

We urge the committee to do not pass HB 510.

Thank you.



P.O. Box 6400
~~502 South 4th~~

Bozeman, Montana 59715
Phone (406) 587-3153

TESTIMONY BY: Alan Eck
BILL # HB-510 DATE 2/ /87
SUPPORT _____ OPPOSE XXXX

=4
2/4/87
510

Mr. Chairman and members of the committee, for the record my name is Alan Eck. I'm speaking today for the Montana Farm Bureau. We oppose HB-510. Everyone knows what a small percentage of the total voters in Montana are involved in agriculture. If this bill was passed ag people would have very little to say about who is in this important position. Indeed, we could end up with a person as Director of Agriculture whose views do not reflect the best interests of our state's largest industry. The Farm Bureau would appreciate a "do not pass" recommendation on House Bill #510. Thank you.

SIGNED: Alan Eck

WITNESS STATEMENT

#5
2/4/86
445

NAME

Bill Opitz

BILL NO.

HB-445

ADDRESS

Coppwell Building Helena

DATE

2/4/87

WHOM DO YOU REPRESENT?

Myself

SUPPORT

OPPOSE

X

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

My name is Bill Opitz, Deputy Dir. of DHES.

I am appearing as an individual on my own time to oppose HB-445. The many duties & responsibilities imposed on the Dep't of Health are primarily aimed at protecting the health of the citizens of Montana. (Passed out a copy of 50-1-202 MCA). I feel it's imperative that a M.D. be the director of DHES for many reasons but the main reasons are:

- (1) an MD is more qualified to control the spread of contagious diseases
- (2) Peer on peer relationship when dealing w/ Hosps., Nursing Homes, Cert. of Need, special clinics, local health Depts, Health & Human Services (Surgeon General, etc)
- (3) Only a physician can practise medicine;
- (4) A more thorough understanding of medical matters which could enable action to be taken in an expeditious manner should an emergency arise. such as rabies, food poisoning, Hantavirus

50-1-202. General powers and duties. The department shall:

- (1) study conditions affecting the citizens of the state by making use of birth, death, and sickness records;
- (2) make investigations, disseminate information, and make recommendations for control of diseases and improvement of public health to persons, groups, or the public;
- (3) at the request of the governor, administer any federal health program for which responsibilities are delegated to states;
- (4) inspect and work in conjunction with custodial institutions and Montana university system units periodically as necessary and at other times on request of the governor;
- (5) after each inspection made under subsection (4) of this section, submit a written report on sanitary conditions to the governor and to the director of institutions or commissioner of higher education and include recommendations for improvement in conditions if necessary;
- (6) advise state agencies on location, drainage, water supply, disposal of excreta, heating, plumbing, sewer systems, and ventilation of public buildings;
- (7) organize laboratory services and provide equipment and personnel for those services;
- (8) develop and administer activities for the protection and improvement of dental health and supervise dentists employed by the state, local boards of health, or schools;
- (9) develop, adopt, and administer rules setting standards for participation in and operation of programs to protect the health of mothers and children, which rules may include programs for nutrition, family planning services, improved pregnancy outcome, and those authorized by Title X of the federal Public Health Service Act and Title V of the federal Social Security Act;
- (10) conduct health education programs;
- (11) provide consultation to school and local community health nurses in the performance of their duties;
- (12) consult with the superintendent of public instruction on health measures for schools;
- (13) develop, adopt, and administer rules setting standards for a program to provide services to handicapped children, including standards for:
 - (a) diagnosis;
 - (b) medical, surgical, and corrective treatment;
 - (c) after-care and related services; and
 - (d) eligibility;
- (14) provide consultation to local boards of health;
- (15) bring actions in court for the enforcement of the health laws and defend actions brought against the board or department;
- (16) accept and expend federal funds available for public health services;
- (17) have the power to use personnel of local departments of health to assist in the administration of laws relating to public health;
- (18) adopt rules imposing fees for the tests and services performed by the laboratory of the department, except fees relating to water analysis, which are imposed by the board pursuant to 75-6-103(2)(b). Fees, established on an annual basis, should reflect the actual costs of the tests or services provided. The department may not establish fees exceeding the costs incurred in performing tests and services. All fees shall be deposited in the state special revenue fund for the use of the department in performing tests and services.

TESTIMONY TO HOUSE STATE ADMINISTRATION COMMITTEE

February 4, 1987

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am George M. Fenner, Administrator, Health Services Division, State Department of Health and Environmental Sciences. I have taken annual leave to be here today to present this testimony.

The Director of the Department of Health and Environmental Sciences is the central public health authority for the State. The Director exercises this authority in both routine and emergency situations. The Department of Health and Environmental Sciences has responsibilities that range from individual health services through regulation of health facilities to regulation of various activities that affect the environment, but the primary concern in all of these activities is the health of the people of the state.

Just as we need a medical doctor to perform surgery or prescribe medicine, we need a medical doctor to direct our state's public health programs and make the decisions that affect the health of each of us.

The Director of the Department of Health and Environmental Sciences should always be a physician who has knowledge and experience in public health and administrative skills. The qualifications for this position should not be reduced.

EXHIBIT #10
DATE 2/4/87
HP 364

PROPOSED AMENDMENTS TO HOUSE BILL NO. 364:

1. Page 2, line 2.

Following: "(2)"

Insert: "(a)"

2. Page 2, line 10.

Following: "appointment"

Insert: ", except as provided in subsection (2) (b) "

3. Page 2.

Following: line 12

Insert: "(b) The provision in subsection (2) (a) requiring a
licensed member to have actively practiced in this state for
at least 5 continuous years immediately before his
appointment does not apply to the initial appointment of a
denturist to the board."

7034b/CNCL87

Presented by Gene Huntington

- #7
2/4/87
325
1. NEW SECTION: Section 15 . Youth placement committees-composition. (1) In each judicial district, the department shall establish a youth placement committee, as provided in 2-15-122, for the purposes of recommending an appropriate placement for any youth committed to the department under 41-5-523.

(2) The committee shall consist of not less than four members appointed by the department of family services. The members of the committee must be willing to serve without compensation and must include:
(a) a representative of the department;
(b) a youth probation officer;
(c) a mental health professional; and
(d) a representative of local school districts.
 2. NEW SECTION: Section 16. Responsibilities of the placement committee. The committee shall:
(a) review all information relevant to the placement of the youth;
(b) consider available resources which would be appropriate to meet the needs of the youth;
(c) consider the treatment recommendations of any professional person who has evaluated or treated the youth;
(d) recommend to the department an appropriate placement for the youth in a licensed facility, taking into consideration the age and treatment needs of the youth and the relative costs of care in the facilities considered appropriate for placement;
(e) submit a written recommendation to the department regarding the appropriate placement for the youth; and
(f) conduct placement reviews as requested by the department.
 3. NEW SECTION: Section 17. Placement by the department.
(1) The placement committee shall submit to the department in writing its recommendation for placement of the youth and send a copy of the recommendation to the appropriate youth court judge.

(2) The department shall accept or reject the recommendation of the committee.
(a) If the department rejects the recommendation of the committee, the department shall promptly notify the committee in writing of the reasons for the rejection and send a

copy of the rejection notice to the appropriate youth court judge.

(b) Within five days of the receipt of the department's reasons for rejection of the committee's recommendation, the committee shall recommend an alternative placement to the department.

(3) The department has final authority to determine the placement of the youth.

4. NEW SECTION: Section 18. Temporary placements and emergency placements excluded. (1) Temporary placements of youth in shelter care facilities and emergency placements of youth in youth care facilities are excluded from the requirements of [Sections 15, 16, and 17].

(2) If a youth continues to be placed in a temporary or emergency placement for 45 days, the department shall refer the youth to the committee to be reviewed and the committee shall make a recommendation to the department in accordance with [Section 17].

5. NEW SECTION: Section 19. Confidentiality of committee meetings and records. (1) Meetings of the youth placement committees shall be closed to the public to protect the youth's right to individual privacy.

(2) Information about the youth which is presented to the committee and committee records are confidential and shall be subject to confidentiality requirements developed by the department.

6. NEW SECTION: Section 20. Rulemaking authority. The department shall adopt rules governing the establishment and administration of youth placement committees established by [Sections 15 through 20].

Renumber subsequent sections

7. Page 1, line 16
Following: "SECTIONS"
Strike: "40-3-115,"
8. Page 1, line 17
Following: "41-3-1121,"
Strike: "41-5-702, 41-5-704, 41-5-705"
9. Page 3, lines 21 and 22
Following: "youth"
Strike: "and to provide programs for the supervision and

rehabilitation of these youth"
Insert: "who are committed to the department"

10. Page 4, line 11
Following: "(2)"
Strike: "administer and supervise all services to"
Insert: "place and provide funding for"
11. Page 4, line 13
Following: "supervision"
Insert: "committed to the department"
12. Page 4, line 15
Following: "youth"
Strike: "served"
Insert: "in need of care"
13. Page 4, line 22
Strike: "(f) institutional services"
Insert: "(3) administer youth correctional facilities"
14. Page 4, line 23
Strike: "(g)"
Insert: "(4) provide"
Renummer subsequent subsections.
15. Page 6, line 24
Delete previous amendment which added rulemaking authority
for Section 14.
16. Page 8, line 12
Following: "department"
Insert: "or the youth court"
17. Page 11, line 14
Following: "41-5-301"
Strike: "41-5-403, 41-5-523"
18. Page 13, lines 16 through 25 and Page 14, lines 1 through 12
Strike: Section 14
Renummer subsequent sections
19. Page 14, lines 13 through 25 and Page 15, lines 1 through 13
Strike: Section 15
Renummer subsequent sections

20. Page 17, line 20
Following: "licensed"
Strike: "child care institution"
Insert: "youth care facility"
21. Page 22, line 6
Following: "and"
Insert: "probation officers of the county and the attaches
and"
22. Page 50, lines 2 and 3
Strike: subsection (f)
Re-number subsequent subsections
23. Page 53, line 6
Following: "court,"
Insert: "(b) a representative of the youth court,"
Re-number subsequent subsections
24. Page 58, lines 14 through 18
Strike: subsection (11)
Re-number subsequent subsections
25. Page 58, line 25
Following: "and"
Insert: "probation officers"
26. Page 59, line 1
Strike: entire line
27. Page 61, lines 14 thru 25 and page 62, lines 1 thru 8
Following: "(2)"
Strike: the remainder of the section
Insert: "Each county shall pay its portion of the costs of
the youth court based:
(a) on actual costs incurred in or on behalf of the county;
or
(b) if actual costs cannot be identified, on each county's
proportion of the total youth court workload in the judicial
district during the calendar year preceding the setting of
the budget.
(3) The youth court judge shall, in January of each year,
establish the proportion of the workload of the court to be
attributed to each county in the ensuing budget year for
purposes of any necessary application of subsection (2) (b).

28. Page 62, line 17
Following: "youth"
Insert: "department of the"
29. Page 62, line 18
Following: "~~officers,~~"
Insert: ", including the appointment of probation officers,"
30. Page 63, line 17
Following: "~~district.~~"
Insert: "(a) appoint and supervise qualified personnel to staff the youth division probation departments within the judicial district."
31. Page 68, line 17
Following: "court"
Strike: "or the department"
32. Page 68, line 22
Following: "officer"
Strike: "must be notified and"
33. Page 69, line 9
Following: "the"
Strike: "appropriate staff within the"
34. Page 71, line 17
Following: "41-3-1102"
Insert: "and determined by the department"
35. Page 71, line 20
Following: "youth"
Insert: "as determined by the department"
36. Page 74, lines 2 and 3
Following: "commitment"
Strike: the remainder of line 2 through "or" on line 3
37. Page 76, line 22
Following: "~~youth~~"
Insert: "after consideration of the recommendation of the youth placement committee as provided in [section 16] "

38. Page 77, line 17
Following: line 16
Insert: "(iv) youth shall be under the supervision of the youth probation officer, except that youth placed in youth correctional facilities shall be supervised by the department."
39. Page 77, line 19
Strike: "recommended by the department"
Insert: "that does not obligate funding from the department without the department's approval"
40. Page 82, line 11 and 12
Following: "its"
Strike: the remainder of line 11 through "department's" on line 12
41. Page 83 and 84
Return all of Section 63 to original language
42. Page 84 and 85
Return all of Section 64 to original language
43. Page 114, line 6
Following: "delinquent"
Strike: "children alleged to be youth in need of care, youth in need of supervision, and delinquent youth."
Insert: "abused, dependent, and neglected children"
44. Page 139, line 4
Strike: "41-3-115"
Following: "41-3-1121"
Strike: "41-5-702"
45. Page 139, line 5
Strike: "41-5-704, 41-5-705"
46. Page 139, line 13
Amend Section 114 as necessary to provide for new sections

Hartington
Cross's
Amendment

ENR #8
DATE 2/4/87
HE 305

1. Page 6, Line 22

Following: "department"

Strike: "; and"

Insert: ", all programs must have specific goals and objectives"

2. Page 9, Line 2

Following: "council."

Insert: "The plan shall include specific goals and objectives"

3. Page 5, Line 14

Following: ";

Insert: "The department shall evaluate each plan and make a written report of each plan. The report shall explain which portion of a plan will be implemented by the department and which portion of a plan will not be implemented and the reasons for not implementing those portions of a plan."

AMENDMENT TO HB 325 (Introduced Bill)

#9
3/4/87
325

NEW SECTION: Section . Status of employees upon transfer to the department of family services. Current state employees who are members of a bargaining unit occupying positions that are transferred to the department of family services shall, upon effective date of this bill become employees of the department of family services and shall not receive a reduction in wages upon such transfer. Any subsequent changes that may affect a bargaining unit employee will be accomplished according to existing laws and rules.

STANDING COMMITTEE REPORT

February 4

19 87

Mr. Speaker: We, the committee on

STATE ADMINISTRATION

report **SB 445**

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

AM

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color

Dr. P. ...

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 2/4/87

BILL NO. 445

NUMBER _____

NAME	AYE	NAY
Walt Sales	/	
John Phillips		/
Bud Campbell		/
Dorothy Cody		/
Duane Compton		/
Gene DeMars		/
Harry Fritz		
Harriet Hayne		/
Gay Holliday		/
Loren Jenkins	/	
Janet Moore		
Richard Nelson		/
Helen O'Connell		/
Mary Lou Peterson		/
Paul Pistoria		/
Rande Roth		/
Tonia Stratford		/
Timothy Whalen	/	

TALLY

3

13

Secretary

Chairman

MOTION: _____

Do Pass as amended

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 2/4/87

BILL NO. 364

NUMBER _____

NAME	AYE	NAY
Walt Sales	✓	
John Phillips	✓	
Bud Campbell	✓	
Dorothy Cody	✓	
Duane Compton	✓	
Gene DeMars		✓
Harry Fritz		
Harriet Hayne	✓	
Gay Holliday		✓
Loren Jenkins		✓
Janet Moore		✓
Richard Nelson	<i>Abstained</i>	
Helen O'Connell		✓
Mary Lou Peterson	✓	
Paul Pistoria		✓
Rande Roth	✓	
Tonia Stratford		✓
Timothy Whalen		✓

TALLY

8 8

Secretary

Chairman

MOTION: _____

STANDING COMMITTEE REPORT

February 4

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

SB 355

report

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

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ROLL CALL VOTE

State Administration

COMMITTEE

DATE 2/4/87 BILL NO. 355 NUMBER _____

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		
Dorothy Cody		
Duane Compton		
Gene DeMars		✓
Harry Fritz		
Harriet Hayne		
Gay Holliday		
Loren Jenkins		✓
Janet Moore		✓
Richard Nelson	<i>Abstained</i>	
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		✓
Rande Roth		
Tonia Stratford		✓
Timothy Whalen		

TALLY

10 5

Secretary

Chairman

MOTION: _____

STANDING COMMITTEE REPORT

February 4

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 296

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman


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Do Not Pass

ROLL CALL VOTE

State Administration

COMMITTEE

DATE

2/187

BILL NO.

296

NUMBER

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		
Harriet Hayne		
Gay Holliday		
Loren Jenkins		
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		✓
Rande Roth		✓
Tonia Stratford		
Timothy Whalen		✓

TALLY

13

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Secretary

Chairman

MOTION:

STANDING COMMITTEE REPORT

February 4

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 510

☐ do pass
☒ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman


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STATE ADMINISTRATION

BILL NO.

418

DATE _____

2/4/57

SPONSOR

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 445DATE 2/4/87SPONSOR Cohen

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
ANNIE BARTOS	MMA		X
GEO. M. FENNER	DHES - (PERSONAL)		X
DONALD E. ESPELIN MD	DHES PERSONAL		X
JOHN F. FETTER	MPA	✓	
JOSEPH M. FETTER	MPA	✓	
GEO. OCHENSKI	MEIC	✓	
Bill Opatz	MDHES		✓
MARTIN SIKINER, MD	PRIVATE PRACTICE / MMA		✓

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VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 510DATE 2/4/87SPONSOR Huffman

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Joseph Moore	Montana Peoples Action	X	
Jo Brunner	GRANGE. CATTLEMEN } COMB FARMERS U. Farm B } Feds		X
Kim Entenud	MT HSU stock grazing District MT Stockgraders, MT Cattlemen		X
W. R. Pate	Montana Peoples Action	X	
Susan Pate	✓ ✓ ✓	X	
Bob Stephens	mt. Grouse Growers Assn		X
Bob Gilbert	mt Woodmen Assn		X
Sydney Label	W.I.F.E.		X
Dorci DeLoek	WIFE		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 552DATE 2/4/87SPONSOR Sen. J. J. ...

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Kara Stermitz	League of Women Voters		
Mrs Davis	" " " "		
LARRY AKE ?	SEN OF STATE	X	

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

State Administration COMMITTEEBILL NO. 364DATE 3/4/87SPONSOR Bradley

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
James M. Resman	M.S.C.A.		X
Martha Lee	M.S.C.A.		X
Ralph E. Lee	M.S.C.A.		X
GRACE WAGNILD	M.S.C.A.		X
Philip L. Paul	M.S.C.A.		X
Sam Lee	M.S.C.A.		X
Elsie L. Latham	M.S.C.A.		✓
Aetha B. Van Allen	M.S.C.A.		✓
Therest T. Van Allen	M.S.C.A.		✓
Elise Fox	M.S.C.A.		✓
LEE WISER	DENTURIST		✓
Robert A. Vavas	Lab. Tech.		✓
ANNETTE ESCHENKO	DENTURIST		✓
Therest T. Van Allen	M.S.C.A.		✓
dore light	Belgrade concerned citizen		✓
James Lytle	" " "		✓
Frank Brisardine	Denturist		✓
Willa Dale Evans	Research M.S.C.A.		✓
Margaret K. Krapovich	Research M.S.C.A.		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.