

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

Call to Order: By Stella Jean Hansen, on January 30, 1989,
at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

HEARING ON HB 303

Presentation and Opening Statement By Sponsor: Rep. Menahan
stated that this bill was an act requiring service
stations to provide a refueling service at a self-
service island at self-service price to disabled
drivers; requiring the Department of Justice to
place a disability code on the driver's license of
a disabled driver and providing an effective date.

List of Testifying Proponents and What Group They Represent:

Riley Johnson, Automotive Trades Association of Montana
Tim Harris, Montana Independent Living Project
Ronna Alexander, Montana Petroleum Marketing
Association .
Chris Volinkaty, Developmentally Disabled of Montana

List of Testifying Opponents and What Group They Represent:

Duane Tooley, Drivers Services

Testimony:

Riley Johnson stated his support of this bill and said that
his organization were the proponents with the full
service islands as opposed to the various other
facilities.

Tim Harris supports this legislation and asked for a consideration for the rare few individuals who are able to walk, drive their cars by using feet and have no hands and are incapable of pumping gas because they have no hands.

Ronna Alexander supports this bill and states that perhaps this legislation is not really needed but she supports the concept. Ms. Alexander then mentioned some modifications that need to be made in the bill.

Chris Volinkaty supports this bill and stated that the bill provides what the people need to help them be more independent.

Duane Tooley opposes this bill but that it would be possible to accomplish the same end by simply requiring that the individual who is in a vehicle with a handicapped license plate, or who had the handicapped parking sticker, exhibit to the attendant, the certificate required in the bill. Also, it would not require the handicapped people to come back to our stations to get another license which is sometimes very difficult for them.

Questions From the Committee: Rep. Boharski asked Ms. Alexander why a law was necessary for this to be accomplished and why a letter cannot be sent out to service station owners or post a sign at the service stations to indicate if assistance is needed and Ms. Alexander said that most handicapped people probably buy their gas at one particular station and if you are a good customer of those people and consequently it may not be that great a problem. If on the other hand that it is found that this legislation is needed, opposition would not be feasible. A law is not needed.

Rep. Gould asked Rep. Menahan why a person who needed this service why not trade with someone else and Rep. Menahan stated that the problem arose when handicapped persons went to other towns.

Closing By Sponsor: Rep. Menahan closes on the bill.

DISPOSITION OF HB 303

Discussion: Rep. Gould suggested that the placement of a sign would be adequate.

Rep. Simon suggested that a letter from the Committee signed by the members, would accomplish as much good as this bill would do.

Rep. Hansen asked if this legislation would also give gasoline to the handicapped at the regular discount rate? Rep. Simon stated that the attendant must dispense the gas at a self service island which is at the self service price.

Rep. Gould asked if Rep. Boharski agreed with what was said in his proposal and Rep. Boharski stated that the bill should be TABLED. A letter should be drafted.

Motion: A Motion was then made by Rep. Boharski to TABLE the bill and further Rep. Boharski made a Motion to draft a letter.

Recommendations and Votes: A vote was taken to TABLE the bill and all voted in favor with the exception of Reps. Russell, Blotkamp, Strizich and Squires.

HEARING ON HB 305

Presentation and Opening Statement By Sponsor: Rep. Russell stated that this bill was an act requiring appointment of a person knowledgeable about Indian culture and family matters to child protective teams and youth placement commissions.

List of Testifying Proponents and What Group They Represent:

Bea Lunda, Montana Department of Family Services

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bea Lunda supports this bill and stated that this bill would assure that the best interest of Indian children and youth would be further safeguarded by appointing someone, preferably an Indian person, knowledgeable about Indian culture and family matters to act as an advocate for the Indian child or youth before the Child Protection Team or the YOUTH Placement Committee.
Exhibit 1.

Questions From the Committee: Rep. Good asked Ms. Lunda if committee members served without compensation and Ms. Lunda stated that they did serve without compensation however, they may a full time job that requires them to be there. Rep. Good then asked Rep. Strizich if he

also was on one of these teams and he stated that he was. Rep. Good then asked if additional personnel would be required and Ms. Lunda stated they would not be needed.

Rep. Stickney asked Rep. Russell if the Senate had been passed which had been initiated and Rep. Russell stated that they had.

Closing By Sponsor: Rep. Russell closed on the bill.

DISPOSITION OF HB 305

Motion: Rep. Russell made a Motion to DO PASS.

Discussion: Rep. Boharski made a motion to amend the bill in section 2, subsection "f" so that the wording is identical with section 1 on subsection "e".

Amendments and Votes: Rep. Hansen then asked for discussion on the amendment. A vote was taken on the amendment with all voting in favor.

Rep. Russell made a Motion to DO PASS AS AMENDED.

Discussion: Rep. Brown asked Rep. Russell if one member of the child protective team, the social worker, or the member of the local law enforcement or medical person or the county attorney happen to be an Indian or have knowledge of the Indian culture, do you think they would use that person or would they feel they would require the appoint another person. Rep. Russell stated that would suffice.

Recommendation and Votes: Rep. Hansen then asked for a vote on the Motion as amended was asked and all members voted in favor of the bill as a DO PASS AS AMENDED. Rep. Russell then asked that the bill be moved to be put on the consent calendar. A vote was taken for the consent calendar and all voted in favor.

DISPOSITION OF HB 282

Motion: Rep. Strizich made a Motion to DO PASS.

Discussion: Rep. Simon questioned the liability in regard to the design flaw and the situation of providers. Technical people are not a member of the board in the aspect of understanding engineering, wiring and construction. Rep. Simon indicated that the committee was devoid of that type of people. The bill also needs

this type of person in this type of process.

Rep. Strizich stated that minimum standards should be observed. Functionality of design is the concern of the bill. The use of the word construction was a misnomer.

Rep. Whalen responded to the first concern of Rep. Simon. By having minimum standards set by this commission it would have a tendency to reduce liability of the state because as long as the commissions' recommendations were complied. Liability is based upon foreseeability.

Rep. Russell stated that the state would conform to certain minimum standards of construction and is contained in the language of the bill.

Amendments and Votes: Rep. Strizich made a Motion to Move the Amendments that were submitted earlier. Rep. Hansen asked for discussion of the amendments. A vote was then taken on the amendments and all voted in favor. Rep. Strizich then made a Motion to Move the bill as amended.

Discussion: Rep. Boharski stated that an extension of the duty that is being created with the new Board and the Board of Crime Control should have the authority extended to them. Rep. Boharski then stated that he would vote against this bill unless the extension of the authority to the Board of Crime Control can be given. The agency is already established.

Rep. Simon questioned the statement of intent.

Rep. Strizich stated that the statement of intent was already included in the bill. Mary McCue also stated that the statement of intent was with the bill and that the adoption of same was understood.

Rep. Strizich stated that the Legislative Council should be given a blanket of authority to bring the statement of intent with regard to construction standards in line with the amendments.

Rep. Hansen stated that there should be a delay in taking action on the motion as amended until the statement of intent.

Rep. Lee asked Rep. Strizich how many institutions the state would be looking at and the time frame involved and Rep. Strizich indicated that the major population centers would be involved.

Discussion followed by members of the committee.

Rep. Whalen made a Motion to discontinue executive action on this bill until such time as a newly drafted statement of intent has been prepared.

Rep. Strizich suggested that the Researcher address the construction standard versus the design standard in the statement of intent.

Rep. Whalen withdraws his previous motion and called for the question on changing the statement of intent.

Rep. Hansen stated that the question has been called.

Rep. Simon asked if the amendments which Rep. Strizich had submitted get into section 13 where the standards are applicable - standards relating to construction, including plumbing, heating and wiring. Changing of the bill formally is required.

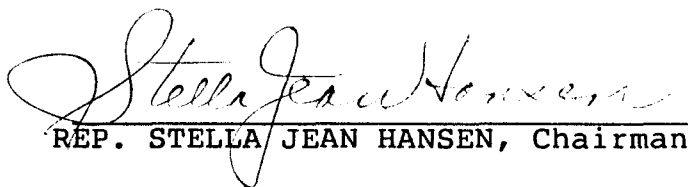
Rep. Hansen asked for further discussion.

Rep. Whalen made a Substitute Motion that a new statement of intent be drafted in light of the amendments which have been adopted.

Recommendation and Vote: Rep. Hansen asked for discussion on the motion. A vote was taken with all voting in favor.

ADJOURNMENT

Adjournment At: 4:15 p.m.


REP. STELLA JEAN HANSEN, Chairman

SJH/ajs

3007.min

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date January 30, 1989

| NAME | PRESENT | ABSENT | EXCUSED |
|--------------------|---------|--------|---------|
| Stella Jean Hansen | ✓ | | |
| Bill Strizich | ✓ | | |
| Robert Blotkamp | ✓ | | |
| Jan Brown | ✓ | | |
| Lloyd McCormick | ✓ | | |
| Angela Russell | ✓ | | |
| Carolyn Squires | ✓ | | |
| Jessica Stickney | ✓ | | |
| Timothy Whalen | ✓ | | |
| William Boharski | ✓ | | |
| Susan Good | ✓ | | |
| Budd Gould | ✓ | | |
| Roger Knapp | ✓ | | |
| Thomas Lee | ✓ | | |
| Thomas Nelson | ✓ | | |
| Bruce Simon | ✓ | | |
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STANDING COMMITTEE REPORT

January 30, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that HOUSE BILL 305 (first reading copy -- white) do
pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Page 2, line 19.

Following: "(f)"

Insert: "if the child is an Indian,"



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

TO: John Vincent, Speaker of the House
FROM: Stella Jean Hansen, House Human Services and Aging
Committee
DATE: January 30, 1989
SUBJECT: HB 303

The House Human Services and Aging Committee has TABLED
HB 303 on January 30, 1989

Stella Jean Hansen



DEPARTMENT OF FAMILY SERVICES

STATE OF MONTANA

JANUARY 30, 1989

TESTIMONY IN SUPPORT OF HB305

"AN ACT REQUIRING APPOINTMENT OF A PERSON KNOWLEDGEABLE ABOUT INDIAN CULTURE AND FAMILY MATTERS TO CHILD PROTECTIVE TEAMS AND YOUTH PLACEMENT COMMITTEES; AND AMENDING SECTIONS 41-3-108 AND 41-5-525, MCA."

Submitted by Bea Lunda
Indian Child Welfare Specialist
Department of Family Services

Public Law 95-608, commonly cited as the "Indian Child Welfare Act of 1978", recognized that "there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children". Congress also acknowledged "that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies".

The Act is designed to establish certain procedural safeguards applicable to state agency proceedings involving Indian children to assure that Indian children are not removed from their homes arbitrarily and that, once removed, they are placed in an environment which will promote their unique cultural and social heritage.


Public Law 95-608, Sec. 101.(e) states that no foster care placement may be ordered in the absence of a determination supported by clear and convincing evidence that the continued custody of a child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The Act further applies to placements resulting from proceedings involving status offenses. (guidelines, Section B. 3(b), 44 Fed. Reg; November 26, 1979, at 67587.)

HB305 would assure that the best interest of Indian children and youth would be further safeguarded by appointing someone, preferably an Indian person, knowledgeable about Indian culture and family matters to act as an advocate for the Indian child or youth before the Child Protection Team or the Youth Placement Committee.

These appointees would assess the case planning and/or placement of the child or youth in relationship to the spirit and intent of the Indian Child Welfare Act. They will act as specialized consultants to the Department in case management decision making for Indian children and youth before the team or committee.

Consequently, as the Indian Child Welfare Specialist for the Department of Family Services, I urge your favorable consideration of HB305, to promote the integrity of the Act in the State of Montana.

"AN EQUAL OPPORTUNITY EMPLOYER"

EXHIBIT
DATE 1-30-89 
HB 305 publications & graphics

VISITORS' REGISTER

COMMITTEE

BILL NO. HB 303

DATE _____

SPONSOR _____

| NAME (please print) | RESIDENCE | SUPPORT | OPPOSE |
|---------------------|-------------------------------------|---------|--------|
| CRIS VOLINKATY | Dev. Disabilities Lobby | ✓ | |
| Ronna Alexander | Mt. Petroleum Marketing | x | |
| Riley Johnson | Automotive Trades & MT. Atom | ✓ | |
| TIM HARRIS | MONT. IND. LIVING PROJECT HELENA | ✓ | |
| Diane Tolley | 5335 d. Mt Helena | — | |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. HB 305

DATE _____

SPONSOR _____

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.