

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on February 16, 1991, at 8:35 a.m.

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused:

James Burnett (R)

Staff Present: Tom Gomez (Legislative Council)
Christine Mangiantini, Committee Secretary.

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

EXECUTIVE ACTION ON SENATE BILL 205

Motion:

Senator Towe moved adoption of the amendments in Exhibit #1.

Discussion:

Senator Eck referred to the proposed amendments in Exhibit #1. She said there are times when we will want to recognize the activities of developmental disabilities and she said this amendment takes care of that.

Senator Towe asked about inserting the language in a different area of the bill.

Senator Eck said what they are worried about is the cooperative agreement.

Amendments, Discussion, and Votes:

There being no objection the motion carried.

Recommendation and Vote:

Senator Pipinich moved to pass SB 205 as amended. There being 7 ayes and 0 nays the motion carried.

EXECUTIVE ACTION ON SENATE BILL 326

Motion:

Senator Towe moved adoption of the amendments in Exhibit #2.

Discussion:

Senator Towe reviewed the amendments in Exhibit #2.

Senator Jacobson suggested leaving in the language pertaining to the parents of emotionally disturbed children.

Senator Eck said that is probably included in 'b' of the bill.

Senator Towe said they are covered as family members of severe and disabling illnesses. He said he thought emotional disturbances may be one thing, but it is different than a disabling mental illness.

Senator Pipinich said we should leave in the language regarding parents of children with disabling illnesses. He said he has been involved with a couple of families with these problems. He suggested leaving 'c' in the bill.

The chairman recognized the sponsor of the bill, Senator Mignon Waterman for her comments.

Senator Waterman said she understood Senator Towe's reasoning but she agreed with Senator Pipinich in that the parents should be left in. They have unique concerns as parents with children suffering from emotional disturbances. She said there is also a place for a health care professional or an advocate, especially for the elderly as noted in section 'd'. She said she would not like to leave these two categories out of the bill.

Motion:

Senator Towe withdrew his motion to adopt the amendments in Exhibit #2 and moved adoption of the language in Exhibit #3.

Amendments, Discussion, and Votes:

There being no objection the motion carried to adopt the amendments denoted in Exhibit #3.

Recommendation and Vote:

Senator Towe moved to pass SB 326 as amended. There being 1 nay by Senator Rye and 6 ayes the motion carried.

EXECUTIVE ACTION ON SENATE BILL 348

Motion:

Senator Towe moved adoption of the following language: on page 4, lines 24 and 25 following the word 'person' on line 24 strike "required to report" and insert "or agency receiving a report of".

Discussion:

Senator Towe said this language would mean that the recipient must file the report.

Amendments, Discussion, and Votes:

There being no objection the amendment was adopted.

Senator Towe suggested the committee not take final action on the bill pending another amendment to be submitted by the Department of Family Services.

EXECUTIVE ACTION ON SENATE BILL 200

Motion:

Senator Towe moved adoption of language on page 1, line 11 following line 10, inserting language that would allow the board of hearing aid dispensers authority to include rules defining the term 'related devices', add a statement of intent and rulemaking authority and add the necessary language to the title of the bill. Included in his motion was adoption of the amendments in Exhibit #4 and language in the statement of intent that specified what should be included under the term "related devices".

SENATE PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

February 16, 1991

Page 4 of 5

Discussion:

The chairman called upon Tom Gomez to explain the amendments denoted in Exhibit #4.

Senator Jacobson asked what the term 'related devices' referred to.

Senator Pipinich said the hearing aids are inserted in the ears. He said the one he wears on the Senate Floor is a device. Mr. Havdahl using a hearing detector. The term 'devices' needs to be included because there are other objects used besides the hearing aids inserted into the ear.

The chairman recognized Tom Gomez who suggested the committee may want to consider adding to the statement of intent language that specified what should be included under the term "related devices".

Amendments, Discussion, and Votes:

There being no objection the motion carried.

Motion:

Senator Hager moved adoption of an amendment on page 2, line 17 strike the words, 'at all times'.

Amendments, Discussion, and Votes:

Senator Towe suggested deleting the language on page 2, lines 12 through 17.

Senator Franklin said she agreed that putting an employee in the place of business at all times seemed to be hysterical. She said she was sure it came out of concern about problems from fly-by-night dispensers. She asked if the committee would feel comfortable just inserting a period (.) on line 17 after the words 'place of business'.

Senator Eck said the reason was because the consumers want a permanent place where they can go and find a place of business.

Senator Towe suggested adopting language that would require licensed hearing aid dispensers and trainees to have a permanent place of business.

Senator Hager said this group of business people need direction. He said there were 147 complaints.

Senator Pipinich suggested striking the language on page 2, line 17, 'at all times'.

There being no objection Senator Hager's amendment was adopted.

SENATE PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

February 16, 1991

Page 5 of 5

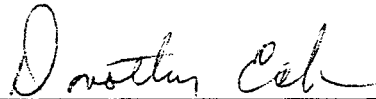
Senator Rye said he wears a hearing aid in noisy rooms. He said he does not wear it very often. It was sold to him by a dispenser and he said he has had very good service with it and was happy with it's performance. He said he lost 25 percent of his hearing in Viet Nam. He said his aid was sold by the kind of people this bill is aimed at and that he has been satisfied with the device. He said he thinks this bill is a restriction of business competition to some degree. He said he would vote 'no' on the bill.

Recommendation and Vote:

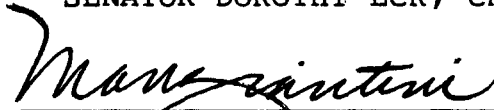
Senator Franklin moved SB 200 do pass as amended. There being 1 nay and 6 ayes the motion carried.

ADJOURNMENT

Adjournment At: 9:20 a.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 2/16/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT			X
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 16, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 205 (first reading copy -- white), respectfully report that Senate Bill No. 205 be amended and as so amended do pass:

1. Page 2, line 11.

Following: line 10

Insert: "(d) the board of crime control provided for in 2-15-2006;"

Re-number: subsequent subsections

2. Page 2, line 19.

Following: "needs."

Insert: "However, the existing state and community interagency service delivery and planning process for developmental disabilities may not be affected by this section."

3. Page 2, line 20.

Strike: "must"

Insert: "may"

4. Page 2, line 25.

Strike: "eliminate"

Insert: "recognize"

5. Page 3, lines 3 through 5.

Strike: subsection (d) in its entirety

Re-number: subsequent subsections

6. Page 3, line 13.

Strike: "and"

7. Page 3, line 14.

Following: line 13

Insert: "(ii) representatives of local school districts, youth probation offices, and other public agencies serving youth; and"

Re-number: subsequent subsection

Signed: Dorothy Eck
Dorothy Eck, Chairman

2-16-91
Amd. Coord.

2-16-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 16, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 326 (first reading copy - white), respectfully report that Senate Bill No. 326 be amended and as so amended do pass:

1. Page 2, lines 11 and 12.

Following: "bylaws" on line 11

Strike: remainder of line 11 through "groups" on line 12

Insert: ", as follows"

2. Page 2, line 13.

Following: line 12

Insert: "(a) Two members must be chosen, one from each of the following groups:"

3. Page 2, line 13.

Strike: "(a)"

Insert: "(i)"

Following: "illnesses:"

Insert: "and"

4. Page 2, line 14.

Strike: "(b)"

Insert: "(ii)"

5. Page 2, line 15.

Strike: "i"

Insert: "."

6. Page 2, line 16.

Following: line 15

Insert: "(b) One person must be chosen from among the following three groups:"

7. Page 2, line 16.

Strike: "(c)"

Insert: "(i)"

8. Page 2, line 17.

Strike: "(d)"

Insert: "(ii)"

9. Page 2, line 18.

Strike: "and"

Insert: "or"

10. Page 2, line 19.

Strike: "(e)"

Insert: "(iii)"

11. Page 2, lines 20 and 21.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

Feb 2-16-91
Amd. Coord.

SB 2-16-91 15:15
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
February 18, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 200 (first reading copy - white), respectfully report that Senate Bill No. 200 be amended and as so amended do pass:

1. Title, line 7.

Following: "DEVICES;"

Insert: "PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF HEARING
AID DISPENSERS;"

2. Page 1, line 11.

Following: line 10

Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 11] grants the board of hearing aid dispensers authority to adopt rules consistent with the provisions of [sections 1 through 10].

It is the intent of the legislature that rules adopted by the board include rules defining "related devices" and other rules necessary to implement [sections 1 through 10].

It is specifically intended that, in adopting rules, the board define "related devices" to mean those parts, attachments, or accessories, as provided in 37-16-102, that are sold for use with a hearing aid by a licensed hearing aid dispenser. "Related devices" should include assistive listening devices and cordless infrared systems if sold by a hearing aid dispenser. However, the term "related device" should not include general merchandise items, such as hearing aid cleaners, cords, or batteries, that are commonly available at most drugstores, discount stores, or by mail order."

3. Page 2, line 17.

Strike: "at all times"

4. Page 3, line 16.

Following: "guaranty"

Insert: " and the right to cancel,"

5. Page 3, line 18.

Following: "guaranty"

Insert: " and the right to cancel"

6. Page 6, line 16.

Following: "examinations"

Strike: "may apply"

Insert: "is eligible"

Following: "after"

Insert: "a period of"

Following: "years"

Strike: "of"

Insert: " and the completion of"

7. Page 6, line 17.

Following: "additional"

Strike: "experience or"

Following: "training"

Insert: "or education recognized by the board"

8. Page 7, lines 9 through 13.

Following: "he" on line 9

Strike: remainder of line 9 through "trainee" on line 13

Insert: "the first 90 days under the direct supervision of the
sponsoring licensed hearing aid dispenser during which time
he"

9. Page 7, line 16.

Following: "aid"

Insert: "and related devices"

10. Page 7, line 17.

Following: "by"

Insert: "the trainee and"

11. Page 14, line 17.

Following: "exceed"

Strike: "\$200"

Insert: "20% of the total cost of the hearing aid or related
device"

12. Page 15, line 20.

Following: "exceed"

Strike: "\$200"

Insert: "20% of the total cost of the hearing aid or related
device"

13. Page 15, line 24.

Following: line 23

Insert: "NEW SECTION. Section 11. Rulemaking authority. The board shall adopt rules consistent with the provisions of [sections 1 through 10]. Rules adopted by the department may include, but are not limited to, rules defining the term "related devices" and other rules necessary to implement [sections 1 through 10]."

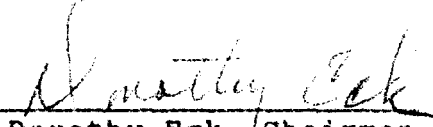
Renumber: subsequent sections

14. Page 16, lines 6 and 8.

Strike: "and 10"

Insert: "through 11"

Signed: _____


Dorothy Eck, Chairman

 2-18-91
Ad. Coord.

SB 2-18 12:05
Sec. of Senate

Amendments to Senate Bill No. 205
First Reading CopyRequested by Senator Dorothy Eck
For the Senate Public Health, Welfare, and Safety CommitteePrepared by Tom Gomez
February 16, 1991

1. Page 2, line 11.

Following: line 10

Insert: "(d) the board of crime control provided for in
2-15-2006;"

Renumber: subsequent subsections

2. Page 2, line 19.

Following: "needs."

Insert: "However, the existing state and community interagency
service delivery and planning process for developmental
disabilities may not be affected by this section."

3. Page 2, line 20.

Strike: "must"

Insert: "may"

4. Page 2, line 25.

Strike: "eliminate"

Insert: "recognize"

5. Page 3, lines 3 through 5.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

6. Page 3, line 13.

Strike: "and"

7. Page 3, line 14.

Following: line 13

Insert: "(ii) representatives of local school districts, youth
probation offices, and other public agencies serving youth;
and"

Renumber: subsequent subsection

Amendments to Senate Bill No. 326
First Reading Copy

SENATE HEALTH

EXHIBIT NO. 2

DATE 2/16/91

BILL NO. 326

Requested by Senator Tom Towe
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 16, 1991

1. Page 2, line 10.

Strike: "three"

Insert: "two"

2. Page 2, lines 11 and 12.

Following: "from" on line 11

Strike: "among three"

Insert: "each"

3. Page 2, line 13.

Following: "illnesses;"

Insert: "and"

4. Page 2, line 15.

Strike: "i;"

Insert: "."

5. Page 2, lines 16 through 21.

Strike: lines 16 through 21 in their entirety

Renumber: subsequent subsections

SENATE STANDING COMMITTEE REPORT

BILL NO. 326Page 1 of 2
February 16, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 326 (first reading copy - white), respectfully report that Senate Bill No. 326 be amended and as so amended do pass:

1. Page 2, lines 11 and 12.

Following: "bylaws" on line 11Strike: remainder of line 11 through "groups" on line 12

Insert: ", as follows"

2. Page 2, line 13.

Following: line 12

Insert: "(a) Two members must be chosen, one from each of the following groups:"

3. Page 2, line 13.

Strike: "(a)"

Insert: "(i)"

Following: "illnesses:"

Insert: "and"

4. Page 2, line 14.

Strike: "(b)"

Insert: "(ii)"

5. Page 2, line 15.

Strike: "i"

Insert: "."

6. Page 2, line 16.

Following: line 15

Insert: "(b) One person must be chosen from among the following three groups:"

7. Page 2, line 16.

Strike: "(c)"

Insert: "(i)"

8. Page 2, line 17.

Strike: "(d)"

Insert: "(ii)"

9. Page 2, line 18.

Strike: "and"

Insert: "or"

Page 2 of 2
February 16, 1991

10. Page 2, line 19.

Strike: "(e)"

Insert: "(iii)"

11. Page 2, lines 20 and 21.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

file 2-16-91
Amd. Coord.

SB 2-16-91 16:15
Sec. of Senate

Amendments to Senate Bill No. 200
First Reading CopyDATE 2/16/91§ BILL NO. 200.

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 16, 1991

1. Title, line 7.

Following: "DEVICES;"

Insert: "PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF HEARING
AID DISPENSERS;"

2. Page 1, line 11.

Following: line 10

Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 11] grants the board of hearing aid dispensers authority to adopt rules consistent with the provisions of [sections 1 through 10].

It is the intent of the legislature that rules adopted by the board include rules defining "related devices" and other rules necessary to implement [sections 1 through 10].

It is specifically intended that, in adopting rules, the board define "related devices" to mean those parts, attachments, or accessories, as provided in 37-16-102, that are sold for use with a hearing aid by a licensed hearing aid dispenser. "Related devices" should include assistive listening devices and cordless infrared systems if sold by a hearing aid dispenser. However, the term "related device" should not include general merchandise items, such as hearing aid cleaners, cords, or batteries, that are commonly available at most drugstores, discount stores, or by mail order."

3. Page 2, line 17.

Strike: "at all times"

4. Page 3, line 16.

Following: "guaranty"

Insert: " and the right to cancel,"

5. Page 3, line 18.

Following: "guaranty"

Insert: " and the right to cancel"

6. Page 6, line 16.

Following: "examinations"
Strike: "may apply"
Insert: "is eligible"
Following: "after"
Insert: "a period of"
Following: "years"
Strike: "of"
Insert: " and the completion of"

7. Page 6, line 17.
Following: "additional"
Strike: "experience or"
Following: "training"
Insert: "or education recognized by the board"

8. Page 7, lines 9 through 13.
Following: "~~he~~" on line 9
Strike: remainder of line 9 through "trainee" on line 13
Insert: "the first 90 days under the direct supervision of the
sponsoring licensed hearing aid dispenser during which time
he"

9. Page 7, line 16.
Following: "aid"
Insert: "and related devices"

10. Page 7, line 17.
Following: "by"
Insert: "the trainee and"

11. Page 14, line 17.
Following: "exceed"
Strike: "\$200"
Insert: "20% of the total cost of the hearing aid or related
device"

12. Page 15, line 20.
Following: "exceed"
Strike: "\$200"
Insert: "20% of the total cost of the hearing aid or related
device"

13. Page 15, line 24.

Following: line 23

Insert: "NEW SECTION. Section 11. Rulemaking authority. The board shall adopt rules consistent with the provisions of [sections 1 through 10]. Rules adopted by the department may include, but are not limited to, rules defining the term "related devices" and other rules necessary to implement [sections 1 through 10]."

Renumber: subsequent sections

14. Page 16, lines 6 and 8.

Strike: "and 10"

Insert: "through 11"

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 205 Time 8:44 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments denoted
in Exhibit #1. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 205 Time 8:45 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved to pass SB 205 as amended.

There being 7 ayes and 0 nays the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 sBill No. 326 Time 8:52 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments denoted
in Exhibit #3. There being 7 ayes and 0 nays the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No 326 Time 8:53 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE		X
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved to pass SB 326 as amended. There
being 6 ayes and 1 nay the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 348 Time 8:55 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the following language:
on page 4, lines 24 and 25 following the word 'person' on line 24
strike "required to report" and insert "or agency receiving a
report of". There being 7 ayes and 0 nays the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 200 Time 9:08 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of language on page 1, line 11 following line 10, inserting language that would allow the board of hearing aid dispensers authority to include rules defining the term related devices, adding a statement of intent and rulemaking authority and adding the necessary language to the title of the bill and adding language in the statement of intent that would specify what should be included under the term related devices and adoption of the amendments denoted in Exhibit #4.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 200 Time 9:16 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Hager moved adoption of an amendment on page 2,
line 17, strike the words, 'at all times '. There being
no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 200 Time 9:19 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE		X
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved to pass SB 200 as amended. There
being 6 ayes and 1 nay the motion carried.