

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on February 22, 1991, at 3:45 p.m.

ROLL CALL

Members Present:

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

Members Excused: None

Staff Present: Tom Gomez (Legislative Council).

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

Announcements/Discussion:

EXECUTIVE ACTION ON SENATE BILL 404

Motion:

Senator Jacobson moved adoption of the amendments denoted in Exhibit #1 and the following new language on page 6, line 10, following line 9, "The counselor must be selected by the minor. The physician selected to perform the abortion may refuse to accept a particular counselor or the signed form of the counselor and recommend another counselor."

Discussion:

Senator Jacobson explained the proposed amendments in Exhibit #1. She said it is up to the committee to make things as easy as possible for a child in the position of having to decide upon an abortion or a full-term pregnancy. Her concern with the judicial bypass is that it is putting the youngster in a stressful position at a time when they are under one of the most severe stress times of their life.

Senator Jacobson said the amendments add a counseling bypass. In the State of Maine similar legislation was recently enacted. There are concerns on the part of some persons that this would cause some abortions to be performed in the second trimester. She continued by saying they had no data to substantiate that concern.

Senator Towe asked if the reimbursement was for counseling or the abortion.

Senator Jacobson responded by saying the reimbursement was only for the counseling service.

Senator Towe asked about the language in section 3 and wanted to know about the intent.

Senator Jacobson said the wording met that the minor was asking for the bypass. The minor has several options, they can go to their parents and notify them, go through the judicial process or they may go through counseling. They must select one of the three options.

Chairman Eck asked if they selected the judicial option, and are assigned counsel who pays for that.

Senator Jacobson said one of the reasons that alerted her to the cost was that during the testimony the proponents said they could go through the judicial system at no cost to the minor. She said if the state is mandating a service, the state should pay the cost.

Chairman Eck recognized Senator Betty Bruski who said she was not aware of the source of that information.

Senator Rye asked for clarification about the options.

Senator Jacobson said if a minor goes in to a clinic for an abortion, the physician is required by this law to notify their parents. If the minor tells the physician that she cannot or will not tell her parents, there are two further options available. She can apply for a judicial bypass and go through the court system or they can request counseling. In both cases there would be a waiver. In the case of the counseling the minor would be urged and advised to notify a parent or a guardian or another member of their family.

Senator Burnett asked Senator Bruski if she felt comfortable with the amendments.

Senator Bruski said she felt comfortable with some of them but not comfortable with the section regarding the trained health care worker.

Senator Burnett asked Senator Jacobson why there was quite a variety of types of counselors.

Senator Jacobson said in such a rural state as Montana, in many areas you only find a licensed counselor or some other person. She said she felt fairly comfortable with the list allowing the various types of counselors as long as the guidelines regarding what information has to be given to the minor is uniform. These people are all trained in counseling but have different specialties.

Senator Hager questioned the definition of the term 'counselor' and wanted to know who chose the counselor.

Senator Jacobson said the minor chose the counselor.

Senator Towe wanted to know why she included the language, 'acting under the supervision of a physician'. He said a psychiatrist is a physician and does not need to be acting under another one.

The chairman recognized Diane Sands, representing the Montana Women's Lobby. She said it was the same language in the Maine and Connecticut laws. The other reason is that the person is legally responsible to ensure that the act is complied with, not the minor but the physician.

Senator Towe questioned the language.

Chairman Eck said it sounds too much as if the physician is giving directives to the counselor.

Senator Burnett asked if it circumvented the intent of the bill.

Senator Jacobson said the intent of the bill, at face value, is to provide that a minor must notify their parents if they want to have an abortion. Certain children in certain families are unable to do that. That is the reason for some type of a bypass and that has been upheld in the courts. She said she thinks it is a more humane and complete way of dealing with a minor. These young women that are pregnant are already under a great deal of stress. This amendment provides something other than the court system that will give them the information they need. They must go to an adult and wouldn't it be more comforting to have the young woman sit down with a counselor and go through all options for this very important decision.

The chairman recognized Diane Sands who said she will not support the amendment or the bill. Their problem is with the notification process which will delay health care. The notification is dangerous.

Senator Rye asked about the language regarding professional counselors.

Senator Jacobson said this refers to their licensing procedures and that is the statutory reference.

Senator Towe said he is bothered by the counselor language. He read from Exhibit #1. He suggested under the section that lists the items to be discussed between the counselor and the minor, that the committee add the following language, "the counselor shall be selected by the minor. The physician selected to perform the abortion may refuse to accept a particular counselor or the signed formed of the counselor and recommend another counselor."

Chairman Eck wanted to know what the rationale was for the proposed language.

Senator Jacobson said the physician is the person at risk.

Senator Towe said the physician is responsible. If a minor comes in with a form and the physician has never heard of the counselor or does not think highly of the counselor, this language will allow the physician to select another counselor.

Senator Jacobson said physicians refer patients to counselors and other professionals as a regular order of business.

Senator Bruski said this discussion is getting way off of the track of the intent of the bill. The intent is for the parents to be notified, not to give the girl an excuse. Counseling is fine. She said she could see a counselor talking to the girl and offering to accompany her to the judge or to her parents. But she thought the committee was losing the intent of the bill and that was simply parental notification.

Chairman Eck asked if she thought the girl will be more or less likely to tell her parents if she chose the counseling route rather than the judicial route.

Senator Bruski said it could work with the right counselor but the counselor is not necessarily a parent or someone that has her best interests at heart.

Senator Burnett asked if it would be just as well to have the counselor go to the judge for the bypass.

Senator Jacobson said the only thing that the judge is going to do is decide whether the child is mature enough to be making the decision. She said that she did not see how a judge could be anymore informed than a counselor who spent several hours with the child. How does the judge make the decision any better than a physician or a trained, licensed social worker. The very first thing the counselor must do by law is to discuss the importance of involving the minors parents, guardian or other adult family members in the decisionmaking process.

Senator Jacobson said it was brought out during the testimony that some youth court judges are excellent and others are not so good. In this case there is consistency in the information that will be provided to the youngster. She said this is more of a comprehensive service. She continued by saying the best possible case is that the girl will go directly to her parents. If we do not make allowances the court will throw it out.

Amendments, Discussion, and Votes:

There being no objection the motion to adopt the amendments in Exhibit #1 and the new language regarding the counselor passed without opposition.

Recommendation and Vote:

Senator Jacobson moved to pass SB 404 as amended. There being 6 ayes and 2 nays by Senator Eck and Senator Franklin the motion carried.

EXECUTIVE ACTION ON SENATE BILL 332

Motion:

Senator Franklin moved to table this bill.

Discussion:

Senator Jacobson the reason to table the bill was because smokeless tobacco sales is included in both Representative Pavlovich's bill and her bill. She said she is assuming one of the bill's will pass.

Recommendation and Vote:

There being no objection the measure was tabled.

EXECUTIVE ACTION ON SENATE BILL 371

Motion:

Senator Towe moved adoption of the amendments in Exhibit #3.

Discussion:

Senator Jacobson explained the amendments in Exhibit #3.

The chairman recognized Chuck Butler, representing Blue Cross/Blue Shield Health Insurance Company, who said he inquired of the Medicaid Department regarding the Kids Count program regarding the number of visits.

He continued by saying he was told they were for 2, 6, 9, and 12 months the first year and 15, 18, and 24 the second year. He did not receive a dollar amount. He said Senator Jacobson mentioned \$24.49 for the first month and \$19.06 for the 2, 4, 6, 9, and 12th months.

Chairman Eck said we strike that section by implementing the amendments. We do not need to worry about the numbers.

Mr. Butler talked again about the costs and said they total about \$75.00, so now it totaled \$280.00 for the first 2 years.

Senator Jacobson said that was correct.

Mr. Butler said that is what Medicaid allows and it is important to note that is opposed to what is charged. The charges are closer to approximately \$250.00 in year 1 and about \$100.00 in year 2.

The chairman recognized Tom Gomez who continued to explain the amendments.

Senator Jacobson said they removed the provision that said they were exempt from the deductible, page 3, line 7.

Mr. Gomez said that was correct and that they were not exempted from co-payments.

Senator Jacobson said they were tied into the schedule and visits but not tied into the amount of money reimbursed by Medicaid. We are allowing them to have a co-payment provision, 80/20 provision. They cannot take a deductible.

Senator Burnett asked about the general fund monies involved.

Senator Jacobson said none. It is all through the insurance companies.

The chairman recognized Tom Gomez who said all the amendments did was reference the Medicaid laws.

Senator Jacobson said these are people that have medical coverage and as part of the basic package an insurance company must offer this minimum level of benefits for well baby coverage. It is a mandated health care benefit.

Amendments, Discussion, and Votes:

There being no objection the amendments in Exhibit #3 were adopted.

Senator Rye pointed out the last line of the fiscal note and said it was an overriding consideration.

The chairman recognized Chuck Butler who said \$1.75 per member per month with the co-payment would be the estimate.

Senator Jacobson said she realized it was a mandated benefit and realized it would cost a little more but she also said the state would have healthier babies and the insurance companies may save money. Screening results show children receiving this care through Medicaid, are about 30 percent less than the children receiving none.

Senator Burnett asked if this was an entitlement.

Senator Jacobson said it was not. This allows Blue Cross/Blue Shield to offer a policy of which one of the benefits they must offer is well baby care in these amounts.

Senator Franklin said it is so much easier fiscally to calculate how much it will add to the policy. It is a cynical choice in economics. We get figures on the cost increase of the policies but never figures on the savings. It is an economic choice.

Senator Rye said Senator Jacobson's arguments are compelling and it has changed his mind. He said he see's mandated coverage and does not like it, he see's health care cost increases and he does not like it. He said he see's government interference with industry and he does not like it. He was predisposed to dislike this bill in short order. However, the point is well made in the long run we are better off preventing something from occurring.

Recommendation and Vote:

Senator Rye moved to pass the bill as amended.

There being one objection by Senator Burnett and 7 ayes the motion carried.

EXECUTIVE ACTION ON SENATE BILL 372

Motion:

Senator Jacobson moved adoption of the amendments denoted in Exhibit #4.

Discussion:

Senator Jacobson explained the amendments in Exhibit #4.

Amendments, Discussion, and Votes:

There being one objection by Senator Hager and 7 ayes the amendments were adopted.

Senator Towe asked if the amendments refer to the pre-school rules.

Senator Jacobson said yes, at the bottom of page 1 of the bill.

Recommendation and Vote:

Senator Franklin moved to pass SB 372 as amended. There being no objection the motion carried.

EXECUTIVE ACTION ON SENATE BILL 381

Motion:

Senator Jacobson moved adoption of the amendments in Exhibit #5.

Discussion:

Senator Jacobson explained the amendments.

Amendments, Discussion, and Votes:

There being no objection the amendments were adopted.

Senator Hager asked Senator Jacobson if she had agreements on the changes from both the mid-wives and the naturopathic physicians.

Senator Jacobson said she had an agreement from the mid-wives and sort of an agreement from the naturopathic physicians.

Recommendation and Vote:

Senator Pipinich moved to pass SB 381 as amended. There being no objection the motion carried.

EXECUTIVE ACTION ON SENATE BILL 209

Motion:

Senator Pipinich moved adoption of the amendments in Exhibit #6 and Exhibit #9.

Discussion:

Senator Pipinich explained his amendment's (Exhibit #6) by saying he has increased the fee's and added another type of facility entitled a 'Megafacility', changed the capacity to not more than 200,000 tons.

The chairman recognized Tom Gomez who said amendment #2 of Exhibit #6 adds a new category of facility which is entitled a megafacility and a filing fee structure of \$15,000 with a planned capacity of 200,000 tons of solid waste per year. The major facility continues to exist but is consistent with the new category for the fee structure. The new section 7, amendment #4 of Exhibit #6 creates language for a filing fee for a megafacility.

Senator Pipinich said he wanted to increase the price of a mega-landfill fee and increase the capacity amount.

Senator Towe asked if he was simply adding the megafill language.

Senator Pipinich said that was correct.

Senator Towe asked to review each one of the proposed amendments.

Senator Rye referred to Exhibit #7, his proposed amendments.

The chairman recognized Gene Huntington, representing the Environmental Quality Council (EQC) who said Senator Towe's amendment basically took what was in the rules and inserted it into the law (Exhibit #8). Senator Rye's amendment (Exhibit #7) would have changed parts of the same rules. Exhibit #9, which is titled the amendments of both Senators' Rye and Towe combines the amendments in Exhibits #7 and #8. He said the committee could pass the exhibits separately or together.

Senator Towe said he is more concerned about the procedure than the amounts. He wants to make sure that the fee's are in the statute and not in the statement of intent because he fears there is a constitutional problem. He said he is taking the fee's and inserting them into the law.

The chairman asked Senator Rye if he was satisfied with the amendments denoted in Exhibit #8.

Senator Rye said he was.

Senator Pipinich said if we make a mega-landfill in certain areas as the coal trains ship their freight out they return with waste from other states. He said he was concerned about this. He said if Montana was going to accept out-of-state waste we needed to make the fee's high enough to do a proper job of disposal and an adequate level of control. He said he does not want to hurt any existing landfills in any Montana community.

Senator Pipinich continued by saying he hopes the intent of the bill does not do that.

Senator Towe said Senator Pipinich was concerned about the 200,000 plus tonnage, which is not his concern for Billings. He wanted to know if the two concepts could be combined. He said Senator Pipinich is concerned about the cost factor of the mega-dumps.

The chairman recognized Gene Huntington who said if the committee approved Exhibit #6 and Exhibit #9 it would accomplish that goal because it repeals the per ton fee but includes a per ton fee in the statute for the megafacility.

Senator Rye wanted to know if it would increase the fee's for the City of Billings.

Senator Towe asked Gene Huntington if the largest dump in Billings was 120,000 tons.

Mr. Huntington said that on the outside they are at 140,000 tons which is the largest they will get. The big cities will see a dramatic reduction and small cities will see their's go up.

Senator Towe wanted to know about the .20 cents per ton figure from Senator Pipinich.

Senator Pipinich said he wanted to leave it at .20 cents per ton because if HB 377 passes, it is more than the .20 cents.

Mr. Huntington said it has authority to impose a local fee. The idea of the application fee would pay for the costs.

Amendments, Discussion, and Votes:

There being 1 objection by Senator Jacobson and 7 ayes the amendments passed.

Senator Jacobson said her county has just raised fee's and she has concerns about increases in the future.

Recommendation and Vote:

Senator Towe moved adoption of SB 209 as amended. There being 1 nay by Senator Jacobson and 7 ayes the motion carried.

EXECUTIVE ACTION ON SENATE BILL 393Motion:

Senator Franklin moved adoption of the amendment in Exhibit #2.

Discussion:

Senator Towe explained the amendments in Exhibit #2.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Senator Pipinich asked about out-of-state mail order services.

Senator Towe they are covered. They cannot dispense any drugs.

Chairman Eck asked about the Indian Urban Centers.

Senator Towe said the specific language controls over the general language.

Chairman Eck recognized Roger Tippy, representing the Montana Pharmaceutical Association, who said the language is inserted into the pharmacy practice act governing the way pharmacists do their job.

Recommendation and Vote:

Senator Pipinich moved to pass SB 393 as amended. There being no objections the motion carried.

ADJOURNMENT

Adjournment At: 5:10 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 2/22/91

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 3
February 23, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 404 (first reading copy - white), respectfully report that Senate Bill No. 404 be amended and as so amended do pass:

1. Title, line 6.

Following: "FOR"

Insert: "A COUNSELING OR"

2. Page 1, line 13.

Strike: "10"

Insert: "11"

3. Page 1, line 15.

Following: line 14

Insert: "(1) 'Counselor' means the following:

(a) a psychiatrist;

(b) an ordained member of the clergy;

(c) a psychologist licensed under 37-17-301;

(d) a professional counselor licensed under 37-23-201;

(e) a registered professional nurse or a certified nurse practitioner licensed under 37-8-407;

(f) a practical nurse licensed under 37-8-417;

(g) a social worker licensed under 37-22-305;

(h) a physician assistant-certified approved under 37-20-402; or

(i) a trained health care worker."

Renumber: subsequent subsections

4. Page 2, line 17.

Strike: "or"

5. Page 2, line 18.

Following: line 17

Insert: "(b) has received counseling as provided in [section 10]; or"

Renumber: subsequent subsection

6. Page 3, line 6.

Following: "by"

Insert: ": (1) receiving counseling as provided in [section 10]; or

(2) "

7. Page 3, line 10.

Following: "4"

Insert: "(2)"

8. Page 6, line 10.

Following: line 9

Insert: "NEW SECTION. Section 10. Counseling of minor prior to abortion -- waiver of notification. (1) Prior to the performance of an abortion upon a minor, a physician or counselor shall, upon request of the minor, provide pregnancy information and counseling in a manner and in language that will be understood by the minor. The physician or counselor shall:

(a) discuss the importance of involving the minor's parents, guardian, or other adult family members in the decisionmaking process concerning the pregnancy and whether the minor believes that involvement would be in her best interests;

(b) explain that the information provided to the minor is being given objectively and is not intended to coerce or persuade the minor to choose to have an abortion or to carry the pregnancy to term;

(c) explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time prior to viability of the fetus or if an abortion is necessary to preserve her life or health;

(d) explain to the minor the alternative choices available for managing the pregnancy, including:

(i) carrying the pregnancy to term and keeping the child;

(ii) carrying the pregnancy to term and placing the child for adoption or with a relative or obtaining voluntary foster care for the child; or

(iii) having an abortion;

(e) explain that public and private agencies are available to assist the minor with the alternative she chooses and that a list of these agencies and the services available from each will be provided upon request;

(f) explain that public and private agencies are available to provide birth control information and that a list of these agencies and the services available from each will be provided upon request; and

(g) provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care, and adoption, along with information the minor seeks or, if the physician or counselor cannot provide the information, indicate where the minor can receive the information.

(2) The physician or counselor providing the information and counseling shall sign and date a form indicating that the requirements of subsection (1) were complied with and shall include his business address and telephone number. A copy of the signed form must be placed in the minor's medical record. The medical record must be maintained as provided by law.

(3) The written form containing the information and statements provided in this section and signed by the minor will be presumed to be evidence of compliance with the requirements of this section.

(4) The counselor must be selected by the minor. The physician selected to perform the abortion may refuse to accept a particular counselor or the signed form of the counselor and may recommend another counselor.

(5) The requirements of this section do not apply when, in the best medical judgment of the physician and based on the facts of the case before him, a medical emergency exists that so complicates the pregnancy or the health, safety, or well-being of the minor that an immediate abortion is required. A physician who, based on the medical emergency exception, does not comply with the requirements of this section shall state in the medical record of the abortion the medical indications on which his judgment was based.

(6) Compliance with the provisions of this section constitutes an exception to parental notification as provided in [section 2(2)(b)].

(7) Reimbursement for counseling services performed under this section must be made by the department of family services from funding provided for this purpose. A physician or counselor may apply to the department of family services for reimbursement."

Renumber: subsequent sections

9. Page 7, line 12.

Strike: "10"

Insert: "11"

10. Page 7, line 16.

Strike: "10"

Insert: "11"

11. Page 7, line 18.

Strike: "10"

Insert: "11"

Signed: _____

Dorothy Eck, Chairman

101 2-23-91
And/ Coord.

SB 2-23-91
Sec. of Senate

12:30

SENATE STANDING COMMITTEE REPORT

Page 1 of 4
February 22, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 371 (first reading copy - white), respectfully report that Senate Bill No. 371 be amended and as so amended do pass:

1. Title, line 6.

Following: "WELL-CHILD"

Strike: "HEALTH SERVICES"

Insert: "CARE"

2. Title, line 7.

Following: "THROUGH"

Strike: "5"

Insert: "2"

3. Page 1, lines 11 and 12.

Following: "for" on line 11

Strike: "child health supervision services"

Insert: "well-child care"

4. Page 1, lines 17 and 18.

Following: "for" on line 17

Strike: "health supervision services"

Insert: "well-child care"

5. Page 1, line 18.

Following: "through"

Strike: "5"

Insert: "2"

6. Page 1, line 19.

Following: "age."

Strike: "These services"

Insert: "Benefits provided under this coverage"

7. Page 1, line 20.

Following: "certificate"

Insert: "issued under the policy"

8. Page 1, lines 21 through 24.

Following: "(2)" on line 21

Strike: remainder of line 21 through "age." on line 24

9. Page 1, line 25.

Strike: "Services to be covered at each visit"

Insert: "Coverage for well-child care under subsection (1)"

Following: "include"

Insert: ":

(a)"

10. Page 2, line 2.

Following: "guidance"

Strike: "and appropriate immunizations"

11. Page 2, line 3.

Following: line 2

Strike: line 3 in its entirety

Insert: ", according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and"

(b) routine immunizations according to the schedule for immunizations recommended by the immunization practices advisory committee of the U.S. department of health and human services."

12. Page 2, line 11.

Strike: "health supervision services for children"

Insert: "well-child care"

13. Page 2, line 25 through page 3, line 1.

Following: "for" on page 2, line 25

Strike: "child health supervision services"

Insert: "well-child care"

14. Page 3, line 6.

Strike: "health supervision services"

Insert: "well-child care"

15. Page 3, line 7.

Following: "through"

Strike: "5"

Insert: "2"

Following: "age."

Strike: "These services"

Insert: "Benefits provided under this coverage"

16. Page 3, line 9.

Following: "certificate"

Insert: "issued under the policy"

17. Page 3, lines 10 through 13.

Following: "(2)" on line 10

Strike: remainder of line 10 through "age." on line 13

18. Page 3, line 14.

Strike: "Services to be covered at each visit"

Insert: "Coverage for well-child care under subsection (1)"

Following: "include"

Insert: ":

(a)"

19. Page 3, line 16.

Following: "guidance"

Strike: "and appropriate immunizations"

20. Page 3, line 17

Following: line 16

Strike: line 17 in its entirety

Insert: ", according to the schedule of visits adopted under the
early and periodic screening, diagnosis, and treatment
services program provided for in 53-6-101; and"

(b) routine immunizations according to the schedule for
immunizations recommended by the immunization practices advisory
committee of the U.S. department of health and human services."

21. Page 3, line 25.

Strike: "health supervision services for children"

Insert: "well-child care"

22. Page 4, lines 14 and 15.

Following: "for" on line 14

Strike: "child health supervision services"

Insert: "well-child care"

23. Page 4, line 20.

Strike: "health supervision services"

Insert: "well-child care"

24. Page 4, line 21.

Following: "through"

Strike: "5"

Insert: "2"

25. Page 4, line 22.

Strike: "These services"

Insert: "Benefits provided under this coverage"

26. Page 4, line 24 through page 4, line 2.

Following: "(2)" on page 4, line 24

Strike: remainder of page 4, line 24 through "age." on page 4,
line 2

27. Page 5, line 3.

Strike: "Services to be covered at each visit"

Insert: "Coverage for well-child care under subsection (1)"

Following: "include"

Insert: ":

(a)"

28. Page 5, line 5.

Following: "guidance"

Strike: "and appropriate immunizations"

29. Page 5, line 6.

Following: line 5

Strike: line 6 in its entirety

Insert: ", according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and"

(b) routine immunizations according to the schedule for immunizations recommended by the immunization practices advisory committee of the U.S. department of health and human services."

30. Page 5, line 14.

Strike: "health supervision services for children"

Insert: "well-child care"

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

LA 2-22-9
~~Ad~~/Coord.

SB 2-23 8:25
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 22, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 372 (first reading copy - white), respectfully report that Senate Bill No. 372 be amended and as so amended do pass:

1. Title, line 6.
Following: "MENINGITIS;"
Strike: "AND"

2. Title, line 7.
Following: "AND"
Strike: "52-2-723"
Insert: "52-2-735"
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 1, line 9.
Following: line 8
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because it amends 52-2-735 to require the department of health and environmental sciences to adopt rules to require children under 5 years of age to be immunized against *Haemophilus influenza* type "b" before being admitted to a day-care center unless an exemption has been claimed as provided in 20-5-405.

It is the intent of the legislature that the department adopt rules similar to rules established for administration of the school immunization laws, Title 20, chapter 5, part 4.

Furthermore, it is intended that rules allow persons to claim a religious or medical exemption from the immunization requirements contained in 52-2-735 in the same manner as provided in 20-5-405."

4. Page 3, line 7 through page 4, line 16.
Strike: section 3 in its entirety
Insert: "Section 3. Section 52-2-735, MCA, is amended to read:
"52-2-735. Health protection -- certification required. (1)
The department of health and environmental sciences shall adopt rules for the protection of children in day-care centers from the health hazards of inadequate food preparation, poor nutrition, and communicable diseases. Rules adopted by the department must include rules requiring children under 5 years of age to be immunized against *Haemophilus influenza* type "b" before being admitted for care in the facility unless an exemption has been claimed as provided in 20-5-405.

(2) Local public health authorities shall arrange to provide training to day-care center providers and employees regarding health hazards. Upon successful completion of the training the local public health authorities shall issue certificates to the providers and employees.

(3) In lieu of training, local public health authorities may elect to inspect facilities and issue certificates of approval to child-care center providers.

(4) Each applicant for a license to operate a day-care center shall submit to the department a certificate issued pursuant to subsection (2) or (3) before the department will issue a license.

(5) The local public health authority may charge the applicant a reasonable fee, not to exceed \$25, for any inspection necessary to issue a certificate of approval, or a fee not to exceed the documented cost for training it provides under this section."

NEW SECTION. Section 4. Effective dates. (1) [Sections 1 and 2] are effective July 1, 1991.

[Section 3 and this section] are effective on passage and approval, except that rules adopted by the department of health and environmental sciences may not be implemented prior to July 1, 1991."

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

74 2-22-91
And. Coord.

SB 2-3
Sec. of Senate

8:25

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 381 (first reading copy - white), respectfully report that Senate Bill No. 381 be amended and as so amended do pass:

1. Page 1, line 17.
Following: "board;"
Strike: "and"

2. Page 1, line 19.
Following: "board"
Insert: "; and"

(c) one nonvoting member who is a physician presently engaged in the practice of medicine in this state"

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

Feb 7-27-91
App. Coord.

Feb 2-23 6:25
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 23, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 209 (first reading copy - white), respectfully report that Senate Bill No. 209 be amended and as so amended do pass:

1. Page 1, line 19.

Strike: "6"

Insert: "7"

2. Page 2.

Following: line 4

Insert: "(1) Megafacility. \$15,000 for a facility with a planned capacity of more than 200,000 tons of solid waste per year."

Re-number: subsequent subsections

3. Page 2, line 7.

Following: "year"

Insert: "but not more than 200,000 tons per year"

4. Page 2, line 18 through page 3, line 22.

Following: "renewal" on line 18

Strike: "and" through "pounds" on page 3, line 22.

5. Page 3, line 23.

Following: "facility;"

Insert: "and"

6. Page 9, lines 1 and 2.

Following: "renewal" on line 1

Strike: "1" through "disposal." on line 2

Insert: "and based upon the following formula:

(i) for a major facility with a planned capacity of more than 25,000 tons of solid waste a year, \$8,000;

(ii) for an intermediate facility with a planned capacity of more than 5,000 tons a year but not more than 25,000 tons per year, \$6,000; and

(iii) for a minor facility with a planned capacity of not more than 5,000 tons a year, \$4,000."

7. Page 11.
Following: line 16
Insert:

NEW SECTION. Section 7. Filing fee for megafacility --
use. An applicant for a license under 75-10-221 to operate a
megafacility shall pay to the department a filing fee as provided
in this section based upon the department's estimated costs of
processing the license application. The filing fee must be
deposited in the solid waste management account, provided for in
75-10-117, for use by the department in licensing the facility.
The initial filing fee may not exceed the following scale, based
upon the megafacility's projected annual tonnage of waste:

- (1) base fee of \$40,000; plus
- (2) 20 cents a ton for every ton of waste over 200,000 tons.

NEW SECTION. Section 8. {standard} Codification
instruction. [Section 7] is intended to be codified as an
integral part of Title 75, chapter 10, part 2, and the provisions
of Title 75, chapter 10, part 2, apply to [section 7].

NEW SECTION. Section 9. Coordination instruction. If
Senate Bill No. 377 is passed and approved and if it includes a
section that provides a filing fee for a certificate of site
acceptability for a megalandfill, then [section 7 of this act] is
void."

Renumber: subsequent sections

Signed: 
Dorothy Eck, Chairman

2-23-91
Amd. Coord.

2-23-91 15:30
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 393 (first reading copy - white), respectfully report that Senate Bill No. 393 be amended and as so amended do pass:

1. Page 3, line 13.

Following: "designate."

Insert: "However, standards provided for in this section may not apply to inpatients of a health care facility in which a nurse or other licensed health care professional is authorized to administer the prescribed drug."

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

AM 22-91
Amd. Coord.

SP, 2-22 2:25
Sec. of Senate

41171280.6311

LGLCOR34 02-19-1991 11:16:12
Your TextDBMS Requests Were:
Bill: SB 0404/01

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 2/22

BILL NO. 464

SENATE BILL NO. 404 INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PARENTAL NOTIFICATION BEFORE A PHYSICIAN MAY PERFORM AN ABORTION UPON A MINOR; PROVIDING PROCEDURES FOR A COUNSELING OR JUDICIAL EXEMPTION FROM NOTIFICATION REQUIREMENTS; PROVIDING A MISDEMEANOR OFFENSE FOR VIOLATION OF NOTIFICATION REQUIREMENTS; AMENDING SECTION 41-1-405, MCA; AND REPEALING SECTION 50-20-107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in [sections 1 through ~~10~~ 11], unless the context requires otherwise, the following definitions apply:

(1) "Counselor" means the following, acting under the supervision of a physician:

- (a) a psychiatrist;
- (b) an ordained member of the clergy;
- (c) a psychologist licensed under 37-17-301;
- (d) a professional counselor licensed under 37-23-201;
- (e) a registered professional nurse or a certified nurse practitioner licensed under 37-8-407;
- (f) a practical nurse licensed under 37-8-417;
- (g) a social worker licensed under 37-22-305;
- (h) a physician assistant-certified approved under 37-20-402; or
- (i) a trained health care worker.

~~(1)~~ (2) "Emancipated minor" means a minor who:

- (a) is or has been married;
- (b) does not reside with a parent or guardian and supports herself from her own earnings or other independent means; or
- (c) has been granted an order of emancipation by a court.
- ~~(2)~~ (3) "Minor" means a person who is under 18 years of age.
- ~~(3)~~ (4) "Parent" means the natural or adoptive parent of a minor. The term does not include:

- (a) a person whose parental rights have been terminated by a court; or
- (b) a parent who does not have actual care, custody, and control of the minor.

NEW SECTION. Section 2. Minors -- parental notification requirement -- exceptions. (1) A physician may not perform an abortion upon a minor unless the physician first gives 48 hours actual notice, in person or by telephone, of his intent to perform the abortion to:

- (a) one of the minor's parents;
- (b) the minor's legal guardian; or
- (c) any other person standing in loco parentis if the

minor's parents are deceased and no guardian has been appointed.

(2) The provisions of subsection (1) do not apply if the minor:

(a) is an emancipated minor; ~~or~~

(b) has received counseling as provided in [section 10]; or

~~(b)(c)~~ has been granted an exemption from the notification requirement of subsection (1) by court order pursuant to [sections 4 through 9].

NEW SECTION. Section 3. **Constructive notice.** If a physician is unable, after reasonable effort, to reach the person required to receive notification under [section 2], the physician shall give constructive notice by certified mail, return receipt requested, to the person's last-known address. The time of delivery of constructive notice is considered to occur at noon on the next day on which regular mail delivery takes place subsequent to mailing.

NEW SECTION. Section 4. **Exemption.** A minor may be granted an exemption from the notification requirement of [section 2] by:

(1) receiving counseling as provided in [section 10]; or

(2) the youth court pursuant to the procedures set forth in [sections 5 through 9].

NEW SECTION. Section 5. **Petition for exemption from parental notification requirement.** (1) A minor who requests an exemption under [section 4(2)] shall petition the youth court for an exemption. The youth court shall assist the minor in preparing the petition required for the hearing pursuant to [section 6] and the notice of appeal required pursuant to [section 9]. The minor shall file the petition, setting forth:

(a) the name of the minor;

(b) the age of the minor;

(c) the name and address of:

(i) one of the minor's parents;

(ii) the guardian of the minor; or

(iii) if the parents are deceased and no guardian has been appointed, any other person standing in loco parentis of the minor;

(d) a statement that the minor has been fully informed of the risks and consequences of her decision;

(e) a statement that the minor is of sound mind and is sufficiently mature to consent to the abortion; and

(f) a statement that the minor requests appointment of counsel or a guardian ad litem.

(2) The petition must be signed by the minor.

NEW SECTION. Section 6. **Hearing on petition.** A hearing on the petition must be held in accordance with [section 8] as soon as possible within 5 days of the filing of the petition. The minor is not required to pay a filing fee. If the minor is unable to afford counsel, the court shall appoint counsel for the minor. At the hearing, the court shall hear evidence relating to:

(1) the emotional development, maturity, intellect, and understanding of the minor;

(2) the circumstances of the relationship between the minor and the parent, guardian, or person standing in loco parentis to

be notified under [section 2]; and

(3) any other matter that the court may find relevant in determining whether the minor should be granted an exemption from the notification requirement of [section 2].

NEW SECTION. Section 7. Decision by the court. (1) After holding the hearing pursuant to [section 6], the court shall issue its decree within 24 hours. In the decree, the court shall either:

(a) deny the petition for exemption from the notification requirement of [section 2], setting forth the grounds on which the petition is denied; or

(b) grant the petition for exemption, if the court finds that:

(i) the maturity of the minor has been established by clear and convincing evidence; and

(ii) it would be in the best interests of the minor to grant the petition for exemption.

(2) In the event the petition for exemption is granted, the court shall issue a written order that must be provided immediately to the minor or her guardian ad litem, attorney, or other individual designated by the court to receive the order.

(3) If the court fails to issue its decree within 24 hours after holding the hearing required in [section 6], the minor's petition is considered granted.

NEW SECTION. Section 8. Confidentiality of proceedings.

(1) All hearings held on a petition under [sections 5 through 9] are confidential and must be held in closed court without admittance of any person other than the minor, her counsel, or her guardian ad litem.

(2) All papers and records pertaining to the petition must be kept as a permanent, sealed record of the court and withheld from public inspection.

NEW SECTION. Section 9. Appeal of decision -- notice. An appeal from an order issued under the provisions of [section 7] may be taken to the supreme court by the minor. The minor is not required to pay a filing fee for the appeal. The record on appeal must be completed and the appeal perfected within 5 days from the filing of the notice of appeal. Because time may be of the essence regarding the performance of the abortion, the supreme court shall provide for expedited appellate review of cases appealed under this section.

NEW SECTION. Section 10. Counseling of minor prior to abortion -- waiver of notification. (1) Prior to the performance of an abortion upon a minor, a physician or counselor shall, upon request of the minor, provide pregnancy information and counseling in a manner and in language that will be understood by the minor. The physician or counselor shall:

(a) discuss the importance of involving the minor's parents, guardian, or other adult family members in the decisionmaking process concerning the pregnancy and whether the minor believes that involvement would be in her best interests;

(b) explain that the information provided to the minor is being given objectively and is not intended to coerce or persuade

the minor to choose to have an abortion or to carry the pregnancy to term;

(c) explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed or may reconsider a decision not to have an abortion at any time prior to viability of the fetus or if an abortion is necessary to preserve her life or health;

(d) explain to the minor the alternative choices available for managing the pregnancy, including:

(i) carrying the pregnancy to term and keeping the child;

(ii) carrying the pregnancy to term and placing the child for adoption or with a relative or obtaining voluntary foster care for the child; or

(iii) having an abortion;

(e) explain that public and private agencies are available to assist the minor with the alternative she chooses and that a list of these agencies and the services available from each will be provided upon request;

(f) explain that public and private agencies are available to provide birth control information and that a list of these agencies and the services available from each will be provided upon request;- and

(g) provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care, and adoption, along with information the minor seeks or, if the physician or counselor cannot provide the information, indicate where the minor can receive the information.

(2) The physician or counselor providing the information and counseling shall sign and date a form indicating that the requirements of subsection (1) were complied with and shall include his business address and telephone number. A copy of the signed form must be placed in the minor's medical record. The medical record must be maintained as provided by law.

(3) The written form containing the information and statements provided in this section and signed by the minor will be presumed to be evidence of compliance with the requirements of this section.

(4) The requirements of this section do not apply when, in the best medical judgment of the physician and based on the facts of the case before him, a medical emergency exists that so complicates the pregnancy or the health, safety, or well-being of the minor that an immediate abortion is required. A physician who, based on the medical emergency exception, does not comply with the requirements of this section shall state in the medical record of the abortion the medical indications on which his judgment was based.

(5) Compliance with the provisions of this section constitutes an exception to parental notification as provided in [section 2(2)(b)].

(6) Reimbursement for counseling services performed under this section must be made by the department of family services from funding provided for this purpose. A physician or counselor may apply to the department of family services for reimbursement.

NEW SECTION. Section ~~10-11~~. **Violation.** A person convicted of performing an abortion in violation of [section 2 or 3] shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

Section ~~11-12~~. Section 41-1-405, MCA, is amended to read:

"41-1-405. Emergencies and special situations. (1) Any health professional may render or attempt to render emergency service or first aid, medical, surgical, dental, or psychiatric treatment, without compensation, to any injured person or any person regardless of age who is in need of immediate health care when, in good faith, the professional believes that the giving of aid is the only alternative to probable death or serious physical or mental damage.

(2) Any health professional may render nonemergency services to minors for conditions which will endanger the health or life of the minor if services would be delayed by obtaining consent from spouse, parent, parents, or legal guardian.

(3) No consent shall be required of any minor who does not possess the mental capacity or who has a physical disability which renders him incapable of giving his consent and who has no known relatives or legal guardians, if a physician determines the health service should be given.

(4) Self-consent of minors shall not apply to sterilization or abortion, except as provided in [sections 1 through ~~10~~ 11]."

NEW SECTION. Section 12. **Repealer.** Section 50-20-107, MCA, is repealed.

NEW SECTION. Section 13. **Codification instruction.** [Sections 1 through ~~10~~ 11] are intended to be codified as an integral part of Title 50, chapter 20, and the provisions of Title 50, chapter 20, apply to [sections 1 through ~~10~~ 11].

NEW SECTION. Section 14. **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 2/22

Amendments to Senate Bill No. 393
First Reading Copy

BILL NO. 393

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

Prepared by Tom Gomez
February 22, 1991

1. Page 3, line 13.

Following: "designate."

Insert: "However, standards provided for in this section may not
apply to inpatients of a health care facility in which a
nurse or other licensed health care professional is
authorized to administer the prescribed drug."

Amendments to Senate Bill No. 371
First Reading Copy

Requested by Senator Judy Jacobson
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 20, 1991

1. Title, line 6.
Following: "WELL-CHILD"
Strike: "HEALTH SERVICES"
Insert: "CARE"
2. Title, line 7.
Following: "THROUGH"
Strike: "5"
Insert: "2"
3. Page 1, lines 11 and 12.
Following: "for" on line 11
Strike: "child health supervision services"
Insert: "well-child care"
4. Page 1, lines 17 and 18.
Following: "for" on line 17
Strike: "health supervision services"
Insert: "well-child care"
5. Page 1, line 18.
Following: "through"
Strike: "5"
Insert: "2"
6. Page 1, line 19.
Following: "age."
Strike: "These services"
Insert: "Benefits provided under this coverage"
7. Page 1, line 20.
Following: "certificate"
Insert: "issued under the policy"
8. Page 1, lines 21 through 24.
Following: "(2)" on line 21
Strike: remainder of line 21 through "age." on line 24

9. Page 1, line 25.

Strike: "Services to be covered at each visit"

Insert: "Coverage for well-child care under subsection (1)"

Following: "include"

Insert: ":"

(a) "

10. Page 2, line 2.

Following: "guidance"

Strike: "and appropriate immunizations"

11. Page 2, line 3.

Following: line 2

Strike: line 3 in its entirety

Insert: ", according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and"

(b) routine immunizations according to the schedule for immunizations recommended by the immunization practices advisory committee of the U.S. department of health and human services."

12. Page 2, line 11.

Strike: "health supervision services for children"

Insert: "well-child care"

13. Page 2, line 25 through page 3, line 1.

Following: "for" on page 2, line 25

Strike: "child health supervision services"

Insert: "well-child care"

14. Page 3, line 6.

Strike: "health supervision services"

Insert: "well-child care"

15. Page 3, line 7.

Following: "through"

Strike: "5"

Insert: "2"

Following: "age."

Strike: "These services"

Insert: "Benefits provided under this coverage"

16. Page 3, line 9.

Following: "certificate"

Insert: "issued under the policy"

17. Page 3, lines 10 through 13.

Following: "(2)" on line 10

Strike: remainder of line 10 through "age." on line 13

18. Page 3, line 14.

Strike: "Services to be covered at each visit"

Insert: "Coverage for well-child care under subsection (1)"

Following: "include"

Insert: ":"

(a)"

19. Page 3, line 16.

Following: "guidance"

Strike: "and appropriate immunizations"

20. Page 3, line 17

Following: line 16

Strike: line 17 in its entirety

Insert: ", according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and"

(b) routine immunizations according to the schedule for immunizations recommended by the immunization practices advisory committee of the U.S. department of health and human services."

21. Page 3, line 25.

Strike: "health supervision services for children"

Insert: "well-child care"

22. Page 4, lines 14 and 15.

Following: "for" on line 14

Strike: "child health supervision services"

Insert: "well-child care"

23. Page 4, line 20.

Strike: "health supervision services"

Insert: "well-child care"

24. Page 4, line 21.

Following: "through"

Strike: "5"

Insert: "2"

25. Page 4, line 22.

Strike: "These services"

Insert: "Benefits provided under this coverage"

26. Page 4, line 24 through page 4, line 2.

Following: "(2)" on page 4, line 24

Strike: remainder of page 4, line 24 through "age." on page 4, line 2

27. Page 5, line 3.

Strike: "Services to be covered at each visit"

Insert: "Coverage for well-child care under subsection (1)"

Following: "include"

Insert: ":"

(a)"

28. Page 5, line 5.

Following: "guidance"

Strike: "and appropriate immunizations"

29. Page 5, line 6.

Following: line 5

Strike: line 6 in its entirety

Insert: ", according to the schedule of visits adopted under the
early and periodic screening, diagnosis, and treatment
services program provided for in 53-6-101; and"

(b) routine immunizations according to the schedule for
immunizations recommended by the immunization practices advisory
committee of the U.S. department of health and human services."

30. Page 5, line 14.

Strike: "health supervision services for children"

Insert: "well-child care"

Amendments to Senate Bill No. 372
First Reading CopyDATE 2/22/91BILL NO. 372Requested by Senator Tom Towe
For the Senate Public Health, Welfare, and Safety CommitteePrepared by Tom Gomez
February 22, 1991

1. Title, line 6.
Following: "MENINGITIS;"
Strike: "AND"

2. Title, line 7.
Following: "AND"
Strike: "52-2-723"
Insert: "52-2-735"
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 1, line 9.
Following: line 8
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because it amends 52-2-735 to require the department of health and environmental sciences to adopt rules to require children under 5 years of age to be immunized against Haemophilus influenza type "b" before being admitted to a day-care center unless an exemption has been claimed as provided in 20-5-405.

It is the intent of the legislature that the department adopt rules similar to rules established for administration of the school immunization laws, Title 20, chapter 5, part 4.

Furthermore, it is intended that rules allow persons to claim a religious or medical exemption from the immunization requirements contained in 52-2-735 in the same manner as provided in 20-5-405."

4. Page 3, line 7 through page 4, line 16.

Strike: section 3 in its entirety

Insert: "Section 3. Section 52-2-735, MCA, is amended to read:

"52-2-735. Health protection -- certification required. (1)
The department of health and environmental sciences shall adopt rules for the protection of children in day-care centers from the health hazards of inadequate food preparation, poor nutrition, and communicable diseases. Rules adopted by the department must include rules requiring children under 5 years of age to be immunized against Haemophilus influenza type "b" before being admitted for care in the facility unless an exemption has been claimed as provided in 20-5-405.

(2) Local public health authorities shall arrange to provide training to day-care center providers and employees regarding health hazards. Upon successful completion of the training the local public health authorities shall issue certificates to the providers and employees.

(3) In lieu of training, local public health authorities may elect to inspect facilities and issue certificates of approval to child-care center providers.

(4) Each applicant for a license to operate a day-care center shall submit to the department a certificate issued pursuant to subsection (2) or (3) before the department will issue a license.

(5) The local public health authority may charge the applicant a reasonable fee, not to exceed \$25, for any inspection necessary to issue a certificate of approval, or a fee not to exceed the documented cost for training it provides under this section."

NEW SECTION. **Section 4. Effective dates.** (1) [Sections 1 and 2] are effective July 1, 1991.

[Section 3 and this section] are effective on passage and approval, except that rules adopted by the department of health and environmental sciences may not be implemented prior to July 1, 1991."

Amendments to Senate Bill No. 381
First Reading Copy

DATE 2/22/91

S BILL NO. 381

Requested by Senator Judy Jacobson
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 22, 1991

1. Page 1, line 17.
Following: "board;"
Strike: "and"

2. Page 1, line 19.
Following: "board"
Insert: "; and"

(c) one nonvoting member who is a physician presently
engaged in the practice of medicine in this state"

Amendments to Senate Bill No. 209
First Reading Copy

SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 2/22/91

Requested by Sen. Pipinich
For the Committee on Public Health

BILL NO. 209

Prepared by Paul Sihler
February 19, 1991

1. Page 1, line 19.

Strike: "6"

Insert: "7"

2. Page 2.

Following: line 4

Insert: "(1) Megafacility. \$15,000 for a facility with a
planned capacity of more than 200,000 tons of solid waste
per year."

Renumber: subsequent subsections

3. Page 2, line 7.

Following: "year"

Insert: "but not more than 200,000 tons per year"

4. Page 11.

Following: line 16

Insert:

"NEW SECTION. Section 7. Filing fee for megafacility --
use. An applicant for a license under 75-10-221 to operate a
megafacility shall pay to the department a filing fee as provided
in this section based upon the department's estimated costs of
processing the license application. The filing fee must be
deposited in the solid waste management account, provided for in
75-10-117, for use by the department in licensing the facility.
The initial filing fee must not exceed the following scale, based
upon the megafacility's projected annual tonnage of waste:

(1) base fee of \$40,000; plus

(2) 20 cents a ton for every ton of waste over 200,000 tons.

NEW SECTION. Section 8. {standard} Codification
instruction. [Section 7] is intended to be codified as an
integral part of Title 75, chapter 10, part 2, and the provisions
of Title 75, chapter 10, part 2, apply to [section 7].

NEW SECTION. Section 9. Coordination instruction. If
Senate Bill No. 377 is passed and approved and if it includes a
section that provides a filing fee for a certificate of site
acceptability for a megalandfill, then [section 7 of this act] is
void."

Renumber: subsequent sections

Amendments to Senate Bill No. 209
First Reading Copy

Requested by Senator Rye
For the Committee on Natural Resources

Prepared by Paul Sihler
February 21, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 7

DATE 2/22/91

§ BILL NO. 209

1. Page 2, lines 18 through 20.
Following: "renewal" on line 18
Strike: "and" through "year" on line 20
2. Page 2, line 22.
Strike: "\$3,500"
Insert: "\$8,000"
3. Page 2, line 25.
Strike: "\$3,000"
Insert: "\$6,000"
4. Page 3, line 3.
Strike: "\$2,500"
Insert: "\$4,000"
5. Page 3, lines 5 through 22.
Strike: the remainder of the statement of intent in its entirety
6. Page 8, line 23.
Following: "facility;"
Insert: "and"
7. Page 9, lines 1 and 2 .
Following: "renewal" on line 1
Strike: "i" through "disposal" on line 2

Amendments to Senate Bill No. 209
First Reading Copy

Requested by Senator Towe
For the Committee on Public Health

Prepared by Paul Sihler
February 22, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 8

DATE 2/22/91

BILL NO. 209

1. Page 2, line 20 through page 3, line 7.
Strike: "The" on page 2, line 20 through "75-10-221." on page 3,
line 7

2. Page 9, line 1.
Following: "renewal"

Insert: "and based upon the following formula:

(i) for a major facility with a planned capacity of more
than 25,000 tons of solid waste a year, \$3,500;

(ii) for an intermediate facility with a planned capacity of
more than 5,000 tons a year but not more than 25,000 tons per
year, \$3,000; and

(iii) for a minor facility with a planned capacity of not
more than 5,000 tons a year, \$2,500."

3. Page 9, line 2.
Following: "disposal."

Insert: "The fee must reflect the cost to the department of
administering the solid waste program based upon the level
of funding appropriated by the legislature."

Amendments to Senate Bill No. 209
First Reading Copy

Requested by Senators Rye and Towe
For the Committee on Public Health

SENATE HEALTH & WELFARE

EXHIBIT NO. 9

DATE 2/22/91

§ BILL NO. 200

Prepared by Paul Sihler
February 22, 1991

1. Page 2, line 18 through page 3, line 22.
Following: "renewal" on line 18
Strike: "and" through "pounds" on page 3, line 22.

2. Page 8, line 23.
Following: "facility;"
Insert: "and"

3. Page 9, lines 1 and 2.
Following: "renewal" on line 1
Strike: "i" through "disposal." on line 2
Insert: "and based upon the following formula:
 (i) for a major facility with a planned capacity of more than 25,000 tons of solid waste a year, \$8,000;
 (ii) for an intermediate facility with a planned capacity of more than 5,000 tons a year but not more than 25,000 tons per year, \$6,000; and
 (iii) for a minor facility with a planned capacity of not more than 5,000 tons a year, \$4,000."

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/ 22/91 S Bill No. 404 Time 4:13 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 Jacobson moved adoption of the amendments in EXH. #1 and the following amendment: page 6, line 10, following line 9, add, "The counselor must be selected by the minor. The physician selected to perform the abortion may refuse to accept a particular counselor or the signed form of the counselor and recommend another counselor." There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 s Bill No. 404 Time 4:14 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 Jacobson moved to pass SB 404 as amended. There
being 2 nays by Senators' Eck and Franklin and 6 ayes the motion
carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 393 Time 4:16 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 adoption of the amendment
in Exhibit #2. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 393 Time 4:20 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 393 as amended.

There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 332 Time 4:21 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 table SB 332. There being
no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 371 Time 4:31 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 371 Time 4:41 p.m.

NAME	YES	NO
SENATOR BURNETT		X
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 Rye moved to pass SB 371 as amended. There
being 1 nay by Senator Burnett and 7 ayes the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 372 Time 4:44 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 Jacobson moved adoption of the amendments in
Exhibit #4. There being one objection by Senator Hager and
7 ayes the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 372 Time 4:45 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 372 as amended.

There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 381 Time 4:47 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 Jacobson moved to adopt the amendments in Exhibit
#5. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 381 Time 4:48 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 381 as amended.

There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91 S Bill No. 209 Time 5:01 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
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 the amendments denoted
in Exhibits #6 and #9. There being one nay by Senator Jacobson
and 7 ayes the motion carried.