

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on April 1, 1991, at 3:40 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)
Thomas Towe (D)

Members Excused:

David Rye (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: None.

HEARING ON HOUSE BILL 989

Presentation and Opening Statement by Sponsor:

Representative Brent Cromley opened by saying this bill revises laws relating to food establishments. In 1990 the Food and Drug Administration issued a report of a random survey of 75 restaurants in Montana. The average score was 70, as it related to health. Had it been one point lower it would have been rated as unacceptable. The fee is currently \$50.00, he would like to see it raised to \$75.00. He passed the committee copies of Exhibit #1.

Proponents' Testimony:

The first witness was Mitzi Schwab, representing the Food and Consumer Safety Bureau, Department of Health and Environmental Sciences. See Exhibit #2 for a copy of her testimony.

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The second witness was Leon Stalk, representing the Montana Restaurant Association. He said they supported the original bill. The House committee amended the bill in section 7, civil penalties. He said they supported the \$75.00 fee because he was concerned the local governments would add an additional fee if enough money was not available for inspections.

The third witness was Charles Brooks, executive vice president of the Montana Retail Association. See Exhibit #3 for a copy of his testimony.

The fourth witness was Jean Johnson, executive director of the Montana Association of Homes For the Aging. She said they represented nursing, personal care and retirement homes. On behalf of the retirement and personal care homes she spoke in favor of the bill. They support the idea of standardized inspections. They have concerns about language in Section 7.

The fifth witness was Will Seltzer, Environmental Health Director, Lewis & Clark County. Mr. Seltzer said he stood in support of the bill. He said they do not fine institutions, it is a decision made by the court. Before this end, they usually perform multiple inspections, conversations with the county attorney and then to the judge. The fine is from \$0 - \$500. He said because tourism is so important to the state it is important to have safe restaurants. (See Exhibit #4 for a copy of the testimony that was turned in for Pete Frazier, representing the City/County Health Department, Missoula.)

Opponents' Testimony:

The first witness was Mark Staples, attorney for the Montana Tavern Association. He said this was difficult for him because on the House side he was a proponent. The Department of Health and Environmental Sciences (DHES) sought to receive input from the parties that would be effected by this legislation. He said the original figure requested was \$100.00 to bring the counties into compliance and to standardize the inspections. He said they felt that the \$100.00 was a 300 percent increase. The counties would add an additional fee to return to the business to review the progress of the findings of the inspection. He said they discussed this problem with DHES and the county representatives. He said they agreed to the \$75.00 fee with no double-dip by the counties. That was the agreement. He said he was told this bill would not guarantee that the counties could not charge an additional fee increase.

The second witness was Stuart Doggett, representing the Montana Innkeepers Association. He wanted to point out an amendment in sections 7 and 8, civil penalties. He said it should be limited to \$500.00. He said they were concerned about the recovery of costs by local jurisdictions.

Questions From Committee Members:

Senator Towe asked Mark Staples to define the term 'double dip'.

Mr. Staples said the counties charge an additional fee. If someone refuses to comply or is a gross violator he thinks the county should charge an additional fee. If someone follows the standards, the county inspector finds a minor violation and makes a return visit, he does not want them to charge an hourly fee besides the state fee. That is the double-dip.

Mr. Seltzer said their double-dipping only occurs after they have made two visits to the business. Usually, if they have to visit a third time, they have to make continual visits because the owner is not willing to comply. It is not fair to the persons who are complying to also pay these costs.

The chairman recognized Cal Campbell, a 20-year consultant with DHES. He said they intend to adopt rules setting performance standards that would eliminate this. But by state law they cannot regulate local ordinance.

Representative Cromley said he would not be opposed to adding language to the bill that would limit this problem.

Senator Pipinich asked Mr. Staples to respond.

Mr. Staples said prohibit the counties from charging for any part of the inspection.

Mr. Stalk commented that Missoula county would institute a fee on the second or third visit. They are contemplating instituting a separate license if there was not enough state money, a county/city license.

Senator Towe asked Mr. Doggett to comment about his proposed amendment.

Mr. Doggett said they wanted wording in the civil penalties language that was similar to HB 994.

Senator Towe asked Mitzi Schwab her opinion about the costs of investigation and other expenses regarding this area.

Ms. Schwab said she had not used the civil penalty clause. It is used occasionally with the Water Quality and Solid and Hazardous Waste bureaus. If someone has not conformed after several written notifications a petition would be filed in district court. She said she did not have specific costs.

Closing by Sponsor:

Representative Cromley closed by calling to the attention of the committee two items on page 1, (i). First, the food service program on the state level is an advisory program with no supervisory authority over local programs and second, license fees are set at the state level and are too low to operate an effective program. This bill is designed to remedy those and other deficiencies. Regarding the penalty costs, we are not talking about punishment but about devoting the funds to an education program.

HEARING ON HOUSE BILL 953Presentation and Opening Statement by Sponsor:

Representative Sheila Rice opened by saying this was a committee bill. It provides two small changes and provides for an appropriation to fund a second inspector to the Board of Cosmetology. This Board inspects beauty schools, parlors and other types of businesses. A problem can arise if that inspection results in a violation or a citation that is appealed to the Board, the same body that inspected the business. The committee thought annual inspections were important. This bill provides for an additional inspector. She read from page 2, line 12. She said there is currently about a \$417,000 fund balance for the Board of Cosmetology. She asked the chairperson to recognize the witnesses.

Proponents' Testimony:

The first witness was Marleen Sorm, chairman of the Board of Cosmetology. She said there were approximately 1,332 salons in Montana, with license fees of \$6,142.00. She contacted neighboring states regarding inspections. In Idaho they have 2,131 salons and a total amount of license fees of \$6,585.00. They employ three inspectors. South Dakota has 1,191 salons and license fees totaling \$4,580.00. They employ four inspectors. The additional inspector would ensure public safety.

The second witness was Rick Tucker, representing the State Association of Cosmetologists. The fact that the board members are performing the investigations is not good policy. He said they board could be sued because of conflict of interest. The only recourse is to district court. The inspector is needed.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Towe asked how many inspectors they currently employ.

Ms. Sorm said they employ one inspector and they are requesting a second one. The existing appropriations would support the position.

Closing by Sponsor:

Representative Rice closed by saying there were no problems with the bill. She thanked the committee for a good hearing.

EXECUTIVE ACTION ON HOUSE BILL 953

Motion:

Senator Burnett moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 8 ayes and 0 nays the motion carried.

HEARING ON HOUSE BILL 690

Presentation and Opening Statement by Sponsor:

Representative Hal Harper opened by saying this bill revised the cruelty to animal statutes. It has been reviewed by the veterinary community and by the humane societies. He read from the bill and said they added a penalty for repeated violations. People who commit these offenses do so repeatedly. Nothing in this bill will prohibit a person from humanely destroying an animal for just cause. The rodeo industry and farming practices are not intended to be addressed by this bill. He said this was a balanced bill.

Proponents' Testimony:

The first witness was Roger Tippy, representing the Montana Veterinary Association. He said they worked on drafting the bill and said it was carefully balanced.

The second witness was John Schufka, representing the Department of Livestock. He said they supported the bill.

Opponents' Testimony:

None.

Questions From Committee Members:

Senator Hager asked if Representative Harper would define the term 'cruel manner'.

Representative Harper said if you locked your dog in the car and it was 95 degrees out it would kill the dog. That is cruel.

Senator Hager asked if hens confined in cages would fit into the bill.

Representative Harper said before this law passes, it would depend on the judge. He said commonly accepted agricultural practices would be legitimized.

Senator Hager asked Mr. Schufka the same question.

Mr. Schufka said he agreed with Harper. It would be a commonly accepted livestock practice.

Senator Burnett asked if this bill were directed at the pet population.

Representative Harper said more or less. The livestock people were concerned that they could be the targets of negative bills.

Senator Burnett asked if they could amend the bill to just pertain to the pet population.

Representative Harper asked when was a horse a pet or when was it livestock.

Senator Burnett said he had been in the livestock business all his life. When a colt is brought in to break, most persons not familiar with livestock training would think they were treated rough. For example, withholding food and water to get their attention. He asked if this would be considered inhumane.

Representative Harper said what he was referring to were commonly used livestock techniques.

Senator Towe asked if a llama or a buffalo were considered livestock.

Mr. Schufka said they would be considered livestock under a portion of the livestock laws.

Senator Jacobson asked if transporting hunting dogs in the back of a car would be considered cruel.

Representative Harper said the county attorney would consider the charge. He said that would not be likely.

Closing by Sponsor:

Representative Harper closed by saying the points brought up during the hearing show how touchy amendments could be. He said the bill strikes a balance.

EXECUTIVE ACTION ON HOUSE BILL 690

Motion:

Senator Towe moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 6 ayes and 2 nays by Senators Burnett and Hager, the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 761

Motion:

Senator Towe moved to strike sections 2,3,4, and 5.

Discussion:

The chairperson explained the amendments that had been previously adopted.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Recommendation and Vote:

Senator Towe moved concurrence as amended. There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 785

Motion:

Senator Towe moved concurrence.

Discussion:

The chairperson said Mr. Barnhill had an amendment that would repeal the entire act. She said his reasoning was that it has not been used extensively. The bill removes DHES and inserts the Insurance Commissioner.

The chairperson recognized Mr. Dave Barnhill, Deputy Commissioner of Insurance who said the testimony by DHES was that the 1987 Act was designed to pertain to free-standing Health Maintenance Organizations (HMO). There would be an incentive to cut corners with regard to health delivery. DHES proposed a bill to remove them from the process. If this bill were enacted it would cause half regulation, which would not protect the public. However, DHES has testified that there has been no interest in establishing an HMO in Montana. When the bill was enacted into law the Insurance Department promulgated rules to implement their part of the Act.

Senator Pipinich asked what the need was for the bill.

Mr. Barnhill said either both departments' should be included or should be excluded.

The chairperson recognized Dale Taliaferro from DHES and asked him to comment.

Mr. Taliaferro said he could not speak to the removal of the Insurance Commissioner. He said they studied the regulation of quality of care and could not see any purpose. It was a duplication and could not be implemented because of inadequate funding and staff. The Insurance Commissioner has testified that it would be regulated more without this law because HMO's would then fall under regular health insurance. He said their request to repeal the entire law was reasonable.

Senator Franklin asked Tanya Ask, representing Blue Cross/Blue Shield if she thought the bill had merit.

Ms. Ask said they operate their own HMO as a line of business not a free-standing health care program. There has been some interest expressed by others to commence an HMO. It would be more cumbersome to try this without a law. A federally qualified HMO has more coverage to provide.

Senator Towe said there should be some law regarding HMOs. There is a justification for a state certification. He said he opposed the proposed amendments by the Insurance Commission.

Senator Pipinich said Stone Container Company in Missoula has an HMO and it is a good program.

Ms. Ask said that HMO is operated as a line of business by Blue Cross/Blue Shield. They are regulated by the Insurance Department. The primary care physicians they contract with have their own private practices in the community. They do not receive all their income from Blue Cross/Blue Shield.

Chairperson Eck said the bill does not allow DHES to make rules. If the bill is tabled would DHES write rules.

Mr. Taliaferro said they could write rules but would not implement them because of inadequate staffing. He said they are not funded for this. It is not related to anything DHES does.

Senator Jacobson said if they killed the bill DHES would have to write rules for programs that do not exist. We would have to fund the program.

Senator Towe asked Dave Barnhill if the Insurance Commission would be required to write rules.

Mr. Barnhill said they have rules in place to ensure the solvency of the HMO. If they are removed they will have to meet the solvency standards of insurance companies. They do not regulate the Blue Cross/Blue Shield under the HMO law, but under the Health Service Cooperation Act and the general provisions of the Insurance Code.

Senator Towe said tomorrow their might be an application. There needs to be a way to grant them authority to operate.

Senator Jacobson asked Mr. Barnhill if they did not adopt the amendments if they would perform their tasks differently.

Mr. Barnhill said they would not.

Senator Hager spoke against the motion because if an HMO wanted to come into Montana, they could do it under their line of business.

Senator Jacobson said if they do not pass the bill they are asking DHES to perform duties for an interest that has not arrived. If the amendments are adopted the HMO bill will be wiped out.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 8 ayes and 0 nays the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 788

Motion:

Senator Burnett moved do not pass.

Senator Franklin made a substitute motion to amend the bill by adopting the amendments in Exhibit #5. She explained the amendment by saying it was for clarification.

Discussion:

Senator Towe said he had a similar amendment.

Senator Franklin said Exhibit #5 spoke to the level of training.

Senator Towe asked if the term para-professional counselor were defined anywhere.

The chairman said she did not think it was.

Senator Hager read the amendment and said he thought it would be more appropriate to change the word 'the' to the word 'a'.

Senator Pipinich moved adoption of Exhibit #5 as modified by Senator Hager.

There being 3 nays by Senators' Burnett, Hager and Rye and 5 ayes the motion carried.

Senator Towe handed the committee copies of Exhibit #6, further amendments to the bill. He explained the amendments.

Motion:

Senator Pipinich moved to table the bill. He said he runs his campaign on pro-choice but asked that it be tabled for further work. There being 3 ayes by Senators Burnett, Hager, Pipinich and 4 nays by Senators' Franklin, Jacobson, Towe and Eck, the motion failed. (At the time of the vote Senator Rye had been excused and had not left his vote with the secretary.)

Senator Eck recessed the committee until 7:00 p.m. There being no objection the committee stood at ease.

The chairman reconvened the committee at 7:05 p.m.

Amendments, Discussion, and Votes:

Senator Towe moved to adopt the amendments in Exhibit #6 as amended.

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Senator Jacobson requested to segregate amendments 3,4, and 5. No objections were raised.

There being 7 ayes and 1 nay by Senator Rye the motion carried.

Senator Jacobson explained amendments 3,4, and 5 in Exhibit #6. She said she saw no problem with the length of the list of counselors but she objected to the loose language in the part regarding what will be covered in the counseling.

Senator Towe said he thinks it is important to allow for the counselor to use his discretion because some of the items may be inappropriate in certain cases. For example, an incest victim coming in for an abortion. It is probably not appropriate to counsel that victim on birth control information.

Senator Franklin said she found that compelling and said she understood Senator Jacobson's concern. But at some point there must be a clinical judgement involved in what is appropriate in a given set of circumstances. She said she thought the language clearly stated parameters.

Senator Jacobson said the circumstances mentioned by Senator Towe were rare. She said she did not find it that much of a problem. She said many of these were in SB 404.

Chairman Eck asked Senator Towe to read page 3, line 9, as it would be amended.

Senator Towe explained the amendments in that section.

Chairman Eck said she was asked to submit an amendment that would have stricken the words 'all of'.

Senator Towe read the amendments again and changed the amendment by striking #4.

Senator Towe moved adoption of amendments #3 and #5 of Exhibit #6.

There being 5 nays by Senators' Burnett, Hager, Jacobson, Pipinich and Rye and 3 ayes by Senators' Franklin, Towe and Eck the motion failed.

Motion:

Senator Pipinich moved to table the bill.

Discussion:

Senator Towe spoke against the motion.

Recommendation and Vote:

There being 5 ayes by Senators' Burnett, Hager, Jacobson, Pipinich and Rye and 3 nays by Senators' Franklin, Eck and Towe the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 909

Motion:

Senator Towe moved adoption of Exhibit #7 by including the statement of intent denoted in amendment #1 of Exhibit #9.

Discussion:

Mr. Gomez explained the amendments in Exhibit #8 which originated from Representative Dave Brown. They pertained to certification of counselors and would permit hours gained in an internship toward certification.

Senator Pipinich asked if the proposed amendments in Exhibit #8 would satisfy the problems expressed by Caleb Shields and other witnesses at the hearing.

Chairman Eck said she had spoken with Caleb Shields and he said he would be satisfied if those persons who were now in training would be grandfathered into the program.

Mr. Gomez explained the amendments in Exhibit #7 as being worked out with the Indian tribes. They expanded the grandfather provisions.

Senator Towe said he thought a statement of intent was needed in Exhibit #7. The last sentence should be a separate statement of intent.

Amendments, Discussion, and Votes:

There being 8 ayes and 0 nays the motion carried.

Senator Jacobson moved adoption of the amendments denoted in Exhibit #8.

There being no objections the motion carried.

Senator Franklin said one of her constituents was concerned about the effect of this bill on the program at the Salvation Army.

The chairman recognized Representative Brown who said the original amendments were developed with the input of Dull Knife College. The new language responds to a meeting between the tribes and the Department of Institutions.

Representative Brown continued by saying they were concerned that the current program was not certified, they would like to be certified. This allows that. It also requires the Department to keep those rules open for 4 years. He encouraged the committee to retain the March 1 date. The amendments allow the Department to set rules to meet the needs of the Salvation Army and similar organizations.

Recommendation and Vote:

Senator Jacobson moved concurrence as amended. There being 8 ayes and 0 nays the motion carried.

EXECUTIVE ACTION ON SENATE BILL 469

Motion:

Senator Jacobson moved not to pass the bill.

Discussion:

Senator Jacobson said she liked the concept of the bill but thought it would have a negative impact on mandated benefits. She said there is a study on mandated health care benefits and another bill pertaining to small business insurance. She said she would like to see how the other legislation works before considering this bill.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 8 ayes and 0 nays the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 862

Motion:

Senator Pipinich moved to table this measure.

Discussion:

Senator Pipinich said this bill is the back door approach to closing Galen and Warm Springs.

Senator Franklin disagreed, she said she would prefer to remove the portion of the bill pertaining to the agreement to admitting professionals. They can do these activities under existing law. It is a clinical responsibility on the part of the institution.

Chairman Eck said she did not think this bill was a plot to close Galen.

Senator Towe said this bill is only restricting and tightening the voluntary admissions into Warm Springs.

Senator Jacobson said an extensive study of Galen will be performed over the next two years. We need to review those findings.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 1 nay by Senator Eck and 7 ayes the motion to table carried.

EXECUTIVE ACTION ON HOUSE BILL 989

Motion:

Senator Towe moved adoption of amendments #2 and #4 of Exhibit #10 and amendment #1 of Exhibit #11.

Discussion:

The chairman recognized Mitzi Schwab, representing DHES, who passed the committee Exhibit #11.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Senator Towe moved adoption of amendment #5 of Exhibit #10.

There being no objections the motion carried.

Senator Towe moved adoption of amendment #3 of Exhibit #10.

There being no objections the motion carried.

Senator Jacobson asked why the late penalty fees which normally were deposited into the general fund were proposed to be deposited into a special DHES account.

The chairman recognized Ms. Schwab who said the intent was to allow the fees to assist in the enforcement of the program. She said they spend hundreds of hours trying to collect the fees. It would assist in funding the development of supporting local programs.

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Senator Jacobson said they were adding a special revenue account.

Ms. Schwab said the state portion breakdown is 85 percent returned to the counties and 15 percent deposited into the general fund.

Senator Towe moved adoption of reinstating the stricken language on page 5, line 25 and striking the underlined language. This would allow the late fee to be deposited to the general fund.

There being no objections the motion carried.

Recommendation and Vote:

Senator Towe moved concurrence as amended. There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 930

Motion:

Senator Towe moved adoption of the amendments denoted in Exhibit #12 and amendment #2 in Exhibit #13.

Discussion:

Senator Franklin said the issue was when a patient attended the commitment hearing it would be determined whether they had the capacity to consent to treatment. If they did not a guardianship hearing would be set to make decisions about the treatment. Taking care of this, coupled with a study resolution is what she thought was appropriate. She said whatever amendment is adopted, we need to include a study resolution with an effective date. She said she was concerned about the ramifications of the system.

The chairman recognized Kelly Moorsee, representing the Board of Visitors. She said there is a provision that allows if someone with a mental illness is not taking their medication they can go to court and reinstate the services in the community. She said voluntary admissions needed to be addressed, 50 percent of the admissions to the State Hospital are voluntary.

The chairman recognized Jim Smith, representing a mental health organization. He said he was included in the conference call between the parties. He said Senator Franklin and Representative Whalen had ideas about what should be done with the bill. He suggested not linking the commitment proceeding to the issue of guardianship. These are two distinct issues. It weakens the due process rights of the person with the mental illness. A voluntary versus an involuntary commitment needs to be addressed. Almost 50 percent of the admissions are on a voluntary basis. If they refuse treatment they can be automatically discharged.

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Mr. Smith continued by noting Exhibit #12, proposed amendments by Representative Whalen and said he would recommend adoption. He said they think the idea of a study is worthy. He asked that the committee not delay implementation of the proposed amendments and the bill.

Senator Franklin said she wanted a study inserted into the bill.

Senator Pipinich said they faxed proposed amendments to Warm Springs personnel. He said he received a telephone call from one of the parties and they asked for a study resolution.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Recommendation and Vote:

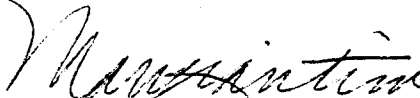
Senator Towe moved concurrence as amended. There being no objections the motion carried.

ADJOURNMENT

Adjournment At: 8:34 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL ~~YOTE~~

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 4/1 Public Hearings Bill No. _____ Time _____

NAME	YES	NO
SENATOR BURNETT	✓	
SENATOR FRANKLIN	✓	
SENATOR HAGER	✓	
SENATOR JACOBSON	✓	
SENATOR PIPINICH	✓	
SENATOR RYE <i>Excused</i>	✓	
SENATOR TOWE	✓	
SENATOR ECK	✓	

Secretary _____

Chairman _____

Motion: _____

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 953 (third reading copy -- blue), respectfully report that House Bill No. 953 be reported as:

Signed: _____
Dorothy Eck, Chairman

1991 4-2-91
Ad. Coord.

51 45-91 7:50
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 396 (third reading copy -- blue), respectfully report that House Bill No. 396 be passed in

C. B. Bick, Chairman

11

111-1-2-11
Adm. Coord.

111-1-2-11 7:50
Sec. of Senate

111-1-2-11

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 761 (third reading copy - blue), respectfully report that House Bill No. 761 be amended and as so amended be concurred in:

1. Title, lines 7 through 11.

Following: "OFFENSE;" on line 7

Strike: remainder of line 7 through "DISCLOSURE" on line 11

Insert: "REQUIRING RELEASE OF THE TEST RESULTS TO THE VICTIM AND
THE CONVICTED PERSON"

2. Page 2, lines 1 through 3.

Following: "[1]" on line 1

Strike: remainder of line 1 through "DISHASE," on line 3

3. Page 2, lines 4 through 6.

Following: "SHALL"

Strike: remainder of line 4 through "PERSON" on line 6

Insert: "release the information concerning the test results to:

(a) the convicted person; and

(b) the victim of the offense committed by the convicted person or to the parent or guardian of the victim if the victim is a minor"

4. Page 2, line 8.

Strike: "[SECTIONS 1 THROUGH 3]"

Insert: "this section"

5. Page 3, line 9 through page 5, line 17.

Strike: sections 2 through 5 in their entirety

Renumber: subsequent sections

6. Page 5, line 19.

Strike: "[SECTIONS 1 THROUGH 3] APPLY"

Insert: "[Section 1] applies"

Signed: _____

Dorothy Eck, Chairman

UB 4/1
Amd. Coord.

224/2
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 3, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 785 (third reading copy -- blue), respectfully report that House Bill No. 785 be considered and

Signed: _____
Dorothy Eck, Chairman

4-2-91
And. doord.

5-5-91
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Carew having had under consideration House Bill No. 909 (third reading copy -- blue), respectfully report that House Bill No. 909 be amended and as so amended be concurred in:

1. Page 1, line 17.

Following: line 16

Insert: " STATEMENT OF INTENT

A statement of intent is required for this bill because [section 6] requires the department or institution to adopt rules to define the requirements for demonstrating continuous effort in the certification or education process, which entitles an individual to apply for certification as a certified chemical dependency counselor under rules in effect on March 1, 1991, in lieu of certification in accordance with [section 1]. It is the intent of the legislature that rules require individuals applying for certification under [section 6] to:

(1) show a good faith, continuous effort in the certification or education process; and

(2) document their continuous effort every 4 months."

2. Page 2, line 3.

Following: "in"

Insert: "alcohol and drug studies,"

3. Page 2, line 5.

Following: "university;"

Strike: "or"

4. Page 2, line 6.

Following: line 5

Insert: "(ii) received an associate or art. degree in alcohol and drug studies, chemical dependency, or substance abuse from an accredited institution; or"

Renumber: subsequent subsection

5. Page 2, line 12.

Following: "program"

Insert: ", an internship supervised by the college or university and endorsed by the department,"

Following: "or"

Insert: "a"

6. Page 4, lines 22 and 23.

Strike: "[Sections 1 through 3] do"

Insert: "(1) [Section 1] does"

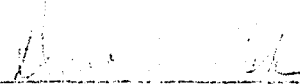
1. Page 4, line 23.
Following: "apply to"
Insert: "
(a)"

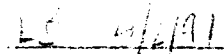
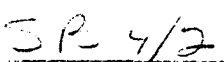
2. Page 5, line 1.
Following: "counselor"
Insert: "or

(b) persons who, prior to March 1, 1991, have:
(i) registered for certification under existing rules; or
(ii) enrolled in a specific remedial dependency hearing
program.

(3) Individuals referred to in subsection (1)(b) may comply
with the department's rules for certification in effect on March
1, 1991, in lieu of certification in accordance with [section 1],
provided they demonstrate continuous effort in the certification
or education process. Continuous effort must be defined in rules
to be adopted by the department"

Signed


Dorothy Beck, Chairman


Amd. Coord.

Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 169 (first reading copy - white), respectfully report that Senate Bill No. 169 do not pass.

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

4-2-91
M. Coord.

4-5-91 1570
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 889 (first reading only), respectfully report that House Bill No. 889 be amended and as so amended be concurred in:

1. Title, line 20.

Following: "HEALTH"

Insert: "PROHIBITING A COUNTY OR OTHER LOCAL GOVERNMENT FROM IMPOSING AN ADDITIONAL INSPECTION FEE OR CHARGE UNLESS MORE THAN TWO REMEDIAL INSPECTIONS ARE NECESSARY."

2. Page 3, line 10.

Following: "late fee"

Insert: "a presumption of local authority exception"

3. Page 3, line 11.

Following: "~~250~~"

Strike: "250"

Insert: "375"

4. Page 5.

Following: line 25

Insert: "(2) A county or other local government may not impose an inspection fee or charge in addition to the fee provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two visits to the establishment."

5. Page 6, line 21.

Following: "chapter"

Insert: "in the case of a viral violation. These costs are limited to the direct costs of investigations and other expenses"

Signed: _____

Corothy Eck, Chairman

And: Secord.

John A. Corbett

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 2, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 939 (third reading copy - blue), respectfully report that House Bill No. 939 be amended and as so amended be concurred in:

1. Page 17, line 15.

Following: line 14

Insert: "(7) In the case of a patient who lacks the capacity to exercise the right to consent to treatment described in subsection (6)(c), the right must be exercised on behalf of the patient by a guardian appointed pursuant to the provisions of Title 72, chapter 5.

(8) The department shall develop procedures for initiating limited guardianship proceedings in the case of a patient who appears to lack the capacity to exercise the right to consent described in subsection (6)(c)."

2. Page 19, line 19.

Following: line 18

Insert: "NEW SECTION. Section 10. Report to legislature. The department of institutions shall submit a report to the 53rd legislature concerning implementation of [section 7(6)(c) through (8)]."

Renumber: subsequent section

Signed. _____

Dorothy Eck, Chairman

LE 4-2-91
Amd. Coord.

7-2 4/2
Sec. of Senate

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 4/1/91 **EVALUATION**

^{HB}
BILL NO. 989 **OF THE**
MONTANA FOOD SERVICE
PROGRAM
1990

Prepared by:

Fritz H. Fuchs
Regional Food Specialist
U.S. Food and Drug Administration
Pacific Region

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

SENATE HEALTH & WELFARE

EXHIBIT NO. 3

DATE 4/1/91

H BILL NO. HB 989



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
TESTIMONY ON HOUSE BILL NO. 989

50-50, MCA gives joint authority to state and local health authorities to regulate food establishments. Proposed revisions are in response to extensive FY90 and FY91 program audits and solicitation of comments and proposals from local government and regulated industry.

Establishment annual licensure fees would be increased from \$30 to \$50 with 85% (\$42.50) deposited in the local board inspection fund to support local inspection programs, 6% (\$3.00) would be deposited in the general fund and 9% (\$4.50) deposited in a state special revenue account to be allocated to DHES for needed program support development. Licensure fees have only been increased by \$5 in the past 14 years. The minimum program requirement is two inspections/year with an average cost of \$200 per establishment based upon a 1990 survey of Montana local program cost survey and a 1990 U.S. Food and Drug Administration (FDA) survey of food establishments. The original licensure fee proposal of \$75.00 with the same percentages to local and state program support was determined to be the minimum fee to provide needed local and state resources to implement needed statewide program performance standards to provide uniformity and accountability. Deposit of assessed late fee penalties into the special revenue account allocated to DHES is to provide a funding source for program enforcement.

Amendment of 50-50-305, MCA provides accountability for fee monies paid to local governments through the local board inspection fund. Provisions made include: 1) designating program generated funding must be used for the program; 2) programs receiving payment will meet minimum program performance standards as established by rule; 3) nonsupplanting of other program funds by grant monies increases; and 4) DHES may use unpaid grant monies to provide temporary 50-50, MCA provisions. Cooperative agreements will continue to be used with local government and program accountability through adoption of minimum performance standards will promote uniformity statewide.

Definitions for "commercial establishment" and "food warehouse" have been added for needed statutory legal interpretation and regulation of the food distribution chain. Amendment of section 50-50-301, MCA (Section 4) ensures inspections are performed by qualified public health professionals with HB943 language coordination, and amendment of section 50-50-302, MCA (Section 5) provides language coordination with (Section 4) of proposed standard language for regulated establishment access of conducted investigations and inspections. Section 7 - Civil penalties provides an enforcement alternative in addition to injunction and prosecution of criminal charges. Section 9 - Costs and expenses - provides allows for compliance cost recovery by DHES or counties from regulated establishments.

DHES requests a "do pass" committee report. Thank you.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mitzi A. Schwab".

Mitzi A. Schwab, Chief, Food and Consumer Safety Bureau
Telephone: 444-2408

- Exhibit # 2
4-1-91 HB 989



County of Yellowstone

CITY-COUNTY HEALTH DEPARTMENT



POST OFFICE BOX 35033
BILLINGS, MONTANA
59107

March 28, 1991

Dear Senator

The Yellowstone City-County Health Department is in support of House Bill 989. It is strongly urged that this bill be approved by the Senate Public Health, Welfare and Safety Committee.

It is also our recommendation that the license fee increase to \$75 be reinstated to this bill when it is reviewed by the committee on April 1, 1991.

Sincerely,

Ted Kylander, R.S.

Gary Drakshaw R.S.

Louis Lador R.S.

Central Montana Health District

Sanitarian's Office

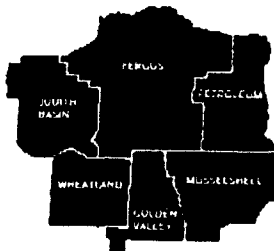
Exhibit # 2
4-1-91 HB 989

404 Fourth Avenue South

~~XXXXXXXX~~

Lawistown, Montana 59457

Telephone 406/538-7466



● Fergus

● Golden Valley

● Wheatland

● Musselshell

● Petroleum

● Judith Basin

March 28, 1991

Honorable Dorothy Eck
Public Health, Welfare and Safety Committee Chairman
Capital Station
Helena, Montana 59621

REF: HB #989

Dear Senator Eck:

The Central Montana Health District would appreciate your support of HB #989 Concerning Food Service Establishments.

This bill is scheduled to be heard Monday, April 1, 1991, at 1:00 p.m.

This bill is important to Health District and Sanitarians across the state because they will:

1. Provide for uniform inspection throughout the state
2. Provide for civil penalties not criminal penalties
3. Provide more money for inspections. Right now, inspection costs exceed license fees.

Thank you for your consideration.

Sincerely,

Kenneth F. Smith, R.S.
Health Officer
Central Montana Health District

KFS:jp

State of Montana

Exhibit # 2
4-1-91 HB 989

County of Gallatin

Bozeman

F A X T R A N S M I T T A L M E M O
TO: Dorothy Eck, Senator
DEPT: Public Health FAX #: (406) 444-1374
FROM: Justin Buchanan PHONE: (406) 444-1410
CO: Gallatin Co. FAX #: (406) 444-1403
Post-It brand fax transmittal memo 7671

NO. OF
PAGES

2

April 1, 1991

Dorothy Eck, Chairman
Public Health, Welfare and Safety Committee
Helena, MT 59602

Dear Dorothy:

House Bill 989 will soon be introduced to your committee. The contents of this bill deals with the licensing of food establishments.

The bill originally asked that license fees be \$75.00 for a food purveyors license. This fee has since been cut to \$50.00. The Gallatin County Health Department is urging you to support the original \$75.00 license fee.

For a county relying heavily on tourist trade, we need to ensure safe, wholesome foods to our visitors in addition to our residents. The only way to achieve this goal is with a strong inspection program made possible with the fee increase.

Thank you,

Justin Buchanan, R.S.
Gallatin County Sanitarian

JB/st

Exhibit # 2
4-1-91 HB 989

TO: SENATE PUBLIC HEALTH COMMITTEE MEMBER
FROM: JIM CARLSON, DIRECTOR
ENVIRONMENTAL HEALTH DIVISION
DATE: MARCH 28, 1991
RE: HB989 FOOD ESTABLISHMENTS FEE INCREASE

THE PROPOSED LICENSE FEE FOR FOOD ESTABLISHMENTS WAS LOWERED FROM \$75 TO \$50 BY RECENT AMENDMENTS. THE PRESENT FEE OF \$30 COVERS ONLY A SMALL FRACTION OF ACTUAL INSPECTION PROGRAM COSTS AND LEAVES NO MONEY OR INCENTIVE FOR EDUCATION, STANDARDIZATION OR PROGRAM IMPROVEMENT.

I AM URGING YOU TO SUPPORT THE ORIGINALLY PROPOSED FEE OF \$75 FOR ALL FOOD ESTABLISHMENTS. IF THIS FEE IS NOT APPROVED, MISSOULA WILL BE FORCED TO ASK THE CITY COUNCIL TO PASS AN ADDITIONAL LICENSE FOR FOOD ESTABLISHMENTS SIMILAR TO BILLINGS AND GREAT FALLS. THE FOOD AND BEVERAGE INDUSTRY DOES NOT WANT A VARIATION IN FEES AND INSPECTION PRACTICES ACROSS THE STATE. WITHOUT THE FEE INCREASE TO \$75, MORE VARIATION WILL RESULT.

WITH THE FEE INCREASED TO \$75, THE STATE AND LOCAL JURISDICTIONS WILL BE ABLE TO INITIATE A STANDARDIZED INSPECTION PROGRAM AND LEVEL THE PLAYING FIELD IN THE FOOD SERVICE INDUSTRY ACROSS THE STATE. EDUCATION, A MAJOR COMPONENT IN A QUALITY FOOD SERVICE PROGRAM, COULD BE INCREASED. LOCAL JURISDICTIONS NEED THE FUNDS PROVIDED BY A \$75 LICENSE FEE.

PLEASE SUPPORT HB989 WITH A LICENSE FEE OF \$75/YEAR FOR FOOD SERVICE ESTABLISHMENTS. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT 523-4755.



Flathead City-County Health Department

723 5th Ave. East • Kalispell, Montana 59901
Environmental Health Services 756-5632 • Community Health Services 756-5633

Date: April 1, 1991
To: Dorothy Eck, Chairperson
Senate Public Health, Welfare and Safety Committee
From: Flathead City-County Board of Health

TESTIMONY: HB 989

The Flathead City-County Board of Health supports the revisions to the Food Purveyor rules proposed as House Bill 989. The proposed legislation will benefit our health department in the following manner:

- 1) Civil penalties will be added to the laws along with authorization for injunctions to enjoin violations of the laws.
- 2) Establish minimum performance standards for the inspection program as it pertains to standardized inspection protocols and to the documentation of work performed.
- 3) Increased license fees to offset the cost of administering the program at the state and local levels.

We urge you to vote favorably upon this bill without the amended fee changes. It is imperative that this additional money be supplied to local health departments so that we may effectively carry out this program. A substantial reduction in resources occurs with the amended fee change which would substantially hinder our performance to accomplish this vital service to our community.

Visitors to the Flathead Valley, as well as the people who reside in Flathead County depend upon these services to assure their health and safety. We urge your support of the legislation introduced as HB 989.

Respectfully submitted,

Jane Lopp
Jane Lopp, Chairperson

Flathead City-County Board of Health

State of Montana

County of Gallatin

Bozeman

- Exhibit # 2
4-1-91 HB 989



April 1, 1991

Dorothy Eck, Chairman
Public Health, Welfare and Safety Committee
Helena, MT 59602

Dear Dorothy:

The Montana Environmental Health Association supports house bill 989, concerning food service establishments. During the most recent business meeting for the Montana Environmental Health Association the membership endorsed house bill 989. The association was in agreement with the original proposal for a seventy five dollar licensure fee for food service establishments. The association recognizes the need for a quality inspectional program that would be further facilitated by the increased revenues to local health departments with passage of house bill 989.

Sincerely,

A handwritten signature in cursive script that reads "Tim Read".

Tim Read, President
Montana Environmental Health Association



Exhibit #
4-1-91 HB 989

COUNTY OF STILLWATER

STATE OF MONTANA

COLUMBUS, MONTANA

March 28, 1991

Telephone: (406) 322-5237
Fax: 322-4698

Senator Jim Burnett
Capital Station
Helena, MT 59620

RECEIVED

MAR 29 1991

RE: HB-989

MONTANA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES
2000 2 CONSUMER SAFETY BUREAU

Honorable Jim Burnett:

A hearing is scheduled in the Public Health Committee on Monday, April 1, 1991 on the above referenced bill and I urge your input to reestablish the \$75.00 license fee.

If the food service inspection program is going to continue with a credible quality and yet not require additional money from tax revenues, it is imperative that we adhere to Governor Stephens' spirit of higher fees and his increase in taxes.

For this reason, I ask that you support the \$75.00 fee instead of the amended amount.

For a more thorough detailed explanation, Mr. Cal Campbell will be happy to discuss this with you. He can be contacted at 444-2408.

Thank you.

Respectfully,

Rod Fink, R.S.

RF/rmk
cc. Cal Campbell



Executive Office
318 N. Last Chance Gulch
P.O. Box 440
Helena, MT 59624
Phone (406) 442-3388

SENATE HEALTH & WELFARE

EXHIBIT NO. 3

DATE 4/1/91

H BILL NO. 989

TESTIMONY
APRIL 1, 1991
HEALTH COMMITTEE
HB 989

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

FOR THE RECORD, I AM CHARLES BROOKS EXEC. V.P. OF THE MONTANA RETAIL ASSOCIATION AND ITS AFFILIATES. I APPEAR TODAY FOR SEVERAL MEMBERS WHO ARE IN SUPPORT OF HB 989.

WE FEEL IT IS TIME THE DEPARTMENT OF HEALTH BE ALLOWED TO IMPLEMENT STANDARDIZATION OF INSPECTIONS STATE WIDE. SEVERAL OF OUR MEMBERS HAVE LOCATIONS THROUGHOUT THE STATE WITH EACH LOCATION OPERATING UNDER DIFFERENT RULES AND REGULATIONS IMPOSED BY THE LOCAL HEALTH INSPECTORS. STANDARDIZATION WOULD ALLOW OUR MEMBERS TO SET UP STATEWIDE PROGRAMS FOR THEIR OPERATIONS AND WOULD BE COST EFFECTIVE TO OPERATE UNDER THE SAME INSPECTION PROGRAMS. THE ADDITIONAL LICENSE FEES WOULD BE OFF SET BY SAVINGS IN OPERATIONS UNDER THIS PROPOSED LEGISLATION. WE ALSO FEEL IT IS NECESSARY THAT A STRONG TRAINING PROGRAM BE IMPLEMENTED TO PROPERLY TRAIN LOCAL INSPECTORS.

WE ASK YOUR SUPPORT OF THIS LEGISLATION AND GIVE HB 989 A DO PASS RECOMMENDATION.

THANK YOU FOR YOUR CONSIDERATIONS.

WITNESS STATEMENT

*didn't use
handed in
by Will Seltzer*

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 1 day of April, 1991.

Name: Pete Frazier

Address: 3305 17 Ave S
Great Falls, MT

Telephone Number: 761-3808 (H) 761-1190 (W)

Representing whom?

City- Co Health

Appearing on which proposal?

HB 989

Do you: Support? ☒ Amend? Oppose?

Comments:

Comments attached

TESTIMONY ON HB 989

SENATE HEALTH & WELFARE

EXHIBIT NO. 4

DATE 4/1

HBILL NO. 989

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER, DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN GREAT FALLS.

I COME TO YOU TODAY IN SUPPORT OF HB 989. THE INSPECTIONAL SERVICES PROVIDED TO FOOD SERVICE ESTABLISHMENTS BY SANITARIANS IN LOCAL HEALTH DEPARTMENTS IS A CRITICALLY IMPORTANT FUNCTION, BOTH FOR THE BENEFIT OF THE GENERAL PUBLIC AND THE ESTABLISHMENT OWNERS. ACCORDING TO CENTERS FOR DISEASE CONTROL STATISTICS, OVER 9,000 DEATHS A YEAR OCCUR NATIONWIDE FROM VARIOUS FOODBORNE ILLNESSES. WITHOUT PROPER ONGOING INSPECTION PROGRAMS, THE GENERAL PUBLIC CAN BE AT RISK AND THE ESTABLISHMENT OPERATORS CAN BE OPEN FOR COSTLY SUITS SHOULD THEIR ESTABLISHMENT BE PROVEN THE CAUSE OF A SERIOUS FOODBORNE OUTBREAK. IT COSTS OVER \$100 TO PERFORM A PROPER INSPECTION OF A TYPICAL FOOD SERVICE ESTABLISHMENT, AND THESE ESTABLISHMENTS SHOULD BE INSPECTED AT LEAST TWICE A YEAR. UNDER THE CURRENT FOOD SERVICE LICENSE FEE SCHEDULE OF \$30 PER YEAR, LOCAL HEALTH DEPARTMENTS RECEIVE \$25.50 PER LICENSED ESTABLISHMENT IN THEIR COUNTY TO HELP OFFSET THE COST OF THESE NECESSARY INSPECTIONS. AS YOU CAN SEE, THIS COVERS ONLY ABOUT 13% OF THE ANNUAL COSTS TO LOCAL DEPARTMENTS TO PERFORM THESE INSPECTIONAL SERVICES. WITH ALL THE OTHER REQUIRED RESPONSIBILITIES PLACED ON LOCAL HEALTH DEPARTMENT SANITARIANS FOR SUCH AREAS AS SEPTIC SYSTEM PERMITTING AND INSPECTIONS, UNDERGROUND STORAGE TANK INSPECTIONS, JUNK VEHICLE PROGRAM ADMINISTRATION, SUBDIVISION REVIEW, ETC., AND WITH EVER SHRINKING LOCAL HEALTH DEPARTMENT BUDGETS, SOME DEPARTMENTS ARE ON THE VERGE OF CEASING FOOD SERVICE INSPECTIONS DUE TO LACK OF FUNDING. SHOULD THIS HAPPEN, THE BURDEN TO PICK UP THESE INSPECTIONS WOULD FALL UPON THE STATE FOOD & CONSUMER BUREAU WHICH IS NEITHER FUNDED NOR STAFFED ADEQUATELY TO PERFORM THESE ADDED RESPONSIBILITIES. THIS WOULD LEAVE A VOID IN THE STATE FOOD SERVICE PROGRAM, OPENING THE STATE UP FOR A POTENTIALLY LARGE INCREASE IN FOODBORNE ILLNESS PROBLEMS.

HOWEVER, IN SECTION 2 OF HB 989, THE FOOD SERVICE LICENSE FEE WAS PROPOSED TO BE INCREASED TO \$75 PER YEAR. ALTHOUGH THIS MAY SOUND LIKE A LARGE INCREASE, IT MEANS THAT FOOD SERVICE ESTABLISHMENTS WOULD, IN ESSENCE, BE PAYING ONLY \$6.25 A MONTH FOR

TESTIMONY ON HB 989
PAGE TWO

A VERY IMPORTANT SERVICE. THIS IS A VERY CHEAP INSURANCE POLICY AGAINST POTENTIALLY HIGH LIABILITY COSTS FOR BEING INVOLVED IN A FOODBORNE ILLNESS OUTBREAK. ALTHOUGH THERE IS NO GUARANTEE THAT BECAUSE THEY ARE INSPECTED THEY WON'T HAVE A PROBLEM, THE CHANCES OF BEING INVOLVED IN A FOODBORNE ILLNESS SITUATION ARE GREATLY REDUCED. WITH THE INCREASED LICENSE FEE, LOCAL HEALTH DEPARTMENTS WILL SEE AN INCREASE IN THEIR FUNDING THAT WILL OFFSET THE INSPECTION SERVICE COSTS BY ABOUT 32%. ALTHOUGH THIS IS NOT A GREAT INCREASE, IT IS PROBABLY ENOUGH TO KEEP MOST, IF NOT ALL, LOCAL DEPARTMENTS INVOLVED IN THE FOOD SERVICE PROGRAM. HOWEVER, THE HOUSE AMENDED THE BILL, REDUCING THE PROPOSED LICENSE FEE FROM \$75 TO \$50. THIS AMENDMENT DROPS OUR FUNDING BACK TO ABOUT 20% OF LOCAL DEPARTMENT INSPECTIONAL COSTS AND WILL NOT BE ENOUGH TO KEEP MANY DEPARTMENTS INVOLVED. THEREFORE, WE URGE THE COMMITTEE TO REAMEND THE BILL BACK TO THE ORIGINAL PROPOSAL OF \$75 ON PAGE 5, LINE 12.

IN ADDITION, THIS BILL PROVIDES THE NECESSARY CHECKS AND BALANCES SO THAT LOCAL HEALTH DEPARTMENTS WON'T RECEIVE THIS FUNDING IF THEY DON'T OR CAN'T MEET MINIMUM PROGRAM PERFORMANCE STANDARDS ESTABLISHED BY DHES. THIS MEANS THAT, WITH SUCH STANDARDS, THERE SHOULD NOW BE CONSISTENCY IN INSPECTIONS STATEWIDE, SOMETHING THAT BOTH LOCAL DEPARTMENTS AND THE INDUSTRY HAVE BEEN WANTING FOR YEARS.

IT IS MY UNDERSTANDING THAT THE TAVERN ASSOCIATION AND RESTAURANT ASSOCIATION HAVE HAD INPUT IN THIS BILL'S DRAFTING AND SUPPORT THIS LEGISLATION. WE, TOO, SUPPORT IT, AND URGE THIS COMMITTEE TO GIVE A "DO PASS" RECOMMENDATION TO HB 989 AFTER AMENDING THE LICENSE FEES IN SECTION 2 ON PAGE 5 BACK TO \$75.

THANK YOU.

SENATE HEALTH & WELFARE

EXHIBIT NO. 5

DATE 4/1

H BILL NO. 788

Amendments to House Bill No. 788
Third Reading Copy (Blue)

Requested by Sen. Franklin
For the Senate Committee on Public Health, Welfare and Safety

Prepared by Eddye McClure
April 1, 1991

1. Page 6, line 12.

Following: "~~or~~"

Insert: "; or

(i) a paraprofessional counselor trained by the physician"
a

Amendments to House Bill No. 788
Third Reading Copy

DATE 3/4/91

BILL NO. 788

Requested by Senator Tom Towe
For the Senate Public Health, Welfare, and Safety CommitteePrepared by Tom Gomez
April 1, 1991

1. Page 2, lines 2 and 3.
Following: "state" on line 2
Strike: remainder of line 2 through "LAW," on line 3
2. Page 2, lines 11 through 13.
Following: "practice." on line 11
Strike: remainder of line 11 through "SELECTION." on line 13
3. Page 3, line 9.
Following: "minor."
Strike: "The"
Insert: "As part of the counseling, the"
4. Page 3, line 10.
Following: "ADDRESS"
Strike: "ALL OF" *(the following)*
5. Page 3, line 11.
Following: "MATTERS"
Insert: "to the extent and"
6. Page 6, lines 1 and 2.
Following: "following" on line 1
Strike: remainder of line 1 through "physician" on line 2
7. Page 6, line 10.
Following: "37-22-305;"
Strike: "OR"
8. Page 6, line 12.
Following: "or"
Insert: "or"
9. Page 6, line 7.
Following: "worker"
Strike: "a"
10. Page 6, line 14.
Following: line 13 *paraprofessional counselor trained by a physician*
Insert: "(i) a ~~trained health care worker~~, acting under the supervision of a physician."
11. Page 9, line 7.
Following: "CHILD"
Insert: "~~after the first trimester~~ except in the case of severe fetal defects"

SENATE HEALTH & WELFARE
EXHIBIT NO. 7
DATE 4/1
BILL NO. 909

SECTION 6 APPLICABILITY

Amendment to follow first paragraph:

(2) [Section 1] Does not apply to persons who prior to March 1, 1991 have:

(a) registered for certification under existing rules, or

(b) enrolled in a specific chemical dependency degree program.

(3) Individuals referred to in subsection (2) above may comply with the department's Alcohol and Drug Abuse Division rules and regulations in effect on March 1, 1991 in lieu this act, provided they demonstrate continuous effort in the certification or education process. Continuous effort shall be defined in rules to be adopted by the department. ~~It is the intent of this legislation that the applicant document this effort every four months.~~

Amendments to House Bill No. 909
Third Reading Copy

Requested by Representative Dave Brown
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
March 27, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. _____

DATE _____

BILL NO. _____

1. Page 2, line 3.

Following: "in"

Insert: "alcohol and drug studies,"

2. Page 2, line 5.

Following: "university;"

Strike: "or"

3. Page 2, line 6.

Following: line 5

Insert: "(ii) received an associate of arts degree in alcohol and
drug studies, chemical dependency, or substance abuse from
an accredited institution; or"

Renumber: subsequent subsection

4. Page 2, line 12.

Following: "program"

Insert: ", an internship supervised by the college or university
and endorsed by the department,"

5. Page 4, lines 22 and 23.

Strike: "[Sections 1 through 3] do"

Insert: "[Section 1] does"

Amendments to House Bill No. 909
Third Reading Copy

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
April 2, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 9

DATE 4/1/91

BILL NO. 909

1. Page 1, line 17.
Following: line 16
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 6] requires the department of institutions to adopt rules to define the requirements for demonstrating continuous effort in the certification or education process, which entitles an individual to apply for certification as a certified chemical dependency counselor under rules in effect on March 1, 1991, in lieu of certification in accordance with [section 1]. It is the intent of the legislature that rules require individuals applying for certification under [section 6] to:

- (1) show a good faith, continuous effort in the certification or education process; and
- (2) document their continuous effort every 4 months."

2. Page 2, line 3.
Following: "in"
Insert: "alcohol and drug studies,"

3. Page 2, line 5.
Following: "university;"
Strike: "or"

4. Page 2, line 6.
Following: line 5
Insert: "(ii) received an associate of arts degree in alcohol and drug studies, chemical dependency, or substance abuse from an accredited institution; or"
Renumber: subsequent subsection

5. Page 2, line 12.
Following: "program"
Insert: ", an internship supervised by the college or university and endorsed by the department,"
Following: "or"
Insert: "a"

6. Page 4, lines 22 and 23.
Strike: "[Sections 1 through 3] do"
Insert: "(1) [Section 1] does"

Ex. 9
4/1/91

AB 909

7. Page 4, line 23.
Following: "apply to"
Insert: ":"
(a)"

8. Page 5, line 1.
Following: "counselor"
Insert: "; or

- (b) persons who, prior to March 1, 1991, have:
- (i) registered for certification under existing rules; or
- (ii) enrolled in a specific chemical dependency degree

program.

(2) Individuals referred to in subsection (1)(b) may comply with the department's rules for certification in effect on March 1, 1991, in lieu of certification in accordance with [section 1], provided they demonstrate continuous effort in the certification or education process. Continuous effort must be defined in rules to be adopted by the department"

Amendments to House Bill No. 989
Third Reading Copy

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
April 3, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 17

DATE 4/1

BILL NO. 089

1. Title, line 20.

Following: "HEALTH"

Insert: "PROHIBITING A COUNTY OR OTHER LOCAL GOVERNMENT FROM
IMPOSING AN ADDITIONAL INSPECTION FEE OR CHARGE UNLESS MORE
THAN TWO REMEDIAL INSPECTIONS ARE NECESSARY;"

2. Page 5, line 10.

Following: "late fee"

Insert: "-- preemption of local authority -- exception"

3. Page 5, line 12.

Following: "\$75"

Strike: "\$50"

Insert: "\$75"

4. Page 5.

Following: line 25

Insert: "(3) A county or other local government may not impose an
inspection fee or charge in addition to the fee provided for
in subsection (1) unless a violation of this chapter or rule
persists and is not corrected after two visits to the
establishment."

5. Page 8, line 21.

Following: "chapter"

Insert: "in the case of a wilful violation. These costs are
limited to the direct costs of investigations and other
expenses"

Proposed Amendments to House Bill 989
Third Reading Copy
Montana Department of Health and Environmental Sciences

April 1, 1991

1. Title, page 1, line 20.

Following: "HEALTH;"

Insert: "PROHIBITING A LOCAL HEALTH BOARD FROM IMPOSING AN
ADDITIONAL INSPECTION FEE UNLESS MORE THAN TWO REMEDIAL
INSPECTIONS ARE NECESSARY;"

2. Page 5, line 12.

Following: "\$50"

Insert: "\$75"

3. Page 5.

Following: line 25

Insert: "(3) A local board of health may not impose an inspection fee upon an establishment in addition to the fee referred to in subsection (1) unless the establishment has violated a provision of this chapter or a rule adopted under this chapter and more than two inspections are necessary to ensure the violation is corrected."

DATE FOR RELEASE

EXPIRATION DATE

DATE

BILL NO

Intzi

Amendments to House Bill No. 930
Third Reading Copy

Requested by Representative Tim Whalen
For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
March 27, 1991

SENATE HEALTH & WELFARE
EXHIBIT NO. 12
DATE 4/1
BILL NO. 930

1. Page 17, line 15.

Following: line 14

Insert: "(7) In the case of a patient who lacks the capacity to exercise the right to consent to treatment described in subsection (6)(c), such right must be exercised on behalf of the patient by a guardian appointed pursuant to the provisions of Title 72, chapter 5.

(8) The department shall develop procedures for initiating limited guardianship proceedings in the case of a patient who appears to lack the capacity to exercise the right described in subsection (6)(c)."

Amendments to House Bill No. 930
Third Reading Copy

DATE 4/1

BILL NO. 930

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
April 2, 1991

1. Page 17, line 15.

Following: line 14

Insert: "(7) In the case of a patient who lacks the capacity to exercise the right to consent to treatment described in subsection (6)(c), the right must be exercised on behalf of the patient by a guardian appointed pursuant to the provisions of Title 72, chapter 5.

(8) The department shall develop procedures for initiating limited guardianship proceedings in the case of a patient who appears to lack the capacity to exercise the right to consent described in subsection (6)(c)."

2. Page 19, line 19.

Following: line 18

Insert: "NEW SECTION. Section 10. Report to legislature. The department of institutions shall submit a report to the 53rd legislature concerning implementation of [section 7(6)(c) through (8)]."

Renumber: subsequent section

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 HBill No. 953 Time 4:22 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 Burnett moved concurrence. There being no objections
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 690 Time 4:40 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 concurrence. There being 6 ayes and 2 nays
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 761 Time 4:50 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 concurrence as amended. There being
no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 761 Time 4:46 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 to strike sections 2,3,4, and 5. There
being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 Bill No. 785 Time 5:05 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 concurrence. There being no objections
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 788 Time 5:15 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 adoption of the amendment in Exhibit #5
which will read: "a paraprofessional counselor trained by
a physician." There being 5 ayes and 3 nays the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 788 Time 5:24 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 table. There being a tie vote
the motion failed.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 788 Time 7:06 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 all amendments in Exhibit
#6 except amendments 3,4, and 5. There being 7 ayes and
1 nay the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 788 Time 7:10 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 amendments #3 and #5 of
Exhibit #6. There being 5 nays and 3 ayes the motion failed.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 788 Time 7:16 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 Pipinich moved to table the bill. There being
5 ayes and 3 nays the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91

H Bill No. 909

Time 7:45 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 Towe moved adoption of the amendments denoted in
Exhibit #7 and including the statement of intent denoted
in amendment #1 of Exhibit #9. There being no objections
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 909 Time 7:55 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
denoted in Exhibit #8. There being no objections the
motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91

H Bill No. 909

Time 7:55 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 concurrence as amended. There
being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 S Bill No. 469 Time 8:00 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 not to pass this bill.

There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 989 Time 8:05 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 amendments #2 and #4 of
Exhibit #10 and amendment #1 of Exhibit #11. There
being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91

H Bill No. 989

Time 8:06 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 amendment #5 of Exhibit #10.

There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 989 Time 8:07 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 amendment #3 of Exhibit #10.

There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 862 Time 8:10 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 table. There being 1 nay and
7 ayes the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 989 Time 8:10 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 reinstating the stricken
language on page 5, line 25 and striking the underlined
language. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 989 Time 8:11 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 concurrence as amended. There being
no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 930 Time 8:30 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 #12 and amendment #2 in Exhibit #13. There being
no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 04/01/91 H Bill No. 930 Time 8:33 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 concurrence as amended. There being
no objections the motion carried.

4/01/91

DATE 7/01/91
Senate Public Health

VISITORS' REGISTER

(Please leave prepared statement with Secretary)