

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Senator Dorothy Eck, Chair, on January 11, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Dorothy Eck, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Chris Christiaens (D)
Sen. Tom Hager (R)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: none.

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Laura Turman, Committee Secretary

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

Committee Business Summary:

Hearing:
Executive Action: SB 6, SB 7, SB 34, SB 45

EXECUTIVE ACTION ON SB 6

Motion/Vote:

Sen. Christiaens moved the amendments to SB 6. Motion carried unanimously.

Motion/Vote:

Sen. Franklin moved that SB 6 as amended DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB 7

Discussion:

Chairman Eck said there was discussion that SB 7 DO NOT pass, there was a petition put forth by several groups. (Exhibit #1)

Sen. Franklin said even if the amendments were accepted to SB 7, the number of people on the board is increased.

Sen. Towe asked how the board increased. Susan Fox, Legislative Council, said the amendment as submitted would add parents of children with emotional disturbances under Sub A, which would keep the increase to the board.

Sen. Towe asked if there was a suggestion that the category of family members of persons with severe and disabling mental illness does not include parents of children with emotional disturbances. Sen. Eck said that there was no testimony concerning this, but it was suggested that parents of children with emotional disturbances fit better with the other group. If we did that, it would mandate one other person to the board, and there would be objection.

Sen. Franklin said adding parents of children with emotional disturbances would limit serving family members of persons with severe and disabling mental illnesses.

Sen. Towe asked if family of persons with severe and disabling mental illness were covered by the category of emotional disturbance. Sen. Franklin said that it would not be.

Sen. Franklin asked about the legal definition of emotional disturbance. Kathy McGowan said "emotionally disturbed" is a reference to children whereas "seriously mentally ill" is in reference to adult. Ms. McGowan said putting these two categories together would really upset the Montana Alliance for the Mentally Ill.

Motion:

Sen. Franklin moved that SB 7 DO NOT PASS.

Discussion:

Sen. Towe said he wanted to hear more discussion. He was opposed to adding members to the board, but if the Committee took amendment 5, to add a fourth category and one person must be chosen among those four groups instead three groups. This does not add anyone to the board. That would satisfy Dave Cunningham's concerns. He would like to hear comments of the others.

Sen. Klampe said it sounded good.

Chairman Eck said that even a fourth category were added, groups like the Rimrock Foundation would never be named to the board.

Sen. Towe said that the Rimrock Foundation wouldn't be named, but individuals like Marion Dozier who spearheaded this legislation and who had been a city council member would be appointed to the board. They would not feel locked out if they were one of the options.

Substitute Motion:

Sen. Towe moved that Amendment 5 be adopted, and change the word "three" to "four" on line 12.

Discussion:

Susan Fox said there would be adjustments to reflect that change. It would be "three members at large" and then "two members must be chosen" from Sub A.

Sen. Towe went through the amendments.

Vote:

Motion carried unanimously.

Motion/Vote:

Sen. Towe moved that SB 7 DO PASS as amended. Motion carried unanimously.

Sen. Towe said if Sen. Nathe changed SB 7 to the original form on the Floor of the Senate, Sen. Towe would oppose SB 7.

EXECUTIVE ACTION ON SB 34

Chairman Eck turned the Chairmanship over to Sen. Eve Franklin for executive action on SB 34.

Discussion:

Susan Fox, Legislative Council, explained the amendments offered by Fred Fisher of the Board of Crime Control which would an additional member to the coordinating council, so both the Attorney General and the Administrator of the Board of Crime Control would have a spot on the council.

Sen. Towe and Susan Fox discussed the amendments. (Exhibit #2)

Chairman Franklin asked Sen. Eck how she felt about striking the preparation of a biannual budget document in section F. Sen. Eck said that it is a new concept and the coordinating council would choose to do or not to do that.

Sen. Towe had concerns about staffing of the coordinating council from the governor's office. Sen. Eck said she didn't think they could get money from the governor's office. She said she would rather accept the amendments offered by the Board of Crime Control and be on hand when SB 34 appears before the Finance Subcommittees.

Motion:

Sen. Towe moved the amendments as presented by the Board of Crime Control.

Vote:

Motion carried unanimously.

Motion:

Sen. Eck moved that the Committee DO PASS SB 34 as amended.

Discussion:

Sen. Klampe asked for comments about possibility of Sunsetting a bill like SB 34. Sen. Rye said he would be against a Sunset date on SB 34 because he could not see a time during the next decade that a coordinating council would not be needed.

Sen. Rye concerns were concerning travel reimbursement. Susan Fox said that unless they were a full-time employee of the state, each member would be entitled to \$25.00 for each day plus travel expenses. Sen. Christiaens pointed out that this would apply to only two individuals.

Vote:

SB 34 concurred as amended unanimously.

Discussion:

Sen. Christiaens said 4 million dollars of the 6 million of preventative federal money goes to the Office of Public Instruction for school programs, and 2 million dollars go towards drug testing and education for the Department of Corrections, and the rest for investigation and prosecution of drug cases in Montana. There is little money available for the coordinating council.

Sen. Eck asked about grants to local groups. Sen. Christiaens said generally funds go to the sheriff's department or the police department.

Sen. Eck said that Fred Fisher said that one of the directives of the expenditure of the federal funds was to plan for collaboration. Sen. Eck said there are two other bills which address prevention to come to the Public Health Committee soon, so Committee members should keep that in mind.

EXECUTIVE ACTION ON SB 45

Discussion:

Sen. Towe said that he had received amendments from the Board of Morticians, and they showed a good faith effort of addressing the concerns Sen. Towe had during the first hearing of SB 45. He asked that SB 45 be kept open for review.

Motion:

Sen. Towe moved that on page 3, Line 21, strike "an adult child" and insert "a majority of adult children", and that grammatical corrections be made to reflect this change.

Vote:

Motion to Amend SB 45 carried unanimously.

Discussion:

Bonnie Tippy, Board of Morticians, said that the problem with the Sen. Towe's additions to the Board of Mortician's amendment is that the new amendment says that anyone has a cause of action and what the Board of Morticians is trying to do is to limit who can sue a funeral home or crematory. They don't want "people coming out of the woodwork to launch a lawsuit."

Sen. Towe said that his additions to the amendment meant that if funeral homes and crematories follow procedure outlined in SB 45, it is presumed they are acting without negligence.

Chairman Eck asked if that section should be replaced. Sen. Towe said that he had asked to delay further action until this had been worked out with the Board of Morticians.

Sen. Christiaens asked about the disposal of ashes. Susan Fox asked the Department of Commerce about the definition of "disposition", and they said that it is an industry standard term, and if the Committee defined "disposition", it may compromise something for the Department of Health.

Chairman Eck asked about remains being kept for a certain period of time. Susan Fox said that the Montana Trial Lawyers Association had liability concerns about this as well.

Sen. Towe said he takes the position of the Board of Morticians in the instance of disposing of remains. SB 45 requires that a very accurate record be kept of the authorizing agent's wishes regarding the disposal of remains. If the crematorium is lax about keeping a record, then they are negligent. Sen. Towe said he would review all these points with the Board of Morticians and the Montana Trial Lawyers Association.

Sen. Rye asked Sen. Towe if he were a member of the Montana Trial Lawyers Association. Sen. Towe said he was not a member, but that he agreed with them on this issue.

Sen. Towe asked about the dangers of pace makers. Bonnie Tippy said they are very dangerous and can explode. The morticians or a doctor must remove them, and it is very important that authorizing agents let the crematory personnel know about pace makers.

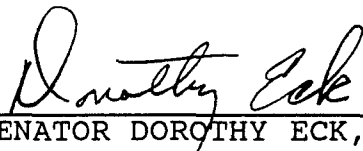
Sen. Christiaens asked about a scar left by the implantation of a pace maker. Mary Lou Garrett, Board of Morticians, said that it is similar to other operational scars.

Sen. Towe said that if the authorizing agent failed to disclose the implantation of a pace maker in a body, then the funeral director would have a lawsuit against that individual.

Chairman Eck said executive action on SB 45 would be finished after Sen. Towe had a chance to speak with the Board of Morticians.

ADJOURNMENT

Adjournment: Chairman Eck adjourned the meeting.



SENATOR DOROTHY ECK, Chair



LAURA TURMAN, Secretary

DE/LT

ROLL CALL

SENATE COMMITTEE Public Health DATE 1-11-93

NAME	PRESENT	ABSENT	EXCUSED
CHRISTIAENS	✓		
HAGER	✓		
KLAMPE	✓		
MESAROS	✓		
RYE	✓		
TOWE	✓		
FRANKLIN	✓		
ECK	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 12, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 6 (first reading copy -- white), respectfully report that Senate Bill No. 6 be amended as follows and as so amended do pass.

Signed: 
Dorothy Eck, Chair

That such amendments read:


1. Page 1, lines 22 and 23.
Following: "for" on line 22
Strike: "severely mentally disabled"
Following: "persons"
Insert: "with severe mental illness"

2. Page 3, line 3.
Following: "of"
Strike: "a"

3. Page 3, line 4.
Following: "provided"
Strike: "system of care"
Insert: "programs"

4. Page 3, line 7.
Following: "stabilize"
Strike: "severely mentally disabled"
Following: "persons"
Insert: "with severe mental illness"

-END-

 Amd. Coord.
Sec. of Senate

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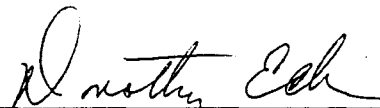
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 12, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 7 (first reading copy -- white), respectfully report that Senate Bill No. 7 be amended as follows and as so amended do pass.

Signed: _____



Dorothy Eck, Chair

That such amendments read:

1. Title, line 8.

Following: "ILLNESSES"

Strike: "MUST"

Insert: "MAY"

2. Page 2, line 25.

Following: "of"

Strike: "four"

Insert: "three"

3. Page 3, line 2.

Strike: "Three"

Insert: "Two"

4. Page 3, line 5.

Following: "and"

Insert: "and"

5. Page 3, lines 7 through 10.

Following: "illnesses"

Strike: "; and" on line 7 through "illnesses" on line 10.

6. Page 3, line 15.

Following: ";

Strike: "or"


7. Page 3, line 16.

Following: "professionals"

Insert: ";

(iv) organizations that provide community support services, such as food, housing, and clothing, to persons with severe and disabling mental illnesses"

-END-



Amd. Coord.
Sec. of Senate

071048SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
January 12, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 34 (first reading copy -- white), respectfully report that Senate Bill No. 34 be amended as follows and as so amended do pass.

Signed: 
Dorothy Eck, Chair

That such amendments read:

1. Title, lines 10 and 11.

Strike: "PROVIDING" on line 10 through "PROGRAMS;" on line 11

2. Page 1, line 21.

Following: "following"

Strike: "nine"

Insert: "10"

3. Page 2, lines 3 and 4.

Following: "general" on line 3

Strike: "or, as a designee, the administrator of the board of
crime control"

4. Page 2, line 5.

Strike: "2-15-2006"

Insert: "2-15-501"

5. Page 2, line 11.

Following: ";

Strike: "and"

6. Page 2, line 14.

Following: "services"

Insert: "; and

(i) the administrator of the board of crime control
provided for in 2-15-2006"

7. Page 2, line 19.

Following: "system"

Insert: "that will strengthen the healthy development, well-being, and safety of children, families, individuals, and communities"

8. Page 2, line 25 through page 3, line 3.

Following: "services" on page 2, line 25

Strike: remainder of line 25 through "services" on page 3, line 3.

9. Page 3, line 6.

Following: ";"

Insert: "and"

10. Page 3, line 9.

Following: "programs"

Strike: "; and"

Insert: "."

11. Page 3, lines 10 through 12.

Strike: subsection (f) in its entirety

12. Page 3, line 23.

Strike: "shall provide"

Insert: "may assist in providing"

-END-

MONTANA COUNCIL OF
MENTAL HEALTH CENTERS

324 FULLER AVENUE
HELENA, MT 59601

(406) 442-7808

SENATE HEALTH & WELFARE

EXHIBIT NO # 1

DATE 1-11-93

BILL NO. SB 7

January 11, 1993


Senate Public Health and Welfare Committee

The membership of the Montana Council of Mental Health Centers unanimously opposes SB 7 to expand membership on mental health governing boards to include a representative of another community agency.

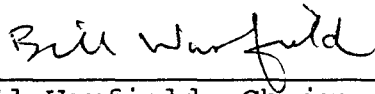
MCA 53-21-204 mandates composition of mental health center governing boards. Each governing board is well represented by the region's county commissioners or designees, as well as consumer representatives. Further expansion of governing boards is not only costly but unnecessary as well.

We believe that this bill is an attempt to solve a local issue however, passing this bill would impact the entire state.

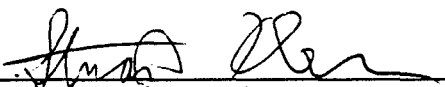
Thank you for your consideration.



Donna Heggem
Fergus County Commissioner



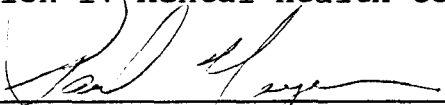
Bill Warfield, Chairman



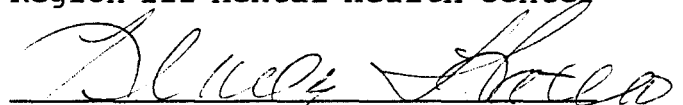
Stuart Klein, Director
Region IV Mental Health Center



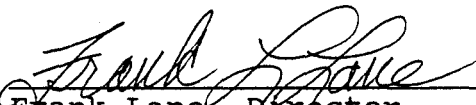
Robert M. Ross
Region III Mental Health Center



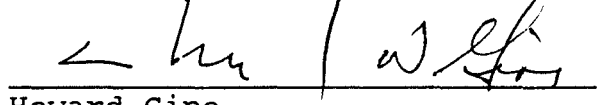
Paul Meyer, Director
Region V Mental Health Center



Linda Hatch, Director
Region II Mental Health Center



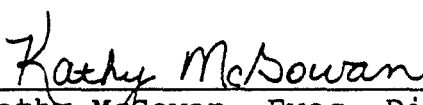
Frank Lane, Director
Region I Mental Health Center



Howard Gipe
Flathead County Commissioner



Joy McGrath, Executive Director
Mental Health Association of
Montana



Kathy McGowan, Exec. Director
Montana Council of Mental
Health Centers

Amendments to Senate Bill No. 34
First Reading Copy

For the Committee on Public Health, Welfare, and Safety

Prepared by Susan B. Fox
January 8, 1993

1. Title, lines 10 and 11.
Strike: "PROVIDING" on line 10 through "PROGRAMS;" on line 11

2. Page 1, line 21.
Following: "following"
Strike: "nine"
Insert: "10"

3. Page 2, lines 3 and 4.
Following: "general" on line 3
Strike: "or, as a designee, the administrator of the board of
crime control"

4. Page 2, line 5.
Strike: "2-15-2006"
Insert: "2-15-501"

5. Page 2, line 11.
Following: ";"
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Following: "services"
Insert: "; and
(i) the administrator of the board of crime control
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7. Page 2, line 19.
Following: "system"
Insert: "that will strengthen the healthy development, well-
being, and safety of children, families, individuals, and
communities"

8. Page 2, line 25 through page 3, line 3.
Following: "services" on page 2, line 25
Strike: remainder of line 25 through "services" on page 3, line
3.

9. Page 3, line 6.
Following: ";"
Insert: "and"

10. Page 3, line 9.
Following: "programs"
Strike: "; and"
Insert: "."

11. Page 3, lines 10 through 12.
Strike: subsection (f) in its entirety

12. Page 3, line 23.
Strike: "shall provide"
Insert: "may assist in providing"

NAME Nancy Lou Garrett

ADDRESS _____

HOME PHONE ~~5433~~ WORK PHONE 444-5433

REPRESENTING Board of Medicines

APPEARING ON WHICH PROPOSAL? SB45

DO YOU: SUPPORT _____ OPPOSE _____ AMEND _____

COMMENTS:

Answer any questions on
Exemption Legislation on SB45
on behalf of the Board of Medicines

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Legislative Audit Committee

State of Montana

Report to the Legislature

December 1992

Sunrise Report -- 1993 Biennium

Summary of Sunrise Proposals for the Licensure of:

- ▶ **Crematoriums and Crematory Technicians**
- ▶ **Clinical Laboratory Science Practitioners**
- ▶ **Property Managers**
- ▶ **Denturists**

Direct comments/inquiries to:
Office of the Legislative Auditor
Room 135, State Capitol
Helena, Montana 59620

93SP-11

Legislative Audit Committee

Montana State Legislature

Room 135, State Capitol
Helena, MT 59620
(406) 444-3122

SENATE MEMBERS

Senator Greg Jergeson, Chair
Senator Eve Franklin
Senator Lorents Grosfield
Senator Tom Keating

HOUSE MEMBERS

Representative John Cobb, Vice-Chair
Representative Larry Grinde
Representative Mike Kadas
Representative Robert Pavlovich

December 1992

The 53rd Montana State Legislature:

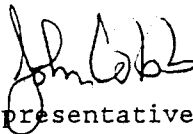
This report is in response to the Sunrise law which requires the Legislative Audit Committee to evaluate qualifying proposals to establish new professional or occupational licensing programs. The Committee must also review proposals to transfer licensing programs between existing licensing boards. During the 1993 Biennium, the Committee evaluated proposals to establish licensing programs for crematoriums and crematory technicians, clinical laboratory science practitioners, and property managers. The Committee also evaluated a proposal to transfer the regulation of denturists from the Board of Dentistry to the Alternative Health Care Board.

Section 2-8-203, MCA, requires the Committee to report to the legislature on its recommendations as to whether each of the professions or occupations should be licensed by the state. The Committee is to include in the report its estimates of the costs of each licensing program and a schedule of fees to recover these costs. The Committee's recommendations are shown on page 2. The Committee's estimates for costs and fees are shown on page 3.

Respectively submitted,



Senator Greg Jergeson, Chairman
Legislative Audit Committee



Representative John Cobb, Vice Chairman
Legislative Audit Committee

Legislative Audit Committee
SUNRISE -- 1993 BIENNIUM

Introduction

The intent of the Sunrise Law (Chapter 266, Laws of Montana 1987) was to improve the legislature's ability to evaluate the need for new professional and occupational licensing programs. Under this law, the Legislative Audit Committee is required to evaluate any qualifying proposal to: 1) establish a new licensing board; 2) add another occupation or profession to an existing board; 3) consolidate any existing licensing boards; or 4) transfer a licensing program between existing licensing boards.

In order for a proposal to qualify for review, the applicant must submit the proposal in the form of a report to the Legislative Audit Committee at least 180 days before the start of the legislative session. The report must provide information to the Committee related to the need for licensure and how the proposed board will operate. For consolidation or transfer proposals the report must describe the benefits of the proposal. Each proposal must include an application fee.

After the Legislative Audit Committee receives the completed report and application fee, the Committee will hold a public meeting to consider the report. The Committee hears testimony from the applicant and any other interested parties. The Committee considers information presented in the applicant's report and testimony given at the public hearing to make its recommendation as to whether the profession or occupation should be licensed. For consolidation or transfer proposals the Committee can recommend the legislature adopt the proposal or adopt some modification of the proposal. Section 2-8-203, MCA, requires the Committee to make its recommendation in a report to the legislature for its next regular session. The report must also include an estimate of the cost to the state for each of the licensing programs along with a proposed schedule of fees that will recover the costs of each program.

Public Hearings

On October 19, 1992, the Legislative Audit Committee heard testimony concerning proposals to license crematoriums and crematory technicians and clinical laboratory science practitioners. On November 20, 1992, the Committee heard testimony concerning a proposal to license property managers and a proposal to transfer regulation of denturists to the Alternative Health Care Board. The Committee voted on its recommendations for the first two proposals at its November meeting. Final Committee action related to Sunrise was taken at the Committee's meeting on December 21, 1992.

The following is a summary of Committee action and recommendations for the four professions which went through the Sunrise process

during the 1993 biennium. Also presented are the Committee's estimates on projected costs for each of the licensing proposals and the estimated fees to cover those costs.

Clinical Laboratory Science Practitioners

A motion was made by Senator Svrcek to recommend licensure for clinical laboratory science practitioners. The motion carried with a unanimous vote.

Crematoriums and Crematory Technicians

A motion was made by Representative Pavlovich to recommend licensure for crematoriums and crematory technicians. The motion carried with a 7 - 0 vote and one abstention.

Denturists

A motion was made by Representative Pavlovich to not recommend the transfer of regulation of denturists from the Board of Dentistry to the Alternative Health Care Board. The motion carried with a unanimous vote.

Committee discussion after this motion indicated the applicant may bring other alternatives before the 1993 Legislature.

Property Managers

A motion was made by Representative Kadas to recommend licensure for property managers. The motion carried with a unanimous vote.

Licensing Program Costs and Fees

The Committee and the Department of Commerce reviewed the cost information provided by the applicants. The Committee believes the final figures are reasonable estimates of the yearly costs for the new licensing programs. To cover the costs of these new programs, the applicants and department staff estimated the necessary licensing fees. The Committee believes the fees presented in the following chart are reasonable and will comply with section 37-1-134, MCA, which requires fees to be commensurate with costs.

SUNRISE PROPOSALS -- PROJECTED EXPENDITURES AND REVENUES

Profession	Expenditures		Revenues					
	1st Year	2nd Year	Fee Types	Fee Amounts	No of 1st yr	Amount 1st yr	No of 2nd Yr	Amount 2nd Yr
Clinical Laboratory Practitioners	\$27,615	\$25,700	Application	\$35	900	\$31,500	10	\$350
			License	\$10	900	\$9,000	10	\$100
			Temp. Permit	\$100	10	\$1,000	10	\$1,000
			Renewal	\$30	0	\$0	900	\$27,000
			Late Renewal	\$30	0	\$0	50	\$1,500
					Total	\$41,500		\$29,950
Crematoriums	\$1,932 *	\$1,632 *	Crematory App	\$100	13	\$1,300	0	\$0
			Crematory Renew	\$100	0	\$0	13	\$1,300
			Technician App	\$60	5	\$300	0	\$0
			Technician Renew	\$60	0	\$0	5	\$300
					Total	\$1,600		\$1,600
Property Managers	\$19,958 *	\$7,293 *	Applic & Exam	\$40	250	\$10,000	30	\$1,200
			License	\$40	250	\$10,000	30	\$1,200
			Renewal	\$20	0	\$0	250	\$5,000
					Total	\$20,000		\$7,400

* Additional costs for licensing a new profession under an existing board

Note: Denturists are not shown since the Legislative Audit Committee did not recommend a change in the regulation of denturists.

NAME Christine Mangano

ADDRESS P.O. Box 613, Helena, MT.

HOME PHONE _____ WORK PHONE 443-2434

REPRESENTING Self

APPEARING ON WHICH PROPOSAL? SB 34

DO YOU: SUPPORT OPPOSE _____ AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY