

## **MINUTES**

### **MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY**

**Call to Order:** By VICE CHAIRMAN STEVE BENEDICT, on March 15, 1995, at 3:00 PM

#### **ROLL CALL**

**Members Present:**

Sen. James H. "Jim" Burnett, Chairman (R)  
Sen. Steve Benedict, Vice Chairman (R)  
Sen. Larry L. Baer (R)  
Sen. Arnie A. Mohl (R)  
Sen. Mike Sprague (R)  
Sen. Dorothy Eck (D)  
Sen. Eve Franklin (D)  
Sen. Terry Klampe (D)

**Members Excused:** Sen. Sharon Estrada (R)

**Members Absent:** None

**Staff Present:** Susan Fox, Legislative Council  
Karolyn Simpson, Committee Secretary

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

**Committee Business Summary:**

Hearing: No bills  
Executive Action: HB 442, HB 504, HB 539, HB 557, SB 385,  
HB 121

#### **EXECUTIVE ACTION ON HB 442**

**SENATOR BENEDICT** said there are no amendments to HB 442.

**Motion:** SENATOR KLAMPE moved HB 442 to be TABLED.

**Discussion:** SENATOR BENEDICT ruled that motion out of order. He said there should be some discussion by Committee members before tabling a bill.

**SENATOR ECK** said the Senate rules or procedures allow a discussion on a motion to table in committees, but not on the Floor.

**SENATOR BENEDICT** said the discretion of the Chairman applies as far as ruling a motion out of order.

**SENATOR KLAMPE** withdrew his Table motion.

Motion: **SENATOR BAER** moved HB 442 BE CONCURRED IN.

**SENATOR KLAMPE** said he has no problem with people either supporting or not supporting abortion bills, but this is not an abortion bill. He said the Proponents testimony mainly focused on whether abortion is good or bad, and there wasn't much scientific data presented. He said the bill deals with whether Physicians Assistants are capable of performing first trimester abortions, and it was verified in testimony the bill should be killed.

**SENATOR MOHL** said he has been a strong advocate for holding people to the line of what they have the education to do. He said he does not feel Physicians Assistants are not educated to do abortion procedures. For that reason he is in favor of the bill.

**SENATOR BAER** said this is a public health and safety bill and abortion issue is merely collateral, and not the focus of this bill. He said the current Statutes states only a licensed physician may perform an abortion procedure and the administrative rules would allow the Board to determine what procedures people are skilled and accredited to do, so there is a conflict between the law and the administrative rules. Whenever there is a conflict between laws and administrative rules, law will always preclude the administrative rules. He said that was the situation when the Attorney General's opinion was requested, but rather than respond to the situation at hand, he determined the designated physician also included Physicians Assistants, resulting in a controversy. He said the intent and purpose of HB 442 is to clarify this ambiguity by making it clear that Physicians Assistants may not perform abortions.

He related his working experience in the operating rooms of a military hospital, saying he could not envision an abortion type procedure being performed any place other than a hospital surgical suite with an operating surgical team available in case complications should arise. He said abortion is an intrusive procedure that should only be performed by a licensed physician with the knowledge and ability to handle the unexpected, and in a setting where the unexpected can be dealt with by accomplished and qualified people. He can't imagine this procedure being done in a doctor's office by someone with less training than a physician.

**SENATOR KLAMPE** disagreed with **SENATOR BAER** saying, this bill didn't address venue, where these surgical procedures will take place, so that is not an issue. He said if the unexpected should arise, these people are qualified to handle most of these problems, plus there is direct supervision by a physician in the office. He said the record shows safety has been insured with

these people's education and skills, and they are performing the procedure as well as physicians are.

**SENATOR ECK** said her concern is similar to that of **SENATOR MOHL**. She said there have been a lot of bills asking the Legislature to determine the scope of practice for given professions, and in this case, the responsibility has been place with the Board of Medical Examiners. She would prefer their making the decision for the scope of practice for Physicians Assistants.

**SENATOR SPRAGUE** said he thinks this bill is asking the Committee to reach back to say what you have been doing for several years is now improper and illegal. He said that is not right, but if this bill makes rules, conditions and credentials to be met, to apply "from this day forward," then that's fine. He said the Board of Medical Examiners needs to make this decision, and they are abdicating their responsibility by not doing so. If the intent of this bill is to set up new criteria to apply from this day forward, that's OK, but should not consider grandfathering is not right.

**Motion/Vote:** **SENATOR KLAMPE** made a substitute motion to **TABLE HB 442**. The motion resulted in a **TIE VOTE** (by Roll Call).

**Vote:** The BE **CONCURRED IN MOTION CARRIED** with **SENATORS SPRAGUE, ECK, FRANKLIN,** and **KLAMPE** voting **NO**.

**SENATOR BURNETT** came in to the hearing.

**SENATOR KLAMPE** left his voting proxy with **SENATOR ECK** as he left the hearing.

#### **EXECUTIVE ACTION ON HB 504**

**Motion:** **SENATOR ECK** moved the Amendments to **HB 504 DO PASS**.

**Discussion:** **SENATOR BENEDICT** said these amendments were offered by the Department.

**Susan Fox** explained the amendments, saying if the person receiving the personal care was called the employer there were certain ramifications from Workers' Compensation and unemployment insurance, so the amendments 1-6 insert language the person is the employer only for the selection, management, and supervision of the personal care assistant, but not for the purposes of Workers' Compensation and unemployment insurance. The other amendment 7 adds some subsections for which SRS had some concern, because this bill does not require SRS to provide personal care services as part of the Medicaid program in its self-directed service model.

**SENATOR SPRAGUE** asked if this refers to their conversation regarding **SENATOR BENEDICT's** daughter.

**SENATOR BENEDICT** said the bill accomplishes that, and the amendments just clean it up to make sure Workers Compensation and unemployment insurance don't become involved in this process. The people who provide this service are independent contractors.

**Vote:** The DO PASS motion for the Amendments to HB 504 CARRIED UNANIMOUSLY.

**SENATOR FRANKLIN** asked about the treatment plan amendment, which is conceptual.

**Motion:** **SENATOR FRANKLIN** moved the Conceptual Amendment to HB 504 DO PASS.

**Susan Fox** said the amendment concerns a Plan of Care. The Plan of Care definition will be inserted in Section 1, and would apply only to personal care services for those who are paid for by Medicaid. She read the definition.

**SENATOR BENEDICT** asked if this limits the ability of someone who wants to use a personal care assistant only to those who are on Medicaid. He didn't think that is the intent.

**SENATOR BAER** said, that is what it says.

**SENATOR BENEDICT** said he can't support the amendment because it's too vague for him to be comfortable with.

**SENATOR ECK** referred to the Section being amended, saying it does not limit it to Medicaid, and wondered if there is language in the amendment that would limit it to Medicaid.

**SENATOR BENEDICT** said that is what he heard.

**Susan Fox** said part of the problem is where Section 1 being placed. Adopting rules is being modified in this section on Medicaid services. The bill is aimed toward those services paid for through Medicaid. She said Section 2 deals with the Nurse Practice Act.

**SENATOR FRANKLIN** asked if SRS used the language which **Barbara Larson** and **Mike Meyers** submitted, and where did they want it inserted.

**Susan Fox** said they wanted it inserted in Section 1.

**SENATOR BENEDICT** said he didn't know if this language had been OK'd by the bill's Sponsor, **REP. COBB**.

**SENATOR FRANKLIN** said it had not.

**SENATOR BENEDICT** asked if not having a definition of a Plan of Care in the bill would jeopardize the bill.

**Susan Fox** said she didn't think it would, but there is a reference to a Plan of Care in the Administrative rules from SRS. The services have to be satisfied in a Plan of Care ordered by a doctor and developed by a Registered Nurse.

**SENATOR BENEDICT** said he would like to have something in the bill that satisfies the concerns of the Registered Nurses because they are the ones who will have to come up with this Plan of Care.

**SENATOR FRANKLIN** asked **Barbara Booher** to make a statement.

**Barbara Booher** said it was their intention for the Plan of Care to encompass everyone who would use these Personal Assistant services. She suggested creating a new section to include the Plan of Care definition, and said they were not trying to limit it to only those people under Medicaid services.

**SENATOR BENEDICT** suggested deleting the reference to "Medicaid" and just say "for purposes of this section."

**Susan Fox** said the problem is with the way the bill is drafted, and it gets codified into Medicaid. She said she is not sure if this will affect those who are paying for the service on their own or through private insurance.

**SENATOR BENEDICT** said one of the Proponents of the bill thought it would help him to hire someone as an Independent Contractor.

**SENATOR FRANKLIN** asked if the idea of a new section is workable.

**Susan Fox** said she thought it was, but if the intent of the bill is to cover anyone who wants to use personal care services, regardless of whether Medicaid is paying for it or not, the codification instruction may also need to be changed.

**SENATOR BENEDICT** suggested using the words "Medicaid" and "non-Medicaid."

**SENATOR ECK** asked if it could be put into the statement of intent because the Department already has rules.

**SENATOR FRANKLIN** agreed with **SENATOR ECK**. She said the only purpose was to give some parameters to the Plan of Care.

**Susan Fox** said that may help because traditionally a term is not defined unless it is being used in a section. The only place it is used is in the Statement of Intent, and they are not codified but are specific directions to a department on rule-making.

**SENATOR BENEDICT** asked if everyone was comfortable with the language.

**SENATOR FRANKLIN** said the language may be pared down to be inserted grammatically.

SENATOR BENEDICT asked if the reference to Medicaid could be left out of the language.

Vote: The DO PASS motion for the Conceptual Amendment to HB 504 CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR FRANKLIN moved HB 504 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 539

SENATOR BENEDICT said there are 2 amendments and the short amendment (EXHIBIT 1) is not necessary if the long amendment (EXHIBIT 2) is passed. The long amendment was given to him, with the concurrence of the bill's Sponsor, REP. SOFT. It provides for the penalty of \$25.00 on the clerk who sells the tobacco products.

Motion/Vote: SENATOR BENEDICT moved the Amendment (EXHIBIT 2) to HB 539 DO PASS. The motion CARRIED with SENATOR FRANKLIN voting NO.

Motion: SENATOR BAER moved HB 539 BE CONCURRED IN AS AMENDED.

Discussion: SENATOR SPRAGUE said he didn't think this bill should be in the Public Health Committee, but should have been in the Judiciary Committee or Business Committee.

SENATOR BENEDICT said he didn't think there was any intended mischief when the bill was assigned to the Public Health Committee. The Youth Tobacco bills were heard in the Business and Industry Committee in the last Session.

SENATOR SPRAGUE asked which House Committee this came from.

Mona Jamison said it came from the House Human Services Committee.

SENATOR BENEDICT said that is their Health Committee there.

SENATOR MOHL said maybe because the previous bill came out of Judiciary is the reason it's not working, and maybe this one will work.

SENATOR SPRAGUE made an observation that this bill has kids policing one another.

Vote: The Be Concurred In As Amended motion CARRIED with SENATOR FRANKLIN voting NO.

EXECUTIVE ACTION ON HB 557

Motion: SENATOR MOHL moved to amend page 4, line 11, to license rather than registering.

Discussion: SENATOR MOHL said with a license there is better control plus getting some revenue.

SENATOR BENEDICT said he didn't think the tattoo artists wanted to be licensed, but just wanted to start with registering. He said does not favor this because along with licensing, a Board is created and given rule-making authority, and is not in favor of creating any new Boards.

SENATOR SPRAGUE agreed with SENATOR BENEDICT's statement.

SENATOR FRANKLIN said SENATOR MOHL may be correct, but probably shouldn't be done at this point, without a full hearing.

SENATOR MOHL agreed with SENATOR BENEDICT's statement about a Board, but if there is a business that isn't following the rules, what can be taken from them, and what's the limit to keep someone from starting up in any corner. He said there is no control unless there is a license which can be revoked to put them out of business.

SENATOR BAER said if SENATOR MOHL's amendment is approved for licensing, and asked what is being created by this bill. He asked if an agency or some type of bureaucracy will have to be created to oversee the licensing.

SENATOR BENEDICT said a Board would have to start do everything rule-making does through Montana Administrative Procedure.

SENATOR BURNETT said they could require them to have a Health Certificate, and that wouldn't be creating any new Board.

SENATOR SPRAGUE said they are already required to have a Health Certificate from the Board of Health.

Motion: SENATOR MOHL withdrew his amendment motion.

Motion/Vote: SENATOR FRANKLIN moved HB 557 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

SENATOR FRANKLIN will carry the bill.

VICE CHAIRMAN BENEDICT assigned bills:

SENATOR GROSFIELD will carry HB 539

SENATOR ECK will carry HB 504

SENATOR BAER will carry HB 442

EXECUTIVE ACTION ON SB 385

Motion: SENATOR ECK moved to take SB 385 OFF THE TABLE.

Discussion: SENATOR ECK said Susan Fox has prepared an amendment to take all of the Medicaid language out of the bill, anything expanding Medicaid, and gives the Department of SRS authority to collect premiums and to purchase non-profit insurance, Caring for Children Program, subject to appropriations. There is no indication that appropriation will be available. The Department already has authority to purchase health insurance for some children, REP. KASTEN's bill, where insurance was purchased when the Department feels money could be saved by preventing them from going on Medicaid.

SENATOR BENEDICT said he asked SENATOR ECK to pull the expansion of 200% of poverty out of the bill and make it a bill that do what SENATOR ECK just described. He described the Caring for Children Program. He said he will support the bill because, even if not money is appropriated, the process can get started to bring in the public-private partnership.

SENATOR SPRAGUE asked how this will effect what SENATOR BENEDICT is working on.

SENATOR BENEDICT said that's the Health Care Committee and it's a separate issue.

SENATOR ECK said they can deal with it because there is money in it to allow for the collection of premiums, which is revenue, which means it can be termed a revenue bill.

Vote: The motion to take SB 385 OFF THE TABLE CARRIED UNANIMOUSLY.

Motion: SENATOR ECK moved the Amendments to SB 385 DO PASS.

Susan Fox explained the amendments. EXHIBIT 3. She said it takes out the reference to increasing the Medicaid eligibility and the Statement of Intent is no longer necessary. She referred to item #3, saying it is being returned to the original language, item #4 returning it to 133%, item #5 takes out language regarding Medicaid sliding fees, and item #6 inserting language.

SENATOR MOHL asked about a Fiscal Note.

SENATOR BENEDICT said the Fiscal Note will need to be amended after the amendments are passed, then it will come down, but will still be sizeable.

SENATOR ECK said the only costs will be what it will cost the Department, should they decide to impose premium charges.



**Vote:** The Do Pass motion for the Amendments to SB 385 CARRIED UNANIMOUSLY.

**Motion/Vote:** SENATOR ECK moved SB 385 DO PASS AS AMENDED. The motion CARRIED UNANIMOUSLY.

**EXECUTIVE ACTION ON HB 121**

**Motion:** SENATOR BAER moved HB 121 be brought up for discussion and consideration.

**Discussion:** SENATOR MOHL said he doesn't think it is the Legislature's job to decide whether Podiatrists are qualified to expand their scope of practice. He said tabling the bill is the only way the Medical Board will be forced to do their job.

SENATOR BURNETT said these issues will never stop. There will always be some of this type of issue brought before the Legislature.

SENATOR MOHL said he thinks it should be up to the Medical Board to decide, and if someone has a degree in a particular field, they should stay within the boundaries.

SENATOR BAER said he agrees with SENATOR MOHL regarding the problems with the Boards and their lack of accountability and responsibility. He has been convinced this bill has merit because hospital administrators and those on hospital boards have made decisions based on tests of competence, education and ability of these podiatrists who are specially trained in this type of surgery to perform in their operating rooms. He said this is a tremendous liability situation for these hospitals, and if a hospital is willing to accept this liability, based on their faith, trust and competence, he will support this bill.

SENATOR FRANKLIN recalled the testimony about hospital credentialling that SENATOR BAER talked about, does cover those who have hospital privileges, but there are those who could be in free-standing centers that are not subject to that credentialling.

SENATOR ECK said she is not concerned about that particular issue. She wonders if all the definitions could be taken out of what a podiatrist could and could not do, and leave it entirely to the Board of Medical Examiners to establish a scope of practice. She referred to Section 2, line 21, saying "approved by the Board of Medical Examiners" could be added and that would be a step in that direction. She said she supports SENATOR BAER's motion to take HB 121 off the table.

**Vote:** The motion to take HB 121 OFF THE TABLE CARRIED with SENATORS MOHL and FRANKLIN voting NO (by Roll Call).

{Tape: 1; Side: 2;

SENATOR BAER asked SENATOR FRANKLIN about her concern that surgery was not taking place in a hospital operating room.

SENATOR FRANKLIN said that is one of the issues of concern to her.

Motion: SENATOR BAER proposed an amendment for all surgical procedures on the ankle to take place in an accredited hospital environment.

SENATOR BENEDICT asked if it had to be a hospital environment.

SENATOR BAER said if surgery is to be performed, it should be in a surgical suite.

SENATOR ECK asked SENATOR BAER if he would consider an out-patient surgical center.

SENATOR BAER said he would if the surgery were appropriate for that setting.

SENATOR ECK said she thinks these are decisions the Legislature shouldn't make, but should give guidance to the Board.

SENATOR BAER withdrew his amendment motion.

Motion: SENATOR BAER moved HB 121 BE CONCURRED IN.

Discussion: SENATOR MOHL said he is opposed to this bill and referred to SENATOR BAER's reasons for Physicians Assistants not performing abortions (HB 442). He wondered where the line will be drawn for expanding the scope of practice for the various professions. He said there will be no saving by expanding the Podiatrists scope of practice to the ankle, and if the Board of Medical Examiners wants to change the rules and the issue comes before the 1997 Legislature, he would be agreeable to it. If the Medical Board doesn't want to address this issue, then he thinks the Legislature shouldn't address it, but leave the decision to the Board. He said he is against this bill.

SENATOR ECK said she disagrees with SENATOR MOHL because at present, the Board of Medical Examiners cannot allow surgery on the ankle because the law doesn't include that. She said the language she had suggested (approved by the Board of Medical Examiners) could be added to Section 2, line 21.

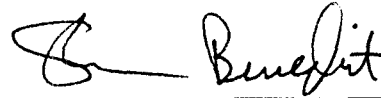
SENATOR BAER said SENATOR MOHL is right, to some degree, but he thought comparing this bill with HB 442 is completely out of context. He said a statutory situation was corrected in HB 442, but HB 121 is completely different.

**SENATOR FRANKLIN** said she has some concerns about the issue of practice, but there is a danger that a market for other procedures is being created. She said there are procedures done in California, by Podiatrists, creating a whole new market which adds to the lack of cost containment.

**Vote:** The Concur In motion for HB 121 FAILED with SENATORS BAER, ESTRADA, MOHL, FRANKLIN, and KLAMPE voting NO (by Roll Call).

ADJOURNMENT

Adjournment: 4:15 PM



SENATOR STEVE BENEDICT, Vice-Chairman



KAROLYN SIMPSON, Secretary

SB/ks

ROLL CALL

DATE \_\_\_\_\_

3/15/95

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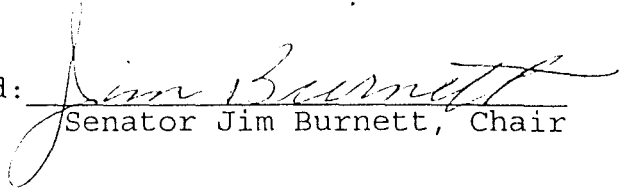
SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 16, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration HB 539 (third reading copy -- blue), respectfully report that HB 539 be amended as follows and as so amended be concurred in.

Signed:

  
Senator Jim Burnett, Chair

That such amendments read:

1. Page 3, line 9.

Strike: "this section"

Insert: "subsection (2) "

2. Page 3, line 22.

Strike: "this section"

Insert: "subsection (2) and this subsection"

3. Page 3, line 28.

Following: "ASSESSMENT"

Insert: "against the owner of the establishment"

4. Page 4, line 3.

Strike: "SECTION"


Insert: "subsection"

5. Page 4, lines 4 through 10.

Strike: subsection (6) in its entirety

Insert: "(6) In addition to the penalty provided for in subsection (2), a first and subsequent violation of 16-11-305(1) or 16-11-307 is punishable by an assessment of a tobacco education fee of \$25 against the employee who sold the tobacco product if the employee is not the owner of the establishment. The tobacco education fee must be assessed and collected by the department of corrections and human services. Within 30 days of the alleged violation, notice of assessment pursuant to this subsection must be made by the department of corrections and human services by certified letter addressed to the employee. The notice of assessment must provide an opportunity for a hearing pursuant to the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the employee shall notify the department of corrections and human services that the employee objects to the assessment and requests a hearing pursuant to this subsection."

-END-

 Amd. Coord.

Sec. of Senate

Sen. Grosfield  
Senator Carrying Bill

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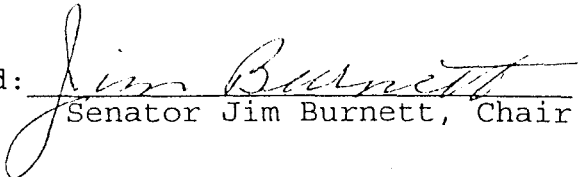
SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 16, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration SB 385 (first reading copy -- white), respectfully report that SB 385 be amended as follows and as so amended do pass.

Signed:

  
Senator Jim Burnett, Chair

That such amendments read:

1. Title, lines 5 through 7.

Following: "FAMILIES."

Strike: the remainder of line 5 through line 7

2. Page 1, lines 13 through 26.

Strike: the statement of intent in its entirety

3. Page 3, line 17.

Strike: "children under 19 years of age"

Insert: "infants"

Strike: "to"

4. Page 3, line 18.

Strike: "200%"

Insert: "133%"

5. Page 3, lines 20 through 22.

Following: "program."


Strike: the remainder of line 20 through line 22


6. Page 3, line 26.

Following: "age."

Insert: "The department shall establish by rule a range of monthly fees to be paid for the basic preventative and primary health care medical benefits."

-END-

 Amd. Coord.

 Sec. of Senate

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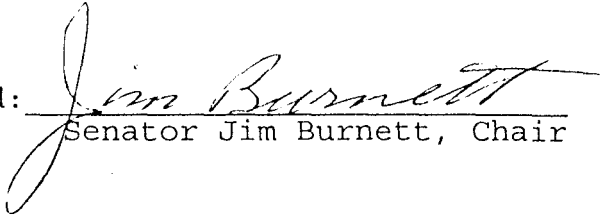
SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 16, 1995

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration HB 504 (third reading copy -- blue), respectfully report that HB 504 be amended as follows and as so amended be concurred in.

Signed:

  
Senator Jim Burnett, Chair

That such amendments read:

1. Title, lines 8 and 9.

Following: "~~AND~~" on line 8

Insert: "AND"

Following: "MCA" on line 8

Strike: the remainder of line 8 through "DATE" on line 9

2. Page 1, line 15.

Following: "disability"

Insert: "or an immediately involved representative, such as a parent or guardian,"

3. Page 1, line 17.

Following: "as"

Insert: "though the person is"

Following: "employer"

Insert: ", for the purposes of selection, management, and supervision,"

4. Page 1, line 18.

Following: "matters"

Insert: ", although the personal assistant is the employee of another person or entity"

5. Page 1, line 19.

Following: "as"


Strike: "an"


Insert: "though that person is the"

6. Page 1, line 21.

Following: line 20

Insert: "The contents of a plan of care must be addressed by rule and must include the individual's needs for personal assistance services, a plan for emergency back-up, and tasks assigned to the personal assistant. The plan of care may also address training, recruitment, and replacement of personal assistants and schedules for supervision and annual

 Amd. Coord.

 Sec. of Senate

 Sen. Eck

Senator Carrying Bill

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review of care by the health care professional."

7. Page 1, line 28.

Following: "as"

Strike: "an"

Insert: "though the person is the"

Strike: "in the employment"

Insert: ", for the purposes of selection, management, and supervision,"

Following: "assistant"

Insert: ", although the personal assistant is the employee of another person or entity"

8. Page 2, line 23.

Strike: subsection (3) in its entirety

Insert: "(3) The department of social and rehabilitation services is not required to provide personal care services as part of the medicaid program in a self-directed service model as described in this section unless the personal assistant is an employee of an entity willing to provide the protections guaranteed to workers under existing labor laws, including but not limited to the payment of workers' compensation and unemployment insurance premiums.

(4) This section does not prohibit the department of social and rehabilitation services from determining the amount, scope, and duration of the personal assistance services provided under the medicaid program, nor does this section mandate personal assistance services.

(5) Medical and related liability for personal care services provided pursuant to this section rests with the person directing the services."

9. Page 4, lines 11 and 12.

Strike: section 4 in its entirety

-END-

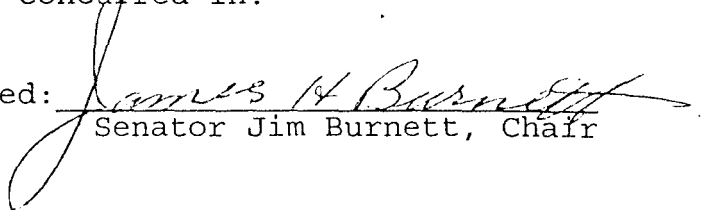
SENATE STANDING COMMITTEE REPORT


Page 1 of 1  
March 16, 1995


MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration HB 442 (third reading copy -- blue), respectfully report that HB 442 be concurred in.

Signed:

  
Senator Jim Burnett, Chair

 Amd. Coord.

 Sec. of Senate

  
Senator Carrying Bill

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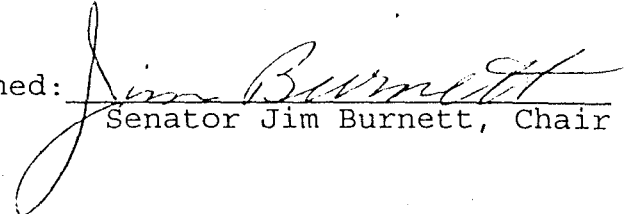
SENATE STANDING COMMITTEE REPORT


Page 1 of 1  
March 16, 1995


MR. PRESIDENT:

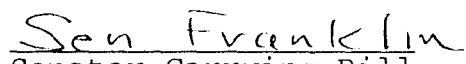
We, your committee on Public Health, Welfare, and Safety having had under consideration HB 557 (third reading copy -- blue), respectfully report that HB 557 be concurred in.

Signed:

  
Senator Jim Burnett, Chair

 Amd. Coord.

 Sec. of Senate

  
Senator Carrying Bill

611132SC.SRF

DATE 3/15/95 BILL NO. 442 NUMBER                     

[illegible]

SEN:1995  
wp:rlclvote.man  
CS-11

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
ROLL CALL VOTE

DATE 3/15/95 BILL NO. 442 NUMBER \_\_\_\_\_

MOTION: Concur In

[illegible]

SEN:1995

wp:rlclvote.man

CS-11

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
ROLL CALL VOTE

DATE 3/15/95 BILL NO. #B121 NUMBER           

MOTION: HB 121 off table

[illegible]

SEN:1995  
wp:rlclvote.man  
CS-11

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
ROLL CALL VOTE

DATE 3/15/95 BILL NO. HB 121 NUMBER \_\_\_\_\_

MOTION: Concur In

[illegible]

SEN:1995

wp:rlclvote.man

CS-11

Amendments to House Bill No. 539  
Third Reading Copy

Requested by Rep. Soft  
For the Committee on Public Health, Welfare and Safety

Prepared by David S. Niss  
March 9, 1995

1. Page 4, lines 4 through 10.  
Strike: subsection 6 in its entirety

Renumber: subsequent subsections



Amendments to House Bill No. 539  
Third Reading Copy

For the Committee on Public Health, Welfare and Safety

Prepared by David S. Niss  
March 10, 1995

1. Page 3, line 9.

Strike: "this section"

Insert: "subsection (2) "

2. Page 3, line 22.

Strike: "this section"

Insert: "subsection (2) and this subsection"

3. Page 3, line 28.

Following: "ASSESSMENT"

Insert: "against the owner of the establishment"

4. Page 4, line 3.

Strike: "SECTION"

Insert: "subsection"

5. Page 4, lines 4 through 10.

Strike: subsection (6) in its entirety

Insert: "(6) In addition to the penalty provided for in subsection (2), a first and subsequent violation of 16-11-305(1) or 16-11-307 is punishable by an assessment of a tobacco education fee of \$25 against the employee who sold the tobacco product if the employee is not the owner of the establishment. The tobacco education fee must be assessed and collected by the department of corrections and human services. Within 30 days of the alleged violation, notice of assessment pursuant to this subsection must be made by the department of corrections and human services by certified letter addressed to the employee. The notice of assessment must provide an opportunity for a hearing pursuant to the provisions of the Montana Administrative Procedure Act. Within 30 days from the date on which the notice of assessment was mailed, the employee shall notify the department of corrections and human services that the employee objects to the assessment and requests a hearing pursuant to this subsection."

Amendments to Senate Bill No. 385 BILL NO. HB 385  
First Reading Copy

Requested by Senator Dorothy Eck  
For the Committee on Public Health, Welfare, and Safety

Prepared by Susan B. Fox  
March 10, 1995

1. Title, lines 5 through 7.  
Following: "FAMILIES;"  
Strike: the remainder of line 5 through line 7
2. Page 1, lines 13 through 26.  
Strike: the statement of intent in its entirety
3. Page 3, line 17.  
Strike: "children under 19 years of age"  
Insert: "infants"  
Strike: "to"
4. Page 3, line 18.  
Strike: "200%"  
Insert: "133%"
5. Page 3, lines 20 through 22.  
Following: "program."  
Strike: the remainder of line 20 through line 22
6. Page 3, line 26.  
Following: "age."  
Insert: "The department shall establish by rule a range of  
monthly fees to be paid for the basic preventative and  
primary health care medical benefits."