

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

JANUARY 18, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by chairman Judy Jacobson on Friday, January 18, 1985 in Room 410 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members were present for the meeting, however, Senators Stephens, Newman and Towe were late. Karen Renne, staff researcher, was also present.

There were visitors in attendance. See attachments.

Senator Jacobson announced that all members of the Committee are urged to answer the invitation to the Mental Health Association's upcoming banquet.

ACTION ON SENATE BILL 80: Senate Bill 80 is an act to revise the penalty for violation of the child safety restraint law by requiring citation instead of warning for a first offense. The sponsor of this bill is Senator Judy Jacobson.

Senator Hims1 said that in the hearing Mr. Al Goke stated that there is 71% compliance at the present time, and therefore, questioned if the bill would be necessary.

Senator Jacobson stated that the Highway Traffic Safety Department does not have an adequate record system to keep track of the warnings, and therefore, are not punishing repeat offenders. This bill would require that first time offenders be given a citation which would be dismissed if the offender corrects the problem within 30 days.

ACTION ON SENATE BILL 80: A motion was made by Senator Lynch that SB 80 be given a DO PASS recommendation from the Committee. Motion carried with all senators voting "yes" with the exception of Senator Hims1 who voted "no".

DISCUSSION ON SENATE BILL 79: Senate Bill 79 is an act providing for the licensure and regulation of occupational therapists and occupational therapy assistants; creating a Board of Occupational Therapy Practice; providing for the authority of the board and providing an immediate effective date. Senator Chris Christiaens is the chief sponsor of SB 79.

Senator Hager stated that perhaps this bill should be put into a sub-committee for further study.

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Senator Christiaens stated that this would be a very good idea, as all of the elements involved in this are getting close to settling their problems.

Senator Jacobson named a sub-committee of three: Senator Tom Towe, Chairman; Senator Tom Hager, and Senator Chris Christiaens.

Connie Grenz, an occupational therapist, stated that if the makers of orthotic and prosthetic devices are removed from the bill, the occupational therapists do not care if SB 79 is passed.

Senator Jacobson spoke about the funding named in the bill. The Public Health, Welfare and Safety Committee cannot fund a board. If this proposed board is combined with another board the funding would not be needed.

DISCUSSION ON SENATE BILL 19: Senate Bill 19 is an act establishing and funding a child abuse prevention program; granting rulemaking authority; requiring mandatory fines for certain offenses against children. Senator J. D. Lynch is the sponsor of this bill.

Karen Renne, staff researcher, explained the Children's Trust Fund Legislation in other states and how it is established. See attachments.

Some states have a voluntary income tax check-off and some states have increased the marriage license fees. Senator Lynch said that he did not mind the idea of having a combination of funding mechanisms.

Senator Towe stated marriage licenses are now costing \$30 and with this bill they would cost \$40.

Senator Towe stated that he would be opposed to a charge for birth certificates.

Senator Jacobson stated that perhaps there could be an increased cost for copies of birth certificates but not the original registration of the birth certificate.

A motion was made by Senator Towe that SB 19 be amended to increase the cost of marriage certificates to \$40 and place a \$2.00 check-off on the bill for funding, and also to remove the cost of registration of a birth certificate. Motion carried.

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There were 8,200 marriage licenses issued last year and 4,700 divorce decrees in Montana.

Senator Lynch stated that perhaps somewhere along the line the bill in the House and this bill can be put together to make one great bill.

Senator Lynch stated that he would like to have the maximum fine left in the bill for abuse of children.

Karen was instructed to draft the amendments for the committee to review at the next regular meeting.

ADJOURN: With no further business the meeting was adjourned.



CHAIRMAN, SENATOR JUDY JACOBSON

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STATEMENT OF INTENT

____ Bill No. ____ [LC 40]

LB 19

Section 2 requires the department of social and rehabilitation services to adopt rules implementing the child abuse prevention program.

The rules should:

(1) provide for an overall state plan for the program;

(2) develop criteria for the receipt of program funds;

(3) establish priorities among funded services and activities;

(4) provide a method of monitoring the effectiveness of funded services and activities and the expenditure of funds from the childrens' trust fund account; and

(5) address other matters necessary to implementation of the child abuse prevention program.

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STANDING COMMITTEE REPORT

JANUARY 16, 19 85

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE No. 80

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REVISE PENALTY FOR FIRST VIOLATION OF CHILD SAFETY RESTRAINT LAW

Respectfully report as follows: That SENATE No. 80

DO PASS

~~ABANDON PASS~~

SENATOR JUDY JACOBSON

Chairman.

STATEMENT OF INTENT

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PROPOSED AMENDMENTS OF SB 79 (for meeting of January 18th)

1. Page 2, line 25 through line 2, page 3.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections
2. Page 3, line 23.
Following: "law"
Insert: ", or certified or registered as a member of an
occupational or professional group other than occupational
therapy,"
3. Page 3, line 24.
Following: "licensed"
Insert: ", certified, or registered"
4. Page 3, line 25.
Following: line 24
Insert: "(2) a person who provides treatment, teaches living
skills, designs orthotic or prosthetic devices, administers
tests, or engages in other activities described in sub-
section (3) but does not represent himself as an
occupational therapist; "
5. Page 3, line 25.
Strike: "(2)"
Insert: "(3)"
Renumber: subsequent subsections
6. Page 5, line 16.
Following: "(5)"
Strike: "Each member"
Insert: "Members"
7. Page 5, line 16.
Following: "serve"
Strike: "for a term of 4 years"
Insert: "staggered 4-year terms"
8. Page 11, line 23 through line 1, page 12.
Following: "he has"
Strike: remainder of line 23 through "includes" in line 1, page 12
9. Page 12, line 2.
Following: "(a)"
Strike: "obtaining"
Insert: "obtained"

10. Page 12, lines 4 and 5.
Following: "(b)"
Strike: remainder of line 4 through "having" in line 5
11. Page 12, line 7.
Following: "(c)"
Strike: "being"
Insert: "been"
12. Page 12, line 10.
Following: "(d)"
Strike: "violating"
Insert: "violated"
13. Page 12, line 12.
Following: "(e)"
Strike: "violating"
Insert: "violated"
14. Page 12, line 21.
Following: "Fees."
Insert: "(1)"
15. Page 12, line 23.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections
16. Page 13, line 4.
Following: line 3
Insert: "(2) All fees collected by the board under this section must be deposited in the state special revenue fund for the use of the board in administering this act, subject to 37-1-101 (6)."
17. Page 13, line 7.
Following: "provisions."
Insert: "(1)"
18. Page 13, lines 11 and 12.
Following: "prior to"
Strike: "[the effective date of this act]"
Insert: "July 1, 1985"
19. Page 13, line 13.
Following: line 12
Insert: "(2) All applications for license under this section must be received by the board no later than July 1, 1986."
20. Page 14, lines 21 and 22.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 1985"

CHILDREN'S TRUST FUND LEGISLATION

Purpose: To create a special funding mechanism to provide child abuse prevention services through community-based agencies.

STATE	LEGISLATION/DATE	FUNDS GENERATED			ADMINISTRATION	ADVISORY COMMITTEE	PROCESS	CONTACT
		MECHANISM	MECHANISM	MECHANISM				
Alabama	HB 56,57 1983	voluntary income tax designation of \$2.	not available	Funding-Dept. of Revenue; Dept. of Pensions & Security - Programs	14-member State Child Abuse & Neglect Prevention Board	Support organizations to operate programs for direct service provisions	Mark Seklecki (205) 832-3996	
Arizona	HB 2212, effective 7/29/82	marriage license surcharge	1982-\$100,000	Department of Economic Security	None	Provide financial assistance to community treatment programs that offer direct services to abused children/parents	Pat Chumbley (602) 255-3250	
California	AB 2994 1982	\$4/copy birth certificate	estimated \$4-million/year, \$500,000 to state, rest to counties	county-level Board of Supervisors. Policy directed by county multi-disciplinary councils which advise Bd. of Supervisors	County Bd. of Supervisors may designate a voluntary local commission.	Grants to private non-profit organizations providing direct services in prevention and intervention.	Linda Almedale (916) 442-5499	
Connecticut	SB 2006 effective 7/1/83	voluntary income tax check-off	\$60,000 appropriation	Dept of Children & Youth Services	Commissioner of Dept. of Children & Youth Services can appt. adv. cmte.	Commissioner adopts rules & regs. which must be approved by legislature	Kathy Wright (203) 566-8410	
Illinois	SHB 527 1983	\$10 voluntary state income tax check-off	not available	Dept. of Children & Family Services	Statewide citizen's committee on child abuse & neglect	Grants for comprehensive community-based services to reduce family dysfunction through child abuse & neglect	Bill Hall 5/78 (217) 782-5178	
Iowa *	HB 2393 1982	Increase marriage license fee by \$5.	estimated \$110,000	State Dept. of Social Services	5-member board attached to Dept. of Social Services	Dept. contract w/ a community-based agency	Norm Ustblom (515) 281-6327	

Kansas **	SB 677	4/16/80	marriage license surcharge of \$/	estimated \$130,000 "Family & Children Trust Fund"	Div. of Services to Children & Youth	14-member Children & Youth Advisory Committee to: 1. Act as advocate for children in the Governor's office; 2. Advise Secretary & Director of Services to Children & Youth.	grants limited to \$15,000 to community-based preventive or educational projects	January Scott (913) 354-7738
Louisiana	Act No. 481 HB 1140		legislative appropriation & income tax refund donations	not addressed	Dept. of Health & Human Resources	7-member Louisiana Children's Trust Fund	Programs for preventing physical & sexual abuse & neglect of children	Noel Hunt (504) 342-7393
Michigan	HB 4664	1982	refund check-off designate \$2 of state income tax; part of ea. yrs. receipts (1/2) go to fund programs, rest is invested & earnings are credited to trust fund; ceiling of \$20-million & programs are funded from earned interest; separate fund established in Dept of Treasury.	estimated \$2-million	Michigan Child Abuse & Neglect Prevention Bd. autonomous agency within Dept. of Management & Budget	15-member board	3 classes of grantees-private & public organizations providing 50% match, local councils (also match)	David Mills (517) 373-4321
Missouri	HB 550	effective 9/28/83	Voluntary check-off on state income tax return	not addressed	Office of Administration	15-member Children's Trust Fund Bd.-within, yet independent of Office of Admin. 11 public members app. by Gov; 2 Senators app. by Pres. Pro Team, 2 House members app. by Speaker	Contract with public or private agencies, schools to establish community-based educational & service prevention programs.	Anne Walker Kathy Ruckman (314) 751-2979

North Carolina	SB 291	1983	marriage license fee of \$5.	expected \$250,000/yr.	State Board of Education	Inter-agency Advisory Council for Community Schools	Community-based programs.	Man Miller (919) 733-6032
Rhode Island	S.0579	effective 7/1/83	grants, gifts, requests; marriage license surcharge	not addressed	Dept. of Children & their Families	State adv. council for Children and their families	Community-based programs for preventing problems of families & children; grants for education programs; evaluate projects & programs & disseminate information & techniques.	Gregory Bouley (401) 277-6525
Virginia ***	S. 279	4/9/82	Surcharge on marriage license	\$400,000 annually	Dept. of Social Services	Established through implementation plan for Virginia Family Violence Prevention Programs; has 9-11 members, advises Dept. of Welfare	Solicits grant apps. from public & private non-profit organizations, divide evenly between child abuse & domestic violence programs.	Sue Gibson (804) 423-3983
Washington	HB 179	1982	Inc. marriage license fee by \$5	estimated \$470,000/yr	Washington Council on Child Abuse & Neglect	11-member Council on Child Abuse & Neglect, appt. by Governor, they contract for programs	Grants for community-based education or child abuse prevention--match 25%	Sam Granato, (206) 464-6151
Wisconsin	SB 83	7/1/83	birth cert., fee \$2	estimated \$290,000/yr	Dept. of Health & Social Services	Child Abuse & Neglect Prevention Board	Grants limited to \$15,000 for community-based programs or crisis, care, early identification of at-risk children on matching basis.	Nina McLawhorn (608) 266-0620

* In Iowa, funds go into general revenue and are passed through to this fund.

** In Kansas, these funds may not be used for abortion and they are shared between programs for child abuse prevention and services for battered women.

*** In Virginia, money goes to general revenues and is passed on to programs. Must be passed again next session.

For more information, contact: Shelley A. Friend, MCSL, (303) 292-6600.

November 1983