

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

Call to Order: By **CHAIRMAN AL BISHOP**, on January 8, 2001 at 3 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Eve Franklin (D)
Sen. Dan Harrington (D)
Sen. Royal Johnson (R)
Sen. Jerry O'Neil (R)
Sen. Emily Stonington (D)

Members Excused: Sen. Don Hargrove (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Jeanne Forrester, Committee Secretary
Susan Fox, Legislative Branch

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 169, 1/3/2001; SB 41,
1/3/2001; SB 52, 1/3/2001
Executive Action:

Hearing on SB 169

Sponsor: SEN EVE FRANKLIN, SD 21, Great Falls

Proponents: Kathleen Martin, Department of Public Health and
Human Services (DPHHS)
Sami Butler, Montana Nursing Association

Opening Statement by Sponsor:

SEN. EVE FRANKLIN, SD21, Great Falls, introduced SB 169. She introduced this bill at the request of the Department of Public Health and Human Services. They were seeking to add a provision whereby an additional blood test is performed routinely for pregnant woman. That screening test is for hepatitis B. Currently in the law there are a number of illnesses that are required by statute to be tested, including testing for syphilis and the Rh factor. Hepatitis B has become much more of an issue in recent years, and they had seen some significant outbreaks in Cascade County and continue to have outbreaks, thereby causing it to become a significant public health problem. The Public Health Department had become involved in this, and they saw it as a health threat. The focus here is for prevention, so if in fact a woman is found to be Hepatitis B positive, an infant can be given a hepatitis vaccination. **SEN. FRANKLIN** distributed a letter from **Dr. Daniel Ireland, EXHIBIT (phs05a01),** he is in favor of this legislation.

Proponents' Testimony:

Kathleen Martin, Department of Public Health and Human Services, supported SB 169. She said it is not a simple or a trivial thing to mandate that a specific service be performed for a certain segment of the population. In Montana this is a new threat facing our newborns. Undetected, Hepatitis B can have a serious effect on infants. It can cause liver disease, liver failure and death. If the virus is passed on from the mother to the child it can lead to a shorten life span of the baby. If the virus is detected before birth, the child can be treated within hours of birth and immunized against future infections. In northcentral Montana there was an outbreak that killed 11 people and left 10 others with serious health threats, and among those with health threats were several pregnant women. We need to provide structure and direction for the health care community; and make sure that women and children are protected. The Center for Disease Control strongly recommends prenatal screening for Hepatitis B and nineteen other states have already implemented this procedure.

Sami Butler, Montana Nursing Association, stated that as a public health issue, nurses prefer to focus on prevention of Hepatitis B rather than waiting until it is in the stage of liver disease. This is the humane way to approach Hepatitis B and also the most cost effective way. She asked the committee to support SB 169.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 6.9}

Opponents' Testimony: None

Questions from Committee Members and Response:

SEN. JOHNSON asked if there is a fiscal note attached to this bill. **SEN. FRANKLIN** said there should be a fiscal note attached.

SEN. FRANKLIN asked **Ms. Martin** to respond. **Ms. Martin** stated that the only fiscal impact is to the Medicaid program. Medicaid pays \$12.58 a test and assuming there are 4,000 pregnant women each year. The impact would have a \$50,000 effect on Medicaid each year. However, it would not be that high because there are already some tests being performed.

SEN. JOHNSON asked if this was in the budget. **Ms. Martin** said it was not. **SEN. JOHNSON** asked what about the plan to finance this. **Ms. Martin** said they needed to look at how many tests are currently being paid for.

SEN. CHRISTIAENS asked if before this bill comes out of committee would a fiscal note be prepared. **SEN. BISHOP** said they should have a fiscal note. **SEN. FRANKLIN** said she would request a fiscal note.

SEN. BISHOP asked about the meaning of a health care provider. It is stated in the bill as a licenced physician, a physician assistant certified, a nurse practitioner, a registered nurse, an advanced practice registered nurse or a naturopathic physician practicing within the scope of the provider's professional license. **SEN. BISHOP** felt this would expand the practice of medicine to nurses, and he thought this description of health care provider seemed to be a far fetched idea. **SEN. FRANKLIN** responded it did not expand the practice.

SEN. BISHOP had one other question regarding the statement of "screening for HIV when appropriate". When would it be appropriate? **SEN. FRANKLIN** said only when the practioner feels that an individual would be at risk. **Ms. Fox** responded it would only be a recommendation to have this test done and does not change existing laws.

Closing by Sponsor:

SEN. FRANKLIN felt they should said get this bill going. She felt it is appropriate and because 80% of the people are already being tested, the cost would be much lower than the \$50,000 that was projected.

SEN. BISHOP said they would hold the bill, until we get a fiscal note.

{Tape : 1; Side : A; Approx. Time Counter : 6.9 - 12.8}

Hearing on SB 41

Sponsor: SEN. GLENN ROUSH, SD 43, Cut Bank

Proponents: Jim Oberhofer, Montana Board Crime Control Post Council
Ann Kindness, Communication Center Manager, Billings

Jim Calnan, Montana State Volunteer Firefighters Association

Jane Jelinski, Montana Association of County Officials

Opponents: None.

Opening Statement by Sponsor:

SEN. GLENN ROUSH, SD 43, Cut Bank, introduced SB 41. He introduced this bill at the request of the Montana 911 Advisory Council. It would require dispatchers to be certified as a public safety officer communication officer, which is a 911 operator. There are 59 call centers in the state. **SEN. ROUSH** passed out a copy of two prepared amendments **EXHIBIT (phs05a02)**. Under the present statute, the dispatchers are all pretty well trained, but present law does not require they have to be certified. This bill would require that upon hiring, these people would have to attend the one week training school, at the Law Enforcement Academy in Helena, within one year of hire. The funding would come from the .50 cent charge per hookup for your phone each month. That amount goes to the 911 program and cover the costs for the one week training. People already hired would not be required to take the training.

Joe Calnan, Firefighter from Jefferson County, representing the Montana State Volunteer Firefighters Association, said he is in favor of the amendments to SB 41. 911 operators are in the middle of the emergency communications and we need dispatchers who are properly trained in crisis situations. This needs to be mandatory and completed in one year time of hire.

{Tape : 1; Side : A; Approx. Time Counter : 12.8 - 24.7}

Ann Kindess, Communications Center Manager, Billings,

She said the 911 dispatcher is the first contact for citizens and the dispatcher needs to know what is appropriate and how to direct help for that situation. The training in Helena covers much that is not covered in regular agency training and many jurisdictions in Montana do not offer any training for dispatchers. When people call 911, they expect a trained professional to answer the phone. She urged you to consider the passage of this bill. She handed out a handout

EXHIBIT (phs05a03) .

Jim Oberhofer, MBCC Post Council, currently does the certification for dispatchers and law enforcement officers, highway patrol, city police, etc. This course can also be taught regionally and not only at the Montana Law Enforcement Academy (MLEA) in Helena. Right now, this training is not mandatory for dispatchers, but Montana needs to be right there with certification standards.

Pat Klinch, Montana State Council Firefighters, said that many times the dispatcher is the only link between the firefighters and the people who need our help. He urged support of the bill.

Kathy Gibson, Billings Fire Department, Brought a letter from the Billings Fire Department **EXHIBIT (phs05a04)**. The Billings Fire Department urged support of the bill.

Troy McGee, Chief of Police, Helena, urged the committee to support this bill.

Jenny Hanson, Dispatcher, Gallatin County, urged support of the bill.

Jane Jelinski, Montana Association of County Officials, wanted the committee to support this bill.

Opponents testimony: None

{Tape : 1; Side : B; Approx. Time Counter : 1 - 7.8}

Questions from Committee Members and Responses:

SEN. CHRISTIAENS said in the last biennium the MLEA was full and wondered how could they take on the training of an additional 40 people; and also, if unable to obtain the training at the academy how would it be done in the communities. **Mr. Oberhofer** replied this program is available at the MLEA, and they can do training offsite, if the MLEA is full.

SEN. CHRISTIAENS asked **Mr. Oberhofer** - if they were currently training 60 people a year now and if that number would almost double; wouldn't the increased cost would be significant? There hasn't been anything in this budget for these increases. How would they plan to pay for the increases in cost? **Mr. Oberhofer** said the certifications would cost only a minimal amount; as 911 funds will cover the cost of the additional certifications. He added the instructor costs are covered by the 911 funds.

SEN. CHRISTIAENS asked about the individual who would be fined \$500 and yet they were being sent to training by the local jurisdiction. It seems you would be fining the wrong person.

Mr. Oberhofer replied this is a decertification standard, whereby, if a peace officer who has a had a certificate issued and goes out and misrepresents himself by committing a felony, or lying under oath, etc., can be decertified.

SEN. JOHNSON asked since 911 money is collected by the telephone company and doesn't it go to the telephone company. **Mr. Oberhofer** said he was not qualified to answer that question.

SEN. JOHNSON asked if anyone in the audience could answer that question. **Ann Kindness** said the money is collected by the telephone company, a state agency that oversees the money.

SEN. JOHNSON asked how the money got to the agency. **Surrey Latham, Department of Administration**, said the 50 cents is collected by the telephone company and then is remitted to the Department of Revenue. The Department of Revenue deposits it into a two 911 accounts, one is for basic 911 and one for enhanced 911. The Department of Revenue then distributes those funds to the local jurisdiction.

SEN. JOHNSON asked if this money goes through the general account. **Ms. Latham** said the money that is distributed to the local jurisdictions does not go into the general fund. **SEN. JOHNSON** asked how the \$9000 that is referred to in the fiscal statement gets back into the general fund. **Ms. Lathaam** said the academy budgets \$9000 for the year to conduct the classes, and they are reimbursed those funds by the tuition.

SEN. O'NEIL wondered if any of these dispatchers who have worked for a year; are capable dispatchers even if they don't take the class. **Ann Kindness** said after a year of working they have been handling the experiences as they come. The certification training helps to prepare the dispatchers to act in an appropriate manner for all situations.

Closing by Sponsor:

SEN. ROUSH closed on SB 41. The issue came down to public safety and he urged the committee to support this bill.

{Tape : 1; Side : B; Approx. Time Counter : 7.8 - 22.9}

SEN. BISHOP turned the meeting over to Sen. Grimes.

HEARING ON SB 52

Sponsor: **SEN. GLENN ROUSH, SD 43, Cut Bank**

Proponents: **Dan Antonietti, Veterans of Foreign Wars
Jim Jacobsen, Montana Veterans Affairs Department
Hal Manson, American Legion
Bruce Cooke, Veteran
Christine Hanson, Vets
Raymond Bead, Vietnam Veteran's of America
Allen Armstrong, Vietnam Veteran's of America
Steve Yeakel, Montana Funeral Director's Association
Mike Hankins, Association of the Vietnam Veterans
Roger Hagan, Enlisted Officer
Al Smith, Montana Trial Lawyers Association
Major General Gene Prendergast**

Opponents: None

Opening Statement by Sponsor:

SEN. GLENN ROUSH, SD 43, Cut Bank, introduced SB 52. He was asked to carry this bill at the request of Department of Public Health and Human Services (DPHHS). It deals with the liability of unclaimed cremated remains (cremains) of veterans that remain in funeral homes across Montana. It has been reported that there are as many as 500 cremains in the state of Montana, but that number is really unclear. We should be able to dispose of these remains in a honorable and acceptable way. The reason for going back 20 years is because someone started looking for the remains of a family member and found their remains had been in a funeral home for over 20 years. They also found the funeral homes would like to get rid of the remains. The remains of veterans can be buried in the Montana Veterans Montana Cemetery in Miles City (when it is completed) or in the Montana Cemetery at the Fort Harrison Veterans Center. **SEN. ROUSH** passed out a handout **EXHIBIT (phs05a05)** .

Proponents' Testimony:

Mike Hankins, Association of the Vietnam Veterans Past President, said the Lewis and Clark County honor guard determined that there were cremains being turned over to the Fort Harrison Veterans Center here in Helena. Some of these cremains have been stored in the mortuaries for over 20 years and they would like to get rid of them. The Department of the Military determined that 10% of the population of Montana are veterans, which means 600 of these cremains could be veterans. These veterans deserve a decent and honorable burial. **Mr. Hankins** said we are not asking for anything except a legal resolve from the legislature; to allow the mortuaries to be able to surrender the cremains of these veterans without risking litigation levied against them. The other problem is funding; the cost of burying these veterans would be \$200,000. We are not asking the legislature for a dime; we are planning to finance all the expenses and we intend to bury one veteran at a time.

{Tape : 2; Side : A; Approx. Time Counter : 1.1 - 16.8}

Steve Yeakel, Montana Funeral Director Association, said they are strong proponents of this bill. Financial hardships and other family problems can leave the remains at the funeral home and funeral directors feel their work is not complete until there are proper memorials for the deceased person. There is some confusion about the number of remains that are in funeral homes. The number of veterans are fewer than what the organizations have determined.

Jim Jacobsen, Montana Veterans Affairs Department, is an advocate for the veterans, and is in support of this bill. The cost of opening and closing a grave is \$150.00, a vault costs \$95.00, transporting the headstone is \$85.00, bring the cost to approximately \$330.00.

{Tape : 2; Side : A; Approx. Time Counter : 16.8 - 23}

Major General Gene Prendergast, stated we need to support and allow dignity for those who have served our country.

Allan Armstrong, Vietnam Veteran, said his uncle had been left in a funeral home since in the 1980's. He decided to give his uncle a proper burial in 1999, and this is how the process got started.

Dan Antonietti, Veteran of Foreign Wars, is in support of this bill.

Hal Manson, American Legion, recommends the passage of this bill.

{Tape : 2; Side : B; Approx. Time Counter : 1.1 - 4.7}

Bruce Cooke, Veteran, in is favor of this bill. He is concerned about what will happen to him because he has no relatives in this country that would claim him when he passes away.

Roger Hagan, Officer Enlisted Association of the National Guard of Montana, said they wanted to go on record that we support of this bill.

Mike Hampson, Vice-president of the State Council that represents nine chapters of Veterans, said they are in support of this bill and will help to raise funds to help bury these veterans.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. HARRINGTON told **Mr. Cooke** if he (Mr. Cooke) prepared a will stating his wishes regarding his remains, he would not have to worry about his remains being left in a funeral home for 20 years.

SEN. FRANKLIN had a question about the immunity issue. **Al Smith, Montana Trial Lawyers Association**, said he has no objection of this bill, and there really is not a problem with litigation, the only time he sees a problem is when a long lost relative may reappear.

SEN. FRANKLIN was still trying to see why we really need this bill. **Mr. Yeakel** said the funeral directors would appreciate the protections that are offered in this bill.

SEN. CHRISTIAENS asked why some mortuaries do not have any cremains and some mortuaries have many cremains. He wondered how did these funeral homes dispose of these remains. **Mr. Yeakel** said that many of the funeral homes have different policies how they deal with the remains of the deceased.

SEN. CHRISTIAENS said that in 1985 there was a bill that dealt with mortuaries and liabilities. This bill stated that bodies left in mortuaries went to next of kin. There must be some statute of limitations on how long a family would be liable, he said. **Mr. Yeakel** said each funeral home deals with this by the policies of the funeral home.

SEN. O'NEIL wondered if funeral home directors would want this bill to be amended to include all the general public and not just veterans. **Mr. Yeakel** said he was not sure, his sense is they would appreciate any help to relief of this problem.

SEN. HARRINGTON wondered why some counties bury people and do not bury ashes. **Mr. Yeakel** said that is a county-by-county issue.

Closing by Sponsor:

SEN. ROUSH said he felt this is the right thing to do to get this process started. This was an issue that was brought by Veterans to the Veterans Affairs Committee. It is a good place to start (with veterans cremains), and to progress from there.

{Tape : 3; Side : A; Approx. Time Counter : 1.1 - 14.5}

ADJOURNMENT

Adjournment: 4:57 P.M.

SEN. AL BISHOP, Chairman

JEANNE FORRESTER, Secretary

AB/JF

EXHIBIT (phs05aad)