

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

January 20, 1977

The fifth meeting of the Committee of Public Health, Welfare and Safety convened at 11:00 A.M., January 20, 1977, in Room 405 of the State Capitol Building, Helena, Montana.

ROLL CALL: All members were present excepting Senator Robert Lee, who was excused for this day's meeting.

CONSIDERATION OF SENATE BILL NO. 83: This bill, "Montana Disaster Act of 1977", sponsored by Senator Rasmussen at the request of the Department of Military Affairs, was presented to the Committee. The Senator explained that the basic concept of the bill was to update, clarify and define emergency functions of the State, and to conform with PL93-288, the Disaster Relief Act of 1974 and other federal laws.

Chairman Stephens then asked for witnesses. The following persons testified:

Richard Gillespie, Civil Defense Division, D.M.A. (support)
C. L. Gilbertson, Civil Defense Division, D.M.A. (support)
William Murray, Civil Defense Division. (support)
Lloyd Meyer, Civil Defense Division. (support)

Richard (Fritz) Gillespie, who drafted the bill, called the Committee's attention to the Civil Defense handout (see attached Exhibit "A"). He reiterated that the main purpose of the bill would be to modernize and clarify the law. By so doing, Gillespie said it would make it easier for Montana to receive federal disaster assistance, if needed. It would also make it easier to react to a disaster. The bill gives specific authorization for actions that are implied in existing laws.

Questions from the Committee members to the above-named witnesses followed.

Senator Norman questioned the Civil Defense men on the flood problem in the State last year, saying that the State Legislators were not in a position of being able to okay the funds that were being sought.

Senator Normar asked if this bill would help individuals -- the answer was that it would not specifically help individuals, it would help in the restoration of public facilities, generally. However, Civil Defense workers can help individuals indirectly.

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Senator Stephens asked whether there would be additional FTEs should this bill be passed. The answer was - no additional FTEs anticipated. The bill provides for no additional duties over what is presently being done. Senator Stephens mentioned that the Interim Finance Committee, at one of their meetings, denied a grant of \$247,125. He asked if this bill would put additional people on the State payroll and the answer was negative.

It was noted also by the Chairman that this bill carries a fiscal note that estimates that the bill would have no fiscal impact. The Civil Defense witnesses explained that SB 83 will not increase State expenditure -- the authorized expenditure level is already set and will not be changed. Section 75-7902 provides that the Governor may spend up to \$750,000 of State funds on an emergency or disaster.

Senators Himsel, Rasmussen, Watt and Olson questioned the Civil Defense witnesses at length concerning different section and lines in the bill. Specifically, definition of the term "political subdivision" and "chief executive officer" of that subdivision; search and rescue duties; encouragement for volunteer groups such as Salvation Army, Red Cross, etc.; the County Commissioners' role in determination of who is the prime mover in emergency situations; why a time frame is necessary in the designation of an emergency or disaster in the State; why an incident period has to be stated.

In summary, the points stressed were those reasons relating to clarification, defining and updating the present laws, through SB 83.

There being no further questions from the Committee members, the hearing was concluded on SB 83. No action was taken on the bill.

ACTION ON SENATE BILL 22: Senator Stephens, calling the Committee's attention to the typed, proposed amendments on SB 22, asked what the Committee's pleasure was on the amendments.

The sponsor, Senator Watt, made a motion to amend SB 22 to allow for two members from the public, in addition to the five mortician members (see Exhibit "B"). Senator Rasmussen made a substitute motion to amend SB 22 as recommended by the Montana Funeral Directors Association (see Exhibit "C").

Substitute motion carried (see roll call vote "1").

Senator Watt then moved that SB 22 be given a DO PASS, AS AMENDED. Committee recommendation (see roll call vote "2"). Motion carried.

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ANNOUNCEMENTS: Chairman Stephens announced hearing on Senate Joint Resolution 8 on Tuesday, January 25, at 11:00 A.M. No date was set for hearing House Bill 30, also in Committee.

ADJOURNMENT: With no further business being discussed, the meeting was adjourned at 12:15 P.M.



STAN STEPHENS, Chairman

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 1/20/77

ROLL CALL

VOTE 1

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date Jan. 20

SB

Bill No. 22

Time

NAME S :

YES

NO

1. STEPHENS, STAN - Chairman
 2. NORMAN, Bill - Vice Chairman
 3. RASMUSSEN, Tom
 4. HIMSL, Matt
 5. OLSON, Stuart
 6. WATT, Robert
 7. ROBERTS, Joe
 8. LEE, Robert

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: Senator Rasmussen made substitute motion to amend SB 22 as recommended by the Montana Funeral Directors Association.

Substitute motion carried.

(include enough information on motion—put with yellow copy of committee report.)

ROLL CALL

VOTE 2

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date JAN. 20 SB Bill No. 22 Time

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: SENATOR WATT moved SB 22 by giving a DO PASS, AS AMENDED.

Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

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E X H I B I T "A"

PROPOSED
STANDING COMMITTEE REPORT

Prepared by
Civil Defense Division
Department of Military Affairs

January 20, 1977

Mr. President McComber:

We, your committee on PUBLIC HEALTH, having had under consideration Senate Bill No. 83 entitled "AN ACT RELATING TO CIVIL DEFENSE AND DISASTER AND EMERGENCY SERVICES PROVIDING POWERS, DUTIES AND AUTHORITY FOR PREPAREDNESS AND ASSISTANCE IN EMERGENCIES AND DISASTERS; AMENDING SECTIONS 77-2301, 77-2302, 77-2303, 77-2304, 77-2305, 77-2309, 77-2310 And 77-2311, R.C.M. 1947, AND REPEALING SECTIONS 77-2305, 77-2307 and 77-2308, R.C.M. 1947", respectfully report as follows: that Senate Bill No. 83, first reading (white), be amended as follows:

Amend page 21, section 10, line 25.

Following: "arrangements"

Strike: "or"

Insert: "of"

Following: "agreements"

Strike: "or any such agreement"

E X H I B I T "B"

SUGGESTED AMENDMENTS TO SB 22 PROPOSED BY SENATOR WATT:

1. Amend page 1, section 1, line 13.

Following: "of"

Strike: "five (5)"

Insert: "seven"

2. Amend page 1, section 1, line 15.

Strike: "Three"

Insert: "Five"

3. Amend page 1, section 1, line 19.

Following: "Each"

Strike: "member"

Insert: "mortician"

4. Amend page 1, section 1, line 20.

Following: line 20

Insert: "(4) Each public member shall serve for a term of 4 years with staggered terms. One of the first public appointees shall serve a 2 year term."

5. Amend page 2, section 2, line 3.

Following: "to"

Strike: "82A-1602.16,"

Insert: "Section 1, Subsection (4),"

E X H I B I T "C"

SUGGESTED AMENDMENTS TO SB 22 PROPOSED BY THE MONTANA
FUNERAL DIRECTORS ASSOCIATION (ROLAND D. PRATT)

1. Amend title, line 5.
Following: "INCLUDE"
Strike: "TWO REPRESENTATIVES"
Insert: "A REPRESENTATIVE"
2. Amend page 1, section 1, line 13.
Following: "of"
Strike: "Five (5)"
Insert: "6"
3. Amend page 1, section 1, line 15.
Following: line 14
Strike: "Three"
Insert: "Five"
Following: "morticians."
Strike: "Two"
Insert: "One"
4. Amend page 1, section 1, line 16.
Following: line 15
Strike: "members"
Insert: "member"
Following: "shall be"
Strike: "representatives"
Insert: "a representative"
Following: "who"
Strike: "are"
Insert: "is"
5. Amend page 1.
Following: line 20
Insert: "(4) The public member may not participate
in administering license examinations and mortuary inspections."
6. Amend page 1, section 2, line 25.
Following: "The"
Strike: "first two vacancies to occur after"
7. Amend page 2, section 2, line 1.
Insert: "effective date shall be"
Following: "1977"
Strike: "(,)"
Insert: "and"
8. Amend page 2, section 2, line 2.
Following: line 1.
Strike: "representatives"
Insert: "a represenative"

STANDING COMMITTEE REPORT

JANUARY 20 1977

MR. PRESIDENT.....

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY.....

having had under consideration SENATE..... Bill No. 22.....

Respectfully report as follows: That SENATE..... Bill No. 22,..... introduced bill, be amended as follows:

1. Amend title, line 5.

Following: "INCLUDE"

Strike: "TWO REPRESENTATIVES"

Insert: "A REPRESENTATIVE"

2. Amend page 1, section 1, line 13.

Following: "of"

Strike: "Five (5)"

Insert: "six"

3. Amend page 1, section 1, line 15.

Following: line 14

Strike: "Three"

Insert: "Five"

Following: "morticians."

Strike: "Two"

Insert: "One"

EDEN PARK

Page 2
Sen. Bill 22

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4. Amend page 1, section 1, line 16.

Following: line 16

Strike: "members"

Insert: "member"

Following: "shall be"

Strike: "representatives"

Insert: "a representative"

Following: "who"

Strike: "are"

Insert: "is"

5. Amend page 1, section 1, line 21.

Following: line 20

Insert: "(4) The public member may not participate in
administering license examinations and mortuary inspections."

6. Amend page 1, section 2, line 25 and line 1 on page 2.

Following: "The"

Strike: "first two vacancies to occur after"

Insert: "effective date shall be"

7. Amend page 2, section 2, line 1.

Following: "1977"

Strike: ","

Insert: "and"

8. Amend page 2, section 2, line 2.

Following: line 1.

Strike: "representatives"

Insert: "a representative"

P. L.

And, as so amended, DO PASS

STAN STEPHENS, CHAIRMAN