

January 22, 1979

HUMAN SERVICES COMMITTEE PROCEEDINGS:

A Human Services Committee meeting was held January 22, 1979, at 1:30 in the Capitol Annex room #20. That meeting was called to order by Vice Chairman Gene Frates and all were present except Rep. Holmes, who was excused and Rep. Azzara.

HOUSE BILL #34--SPONSOR: Rep. Gene Frates, District #60, read his bill stating that it was from a request by the Dept. of Health and Environmental Sciences to change the publication requirement from ten days to five days and drop the first class mailing.

PROPOONENTS: Mr. Duane Robertson, Chief of the Solid Waste Management Bureau, stated that current laws require a first class mailing along with advertisement in a local newspaper which can be extremely costly. By advertising in the newspaper, it is an adequate notice to the public without the mailing. The mailing is rather redundant and the Department feels it's unnecessary. In the planning process all types of meetings are held for public participation, so there are plenty of chances for the public to involve themselves. Frates in his closing statement made it known that the bill would do the same job as previously, but there would be a substantial saving to the counties.

HOUSE BILL #166--SPONSOR: Rep. Andrea Hemstad, District #40, stated that she is sponsoring this bill from a request of the Department of Health and Environmental Sciences, which is an act to amend and clarify the authority of the Department in dealing with communicable diseases and transportation of dead bodies. The statutes for these two were omitted in 1974 when re-written pertaining to the laws governing this Department. No statutes can be found regarding this subject, and the Department feels that it was a mistake; an accidental oversight. The present rules are outdated and no longer reflect current medical practices; i.e. smallpox, the last case handled in Montana was in 1938. PROPOONENTS: Dr. Martin Skinner, from the Department of Health and Preventive Services Bureau said that in 1975 the Department took a look at laws and the authority of Health and Environmental Sciences (69-4105 and 69-4106 MCA), and the rules pertaining to dead bodies were the most current in the country, but regarding communicable diseases they were archaic. Currently, The Department has rules on the books without statutory laws to match. Their attorneys said they have four remedies: 1. Change the rules; if anyone wanted to contest the Department and the authority they are utilizing, they could. 2. Ask the Attorney General if they have the authority to do this. 3. Forget the changes. 4. Bring it to the attention of the Legislature. Mr. Don Pratt, Executive Director of Montana Funeral Directors stated that they were not aware of such discrepancies in the law and that they had been obeying without having to do so. His group supported such a bill as long as they didn't try to slip any riders in that didn't pertain to their said intent.

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Several changes were suggested regarding House Bill #34 and it was the consensus of the Committee to hold off any action until such changes were drafted in an amendment form.

The following action was taken:

Rep. O'Connell moved to give House Bill #166 a Do Pass. This motion carried with a unanimous vote.

The hearing was adjourned at 2:45 by Vice-Chairman Rep. Frates.

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John Frates

CHAIRMAN

M. Ratliff  
SECRETARY