

LOCAL GOVERNMENT
FEBRUARY 17, 1979
46th LEGISLATIVE SESSION

The meeting of the House Local Government Committee was called to order by Chairman Hershal Robbins on Saturday, February 17, 1979 at 11:00 a.m. The meeting had originally been set for Friday the 16th but due to circumstances beyond control it was postponed. The secretary called the roll. Members absent were: Representatives Kemmis, Kessler, Oberg, Reichert, Sales and South.

The purpose of the meeting was to hold executive session. There was mention of HB 249 with Rep. Pistoria stating that perhaps the other bill would be better and therefore no action was taken on the bill at this time.

HB 43

Rep. Gould stated that this bill should have an amendment on page 3, following: "wildlife" on line 3, Insert: "agriculture". Rep. Gould moved the amendment. A vote was taken and carried unanimously with those present. Rep. Gould then made a motion that HB 43 AS AMENDED DO PASS. Rep. Waldron then made a substitute motion that HB 43 AS AMENDED DO NOT PASS. He said that the main objection to the bill was that the present law was now working and he had received many letters regarding the passing of further subdivision laws. Rep. Hurwitz agreed stating that local communities and planning boards had said that there had been no criteria set up and he felt the need for a bill that they could work with was what was needed. Then there was discussion that many people had appeared on the bill and they were not in agreement with this type of handling of the subdivisions. It was then discussed by the committee that the interim committee on subdivision had come up with this language. A vote was taken on the substitute motion and failed 7 - 5. Vote was reversed and HB 43 AS AMENDED DO PASS 7 - 5.

HB 476

This bill was presented by Rep. Fabrega. Rep. Fabrega stated that this bill would prohibit a funeral home from the practice of having the funeral director be the coroner when there is only one funeral home in the area. This to him represents a conflict of interest when they are representing the law and also being the professional who should be of comfort and help and guidance to the family. He stated that they also have to be sure that there is no crime involved. This could present areas of conflict.

There were no proponents or opponents present for HB 476.

Chairman Robbins announced that there were several other bills relating to this subject and they would all be considered at one time.

Rep. Azzara stated that before the committee took any action, all of the bills should be considered. Rep. Azzara then suggested that amendments be worked out to include the better points of the two bills. He stated that he would like to hear from proponents from either HB 476 or HB 645. There were no proponents present.

Micky Nelson, representing Lewis and Clark and the Montana Coroners Assoc., spoke regarding HB 476. He said that they would like to retain the election of the coroner. He went on to say that the association was opposed to the addition of the 12 hours notification time in HB 645. He stated that they are sometimes presented with a problem with families being out of town or they have to be left for an autopsy. Most accept notification as soon as possible.

The sheriff coroner from Flathead county, Kalispell, spoke on both HB 476 and HB 645. He felt that the job should be upgraded requiring someone who has training in investigative work.

Don Pratt, representing the Montana Funeral Directors Assoc., spoke in opposition to the bill, stating that there does have to be notification before impounding. He felt that this was sufficient. It is usually within 36 hours.

Rep. Fabrega closed on HB 476.

Questions from the committee followed. Rep. Bertleson inquired as to whether or not the two bills could be combined. There was then discussion regarding this matter. The hearing was closed.

Chairman Robbins called on Rep. Pistoria to present HB 249.

HB 249

Rep. Pistoria stated that there was some problems with the bill and he would like to work out the amendments, removing section 1 and inserting a new section 7-3-2131, regarding elected county officials. Rep. Hurwitz moved that the committee pass consideration of the bill for the day. Motion carried.

HB 307

Rep. Azzara stated that he would like to take this into consideration with HB 46, section 3-2-10. This deals with areas with a master plan under subdividing and when subdivision takes place within the master plan if the governing body decides that they want to do it in this way. It included a long series of public notices and hearings. He felt that including it under the master plan could be a money saving measure for local government. He stated that people from Missoula had been present as proponents in an earlier meeting however they were not

available at this time. There were no opponents present.

Chairman Robbins stated that this would be taken up in executive session.

HB 46

Rep. Azzara stated this would allow options for the local governments. He stated that he would like to propose an amendment to this for the governing body to approve any subdivision which is in an area under a master plan. He stated that this could be taken care of in executive session.

Hearing was closed on this bill.

Chairman Robbins announced that the committee would go into executive session. For persons present he stated that this would include discussion open only to members of the committee.

EXECUTIVE SESSION:

HB 289.

Rep. Azzara stated that the department would be passing funds directly to the local board. He moved that HB 289 DO PASS. Rep. Gould inquired about passing money appropriated to the state and asked if there would be any federal money involved. There was then questions by some of the members as to whether this would be wise to pass money directly to the board because it would not go to the city or the county. Detailed discussion followed. Testimony had been submitted by the Dept. of Health. It was noted that the 3-14D money included 70% of funds to be utilized for support and it is not specified that it be passed directly. Public law 95-626 also has been passed and does specify how these new funds will be utilized. The federal funding would be dropped from 90 to 52 million and those amounts would not be available for both units. It was pointed out that they do pass on 105 thousand of the 471 thousand dollars at present. Committee members then discussed the finances. It was noted then that several members of the committee were leaving the room during the discussion of the bill to attend another hearing. It was pointed out that the bill could be discussed at a later date. Rep. Donaldson made a motion that HB 389 DO PASS. Vote was 5 - 9. Motion failed. Vote was reversed and HB 389 DO NOT PASS 9 - 5. Rep. Robbins stated that out of courtesy to the other members that had to leave the bill could be reconsidered at a later date if desired by the committee.

Prior to introduction to HB 689, Rep. Robbins inquired if the committee would have any objection to having representatives from the State Dept. and the Governor's office appear in support or opposition to the bill. Members had no objection. It was moved by Rep. Gould to allow them to speak.

HB 689 - By Rep. Robbins

Doctor Fenner from the State Dept. of Health spoke stating that he did not wish to testify because of the limited time of the committee but he would present written testimony. This is attached to the original minutes.

Rep. Robbins then gave introductions which is also attached as written testimony. It was pointed out that this bill deals with the qualifications of EMT operators. It was stated that there has been some problems in having people become certified because the standards are very stringent and people are not passing the test. They are not being trained properly or have been too restricted in their learning and are not qualified. This has presented problems where hospitals are far away and there must be EMT operators to transport people.

PROPOSERS:

Rep. Moore stated that he felt the original intent of the bill as passed was that nurses and doctors would not have to qualify under the program because they had already received this training. The purpose was to train and qualify other persons to operate EMT services.

Dean Senacur, from the Montana Assoc. of Counties, stated that he felt there were no problems.

Ottis Hill from the Governors office stated that the bill was not to reduce the quality but it would be to change the administrative area in order to have more people become qualified technicians.

Lloyd Linden, a private ambulance operator from the area, stated that he had 9 years of experience and he had not run into any problems of having people certified, however he hadn't received input from other people in the local communities.

OPPOSERS:

Ms. Jacobson, representing the Nurses Assoc., stated that they were opposed. She stated that they did not feel this should be under the highway dept., but should be retained in the health dept. and also stated that if they were trained as EMT's there would not be further need for training. However they felt they should have this additional training. There were also other opponents present. Jack Davis, a commissioner, submitted written testimony which is attached. Lenord Bates, also submitted written testimony, in representation of the Montana Society for Emergency Technicians. Also present was Ralph Gilroy, Montana Health Systems Agencies, in opposition of the bill.

Pauline Lennell, a trained technician, stated that many people have had the training however, they do not always use it.

OPPONENTS CONT.:

Joe Marvel, of Billings, stated the pass rate in 1974 for current testing procedures had been 25,000 although only 35% actually worked. 20% were recertified in May of 1978 and they asked for further local training. The pass rate was then moved from 6% to 35% and more people are becoming certified. He stated that the EMT's should be allowed to continue under the Dept. of Health.

Nancy Rehm, practicing EMT in Billings, stated she felt at one time she would have testified in favor of the bill, however, it is doing well now and she felt it would be pointless to change the program at this point.

Doctor Jack McMahon from Helena, stated that he felt the committee should not feel that Helena was totally in support of the bill. He was opposed although he realized that there were some problems and he hoped the dept. would not be giving lesser quality service because of this.

Evon Bradford, of Missoula, also spoke as an opponent stating that people are basically capable of being trained but there needs to be cooperation between the dept.

David Lackman, representing the Montana Health Assoc., stated that he felt EMT's were needed and that the standards should not be lowered and they possibly would be because of the bill.

Earl Griffith, representing the volunteer fireman, stated that he did not feel there was a deficiency in the program as far as training but he felt there may be some problems in the testing and this should be worked on.

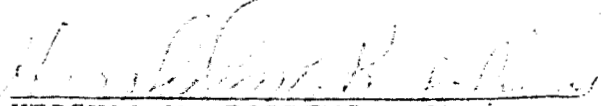
Franklin Mills also spoke in opposition stating that he was an EMT operator and felt that if the department was made aware of the problems it could probably be worked out satisfactorily. There was then other testimony offered and others appeared and written testimony was submitted to the chairman and secretary. This testimony is part of the original minutes and is attached.

Hearing was closed on HB 689.

People were thanked for having traveled a great distance to testify on the bill.

Being no further business, the meeting was adjourned at 1:50 p.m to convene at 1:00 p.m on Sunday February 18, 1979.

Respectfully submitted,


HERSHAL M. ROBBINS - Chairman