

STATE RISK MANAGEMENT ADVISORY COUNCIL
MINUTES OF THE MAY 20, 2003 MEETING
Commissioner of Higher Education Conference Room
9:00 a.m. – 12:00 p.m.

Members present: Shelly Grandy, **Supreme Court**; Kathy Battrick, **DPHHS**; Bill Hoffman, **Commerce**; D.J. Whitaker, **UM-HCOT**; Penny Moon, **DOA-State Procurement**; Diane West, **Labor & Industry**; Esther Schneider-Fantry, **Justice**; Marilyn Cameron, **Montana Tech**; Julia Dilly, **OPI**; Ray Eby, **Transportation**; Erv Kent, **Military Affairs**; Larry Krum, **Agriculture**; Virginia Cameron, **DEQ**; Barbara Duke, **State Library**; Tom Nichols, **UM-Western**; Linda Huseby, **Livestock**; Linda Ryckman, **OCHE**; Damian Briggs, **Student Assistance Foundation**; Mary Baker, **Commissioner of Political Practices**; Susan Dickson, **MSU-Billings**; John Huth, **State Auditor's Office**; Darlene Gilchrist, **Fish Wildlife & Parks**; Mark Peck, **Corrections**; Jeff Shada, **MSU-Bozeman**. Attending from **RMTD** were Brett Dahl, Aric Curtiss, Kristie Rhodes, Marjie Adams, Jennie Younkin and Carol Berger.

Absent were members from the Board of Education, Historical Society, Legislative Branch, MSU COT-Great Falls, MSU-Northern, DNRC, Public Service Commission, Revenue, Secretary of State, State Fund, and UM-Missoula.



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Brett welcomed everyone to the meeting and asked the new members and substitutes for members to introduce themselves. Larry Krum (Agriculture), Erv Kent (Military Affairs), Mary Baker (Political Practices), Julia Dilly (OPI), Penny Moon (Administration), and Susan Dickson (MSU-Billings), responded.

The minutes of the July 16, 2002 meeting were approved as written.



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Continuity of Government & the Role of Safety Committees – Dan McGowan, the Planning Bureau Chief for the Disaster & Emergency Services Division, Department of Military Affairs, stated that he served on a Department of Administration planning committee that has just finished a 3-year project to revise the “Emergency Coordination Plan.” The draft of the plan will be completed by the end of June. The idea was to plan for the worst-case scenario in a disaster or emergency, and includes recovery, cleanup and relocating.

According to the Safety Culture Act, each agency with more than 5 employees must have a safety program. The “Emergency Coordination Plan” provides that each building will have a

safety team, which will respond to emergencies by (1) getting the employees out of the building, (2) accounting for them, and (3) getting them rescued if necessary. If there is more than one agency in the building, the team will be comprised of representatives from each agency or each floor of the building.

The Department of Administration is hiring a Safety Coordinator, and the members of the team will help to write the plan and have drills to evacuate employees from buildings. Department Directors will still make decisions for their agencies, but each agency will coordinate with other agencies in their building. Training will be available.

General Services will shut off gas and electricity to buildings, and will hook up with the Lewis and Clark County 9-1-1 emergency line. The “303 N. Roberts” address shows whenever 9-1-1 is called from a state agency, so this needs to be fixed in order to have emergency personnel respond to the correct building.

University System campuses and agencies located out of Helena need to prepare their own plan. Helena College of Technology and Administration need to decide whether or not HCOT will be included in the state plan. Agencies that already have their own plans are to be commended, but will still need to be involved in the state plan.

Facilities needing Safety Committees – Kristie Rhodes stated that she has compiled a list of facilities, and asked everyone to provide a list of three contact people for each building that is occupied by their agency employees by July 1, 2003. She gave instructions as to how to add buildings to the PCIIS system, and will send an instruction list to anyone who e-mails a request to her.



emergencycontactsb
yblgdg

The three people should be persons who are emergency primary, secondary and tertiary contacts for any situation, and don't necessarily have to be members of the safety team. For example, the primary contact could be the administrative assistant or receptionist answering the main phone number of the agency. A copy of the list will be sent to Dan McGowan.

58th Legislative Session Changes in Vehicle Operations Laws – Pam Bucy, of the Attorney General's Office, distributed a list of motor vehicle bills that passed during the session. The list is imbedded below:



legisreviewtraffic

The motor vehicle bills that **did not pass** are following:

HB-226 – Restrictions on new drivers under age 18

HB-234 – Seatbelt law for drivers or passengers under age 18

HB-255 - \$100 fine for DUI with kickback to peace officers

HB-295 – Aggravated DUI – new felony

HB-412 – Required mud flaps for certain vehicles

HB-696 – Prohibited driving on shoulder of road

SB-039 – Open container bill

SB-116 – Primary seatbelt law

SB-175 – Prohibited cell phone use

SB-223 – Allowing not wearing seatbelts to be admissible

SB-345 – Special permits required for over-length loads on trucks

SB-352 – Required headlights to be illuminated at all times

Division Restructuring & Team Visits – Brett explained that the Risk Management & Tort Defense Division has been restructured so that our employees can get some cross training, and at the same time give state agencies and the university system better service. The organizational chart that was distributed shows how the restructuring plan will work: who is responsible for what claims, and who will be making team visits to which agencies. The Advisory Committee meeting will take place in the spring, and team visits will be made in the fall, to inform everyone about any changes in insurance rates, what is happening with their claims, and other pertinent information.



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Mold Cleanup Prevention Protocol – Mike McNamee from Crawford & Company gave a PowerPoint presentation on the importance of water damage cleanup, and ways to mitigate the damage. He stated that with the many mold and asbestos litigation claims that have been filed, it is very difficult and expensive to get insurance to cover them. Law will require a mold inspection or water damage inspection when someone sells a house. This is connected to the real estate, not to the owner. The focus is on water damage, because mold comes from it when the water isn't cleaned up thoroughly.



moldcleanupprotocol

Mold damage will become very expensive to agencies because insurance doesn't cover it. A microbiologist will investigate all claims of mold damage to determine how long the mold has been there. Agencies must deal with the problem immediately and clean and dry up the water thoroughly.



waterdamagepolicy

A new Department of Administration policy has been drafted to address the problem of State property water damage cleanup. Simply stated, **effective immediately, insurance funds will not be used to pay for mold remediation. Agencies will be required to fund mold remediation themselves.** All agencies must promptly (within 24 hours) report water losses and mitigate damages. The Risk Management and Tort Defense Division will authorize and pay for reasonable aggressive measures to dry up water. The draft goes on to give water mitigation requirements all agencies must follow to avoid the growth of mold.

Brett asked for feedback on the draft policy as soon as possible, whether it is good or bad.

Marjie suggested that during the fall team meetings, RMTD could visit with the various facilities people and give them the protocol/plan to mitigate mold problems. Marjie and Mike McNamee will visit with Doug Olson and Tom Russ at the General Services Division regarding the draft policy.

Loss Prevention Issues – Aric announced that OPI wanted to share information with the safety coordinators with regard to their crash avoidance training in Lewistown. OPI has a web site offering information on the course. This course will be accepted by RMTD for the state agency defensive driving 5% discount.



crashavoidancetrng

Aric reported that the Defensive Driving training classes in Helena are very popular, with a 50-seat-per-class capacity. The next class in Helena will be held June 12. He urged everyone to take the class so their agencies can earn the discount.

Back Injury Prevention training will be given during June in Great Falls and Cut Bank, but there is none scheduled in Helena at this time.

Risk Exposure in Contracts training will be scheduled in the near future, so be sure to check the RMTD web site for training dates and times.

If anyone is interested in Fire Prevention training, please call Aric Curtiss at 444-3486.

Announcements – Brett stated that RMTD is looking at increasing the deductible on Property insurance, since there have been only 6 claims in the past few years where the insurance company has paid over \$150,000.00.

He also reported that the name of this group, Risk Management “Advisory Committee,” soon will be changed to “Steering Committee,” since it isn’t really an advisory committee. A true advisory committee has been organized, with members from both the public and private sectors. They will meet to periodically to discuss mutual topics, with the hope that the group will be of benefit to everyone involved.

Reminders – Brett reminded everyone that it is very important that agencies fully implement the Vehicle Use Rule and report by June 1, 2003.

Notice of Election forms must be completed and sent to Kristie Rhodes by June 1, 2003 if your agency wishes to participate in the Defensive Driving Premium Discount.

Safety Program Self-Assessments are to be submitted to Brett Dahl by July 5, 2003.

It has been decided that updates of Hazardous Materials Lists need only be submitted every other year, so the next one will not be due until next year.

How to Obtain and Use Web-Based Claims Reports – Jennie said that in order to obtain web-based claims reports, you will need a User ID. If you do not yet have one, call Jennie at 444-7996, and she will provide one for you.

She said that the RMTD claims personnel will no longer send out letters to agencies reporting claims that have been received on their agencies. Instead, agencies can check the status of claims by running their own reports. Brett demonstrated how to access the reports, what each report was used for, and what the terms mean.

The meeting was adjourned at 12:15 p.m.