

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

January 19, 1977

The fifth meeting of the Labor and Employment Relations Committee was called to order by Chairman Lee on the above date in Room 402 of the State Capitol Building at 9:30 a.m.,

ROW CALL: All members present with Senator Nelson excused.

GENERAL DISCUSSION: The sixth proposal from the Worker's Compensation packet was first referred to. Norman Grosfield was again present at this meeting and he brought a detailed narrative which explained the changes that were made in each section of this bill. The bill relating to the Occupational Disease Act is extremely complicated and this proposed revision will clear up the language of that bill. The Anaconda Company is mainly affected by this bill because of the great deal of underground mining.

Mr. Stephen Williams, attorney for the Anaconda Company, was also present at this meeting. He said he had met with Mr. Grosfield and had reviewed the bill very carefully. The Anaconda Company has no objections to this bill but Mr. Williams had several proposed amendments that he felt were necessary and introduced them to the committee.

The first amendment is to amend page 9, line 11. Following: "specialist" Insert: "who shall be a member of the panel." This states that the second examination be done by a member of the medical panel. This panel is made up of three or more licensed physicians who are selected by the Worker's Compensation Division on advice of the Montana Medical Association.

The second amendment is to amend page 11, line 5. Following: "exclusive" Insert: "and final,". The evidence of two medical examinations is final and no additional medical examinations shall be admissible.

The third amendment is to amend page 13, line 7. Following: "division" Insert: "who shall be a member of the appropriate medical panel." Under the proposed changes, the Division would have two separate panels, one to review pulmanary occupational disease claim and the other nonpulmanary occupational disease claim.

The fourth and final amendment is to amend page 16, line 20. Strike: "compensation" Insert: "to coverage under the Occupational Disease Act of Montana". This refers to the settlement of claims and allows the employee and employer to settle on a disputed claim.

Senator Blaylock then made a motion that the committee accept these amendments to the sixth proposal. The motion carried with unanimous consent of the members present.

Norman Grosfield went through the bill and explained the minimal changes which had been made. Since the Occupational Disease Act contained very detailed and confusing provisions, it was the attempt of the Worker's Compensation Advisory Council to go through and mainly correct the procedural problems. It is the intent of the recodification to revise and update the procedures so the Occupational Disease Act could be properly administered.

Action on this proposal was deferred until Friday.

The second proposal was then considered. 92-202.1, subsection 2 of the third proposal cleared up the concept of whether casual employees would be covered under the act. Senator Lowe made a motion to amend page 2, line 5 of the second proposal. Following: "law" Insert: "for these casual employments". The motion carried with unanimous consent of the members present.

Senator Blaylock then made a motion that the second proposal be accepted by the committee as a committee bill. The motion carried with unanimous consent of the members present.

John Bobinski passed out a revised copy of the third proposal. This copy contained the necessary corrections that had to be made. The question of why did they arrive at the figure of \$150,000 for the state fund came up. Mr. Grosfield stated that based on previous information, the Division believes that a figure of \$150,000 could be used to adequately fund a portion of the uninsured employers fund. This figure would allow the fund to pay for a small number of very severe accidents and a substantial number of medical claims. It is still a question of whether or not the fund will remain adequate. This will depend on how successful the Division is in pursuing its reimbursement system against the uninsured employers to recover the liabilities paid out of the fund.

Mr. Grosfield also stated that he talked with Glen Drake, lobbyist for the American Insurance Institute. He is concerned with this bill and made a suggestion to amend page 2, line 9. Following: "household" Insert: "domestic employment."

Senator Blaylock made a motion to accept the amendment on page 2, line 9 of the third proposal. The motion carried with unanimous consent of the members present.

Senator Goodover said he talked with Mr. Clark who represents Insurance Companies said that they were not sure of the method of funding for this program and if they would be sufficient.

After more discussion was held on this matter, Senator Goodover stated he was still not clear on this idea. John Bobinski then stated that it would be much faster if the committee accepted this proposal now and have it introduced to the committee as a bill. Then the committee could make the necessary amendments to the bill.

Senator Lowe moved that the third proposal be accepted as a committee bill except that the final introduced bill will carry an amendment in regard to State Liability. All members of the committee voted "aye" except Senator Goodover and Senator Nelson voted "nay".

ADJOURN:

There being no further business, the meeting was adjourned at 11:35.

A handwritten signature in cursive script, appearing to read "Robert E. Lee", written over a horizontal line.

Robert E. Lee, Chairman

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date

1/19/77

| NAME | PRESENT | ABSENT | EXCUSED |
|----------------------------------|---------|--------|---------|
| Senator Robert Lee, Chairman | ✓ | | |
| Senator Bill Lowe, Vice Chairman | ✓ | | |
| Senator Chet Blaylock | ✓ | | |
| Senator Pat Goodover | ✓ | | |
| Senator Matt Himsl | ✓ | | |
| Senator Sandy Mehrens | ✓ | | |
| Senator Harold Nelson | | | ✓ |
| Senator Richard Smith | ✓ | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Each day attach to minutes.

SENATE Labor COMMITTEE

COMMITTEE

BILL

VISITORS' REGISTER

DATE _____

1/19/77

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY