

MINUTES OF THE MEETING
FINANCE AND CLAIMS
MONTANA STATE SENATE

April 1, 1977

The twentieth meeting of the Senate Finance and Claims Committee met in room 331 on the above date. Roll call was taken and the meeting was called to order at 11:16 A.M.

A motion was made by Senator Regan, second by Senator Flynn to reconsider Senate Bill 217. Voted and passed, unanimous.

Motion by Senator Regan, second by Senator Nelson that Senate Bill 217 do not pass. Voted, passed, unanimous.

Senator Regan said that after reading the auditor's report she felt it might be wise to take another look at the big bill to see what the extent might be. Perhaps they could set some guidelines down for another year. Senator Roberts said he felt it would have to have a change in the substantive provision in the law, that it effects the basic act.

House Bill 283 and 284 were discussed. This bill had been voted on before and the committee had been asked to hold the bill for a couple of days. The Chairman received permission from the committee to put it out.

Senate Bill 236 was recommended do not pass, motion by Senator Fasbender, second by Senator Roberts. Voted, passed.

Senate Bill 166 was discussed with amendments for page 11, line 10; page 10, line 6, and page 9, line 9. Discussion was held and they asked the fiscal analyst, Judy Rippingale to give her report on it. Several committee members had problems with the bill in that it penalized the employer who paid to pay in addition for the one who did not. This bill is based on the death fund of \$1,000 per death, and the deaths average around 50 per year.

Motion by Senator Regan to strike lines 6 through 10. Voted and passed. The motion had been seconded by Senator Kolstad.

Senator Himsel made a motion, seconded by Senator Regan to move the amendments offered by the Workman's Compensation Division to make the bill workable. Copy attached voted and passed.

Motion by Senator Regan, second by Senator Flynn that Senate Bill 166 do pass as amended. Roll call vote attached, motion passed.

The meeting was adjourned.



SENATOR THIESSEN, Chairman

SB 166

AMENDMENTS TO SENATE BILL 166

1. Amend page 2, Section 1, line 9.

Following: "Household"

Insert: "and domestic"

2. Amend page 3, Section 2, line 14.

Following: "92-212"

Insert: ", 92-213, and 92-214"

3. Amend page 9, Section 4, line 21.

Following: "be paid"

Insert: "from the fund"

~~4~~ *Page 10* 5. Amend page 11, Section 5, line 3.

Following: line 4

Insert: "Section 5. There is a new R.C.M. section numbered 92-213 that reads as follows:

92-213. Election of uninsured employee to take under the fund or bring action against employer -- limitation on benefit entitlement under the fund. (1) An employee who suffers an injury arising out of and in the course of employment while working for an uninsured employer as defined in 92-212(1), or an employee's beneficiaries in injuries resulting in death, may elect to either receive benefits from the uninsured employers fund or pursue a damage action against the employer. However, once an election has been made to either take from the fund or pursue a damage action, the election is final and binding on the employee or the employee's beneficiaries, heirs, and personal representatives. An injured employee or the employee's beneficiaries may not receive both benefits from the fund and pursue a damage action. If an injured employee or the employee's beneficiaries elect to bring an action to recover damages for personal injuries sustained or for death resulting from personal injuries so sustained, it is not a defense for the employer that the:

- (a) employee was negligent unless such negligence was willful;
- (b) injury was caused by the negligence of a fellow employee; or

(c) employee had assumed the risks inherent in, incident to, or arising out of his employment or arising from the failure of the employer to provide and maintain a reasonably safe place to work or reasonably safe tools or appliances.

(2) Notwithstanding the provisions of 92-212 and 92-614, injured employees or an employee's beneficiaries who elect to receive benefits from the uninsured employers fund are not granted an entitlement by this state for full workers' compensation benefits from the fund. Benefits from the fund shall be paid in accordance with the sums in the fund. If the division determines at any time that the sums in the fund are not adequate to fully pay all claims, the division may make appropriate proportionate reductions in benefits to all claimants. The reductions do not entitle claimants to retroactive reimbursements in the future."

Renumber: all subsequent sections.

~~6~~ 5. Amend page 11, Section 5, line 4.

Following: "section"

Insert: "numbered 92-214"

~~7~~ 6. Amend page 11, Section 5, line 19.

Strike: "wilful"

Insert: "willful"

STANDING COMMITTEE REPORT

April 1

19 77

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration SENATE Bill No. 217

Respectfully report as follows: That SENATE Bill No. 217

DO NOT PASS
DO PASS

PA.

STANDING COMMITTEE REPORT

.....March 31.....1977.....

MR.PRESIDENT.....

We, your committee on**FINANCE AND CLAIMS**.....

having had under consideration**HOUSE**..... Bill No. **284**.....

Respectfully report as follows: That.....**HOUSE**..... Bill No. **284**.....

BE CONCURRED IN

DO PASS

G.H.

STANDING COMMITTEE REPORT

March 31

1977

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration HOUSE Bill No. 233

Respectfully report as follows: That HOUSE Bill No. 233

RE CONCURRED IN

DO PASS

F.A.

- DO PASS
- DO NOT PASS
- BE CONCURRED IN
- BE NOT CONCURRED IN
- BE ADOPTED
- BE NOT ADOPTED
- BE HELD OVER

STANDING COMMITTEE REPORT

April 1

1977

MR. PRESIDENT

FINANCE AND CLAIMS

We, your committee on

SENATE

166

having had under consideration

BILL NO.

Respectfully report as follows: That the introduced bill, be amended as follows:

SENATE

166

BILL NO.

1. Amend page 2, section 1, line 9.
Following: "Household"
Insert: "and domestic"

2. Amend page 3, section 2, line 14.
Following: "92-212"
Insert: "92-213, and 92-214"

3. Amend page 4, section 4, line 21.
Following: "be paid"
Insert: "from the fund"

4. Amend page 11, section 4, lines 6 through 10.
Following: line 5
Strike: lines 6 through 10 in their entirety

DO PASS

Chairman

5. Amend page 11, section 4, following line 3.

Following: line 3

Insert: "Section 5. There is a new R.C.M. section numbered 92-213 that reads as follows:

92-213. Election of uninsured employees to take under the fund or bring action against employer -- limitation on benefit entitlement under the fund. (1) An employee who suffers an injury arising out of and in the course of employment while working for an uninsured employer as defined in 92-212 (1), or an employee's beneficiaries in injuries resulting in death, may elect to either receive benefits from the uninsured employers fund or pursue a damage action against the employer. However, once an election has been made to either take from the fund or pursue a damage action, the election is final and binding on the employee or the employee's beneficiaries, heirs, and personal representatives. An injured employee or the employee's beneficiaries may not receive both benefits from the fund and pursue a damage action. If an injured employee or the employee's beneficiaries elect to bring an action to recover damages for personal injuries sustained or for death resulting from personal injuries so sustained, it is not a defense for the employer that the:

(a) employee was negligent unless such negligence was willful;
(b) injury was caused by the negligence of a fellow employee;

or

(c) employee had assumed the risks inherent in, incident to, or arising out of his employment or arising from the failure of the employer to provide and maintain a reasonably safe place to work or reasonably safe tools or appliances.

(2) Notwithstanding the provisions of 92-212 and 92-614, injured employees or an employee's beneficiaries who elect to receive benefits from the uninsured employers fund are not granted an entitlement by this state for full workers' compensation benefits from the fund. Benefits from the fund shall be paid in accordance with the sums in the fund. If the division determines at any time that the sums in the fund are not adequate to fully pay all claims, the division may make appropriate proportionate reductions in benefits to all claimants. The reductions do not entitle claimants to retroactive reimbursements in the future."

Renumber: all subsequent sections.

6. Amend page 11, Section 5, line 4.

Following: "section"

Insert: "numbered 92-214"

7. Amend page 11, section 5, line 19.

Strike: "wilful"

Insert: "willful"

AND AS SO AMENDED, DO PASS

gA.

SENATOR THIESSEN, Chairman

STANDING COMMITTEE REPORT

April 1

19 77

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS,

having had under consideration HOUSE Bill No. 491,

Respectfully report as follows: That HOUSE Bill No. 491,
third reading bill, be amended as follows:

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

Following: line 18

Strike: "shall"

Insert: "may"

2. Amend page 1, section 1, lines 21 through 23.

Following: "boards."

Strike: "while traveling to or from a board meeting, or while engaged
in board business"

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

Following: line 12

Strike: "traveling to and from a meeting and while"

4. Amend page 2, section 2, lines 14 and 15.

Following: "board"

Strike: "and for each day actually engaged in the duties of his office"

DEANES

5. Amend page 3, section 3, line 11.

Following: "board"

Strike: "shall"

Insert: "may"

6. Amend page 3, section 3, lines 12 and 13.

Following: "meetings"

Strike: "and while engaged in other business of the board"

7. Amend page 4, section 4, line 2.

Following: "members"

Strike: "shall"

Insert: "may"

8. Amend page 4, section 4, lines 3 and 4.

Following: "meetings"

Strike: "and while engaged in other board business"

9. Amend page 4, section 5, line 24.

Following: "Compensation"

Strike: "shall"

Insert: "may"

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

Following: "meetings"

Strike: "or carrying out board business"

AND AS SO AMENDED, BE CONCURRED IN

B. L.

SENATOR THIESSEN, Chairman

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 4-1-772 Bill No. 217Time 11:18NAME YES NO

Himsl, V.C.		✓	
Story		✓	
Etchart		✓	
Kolstad		✓	
Lockrem	u		
Nelson		✓	
Smith		✓	
Stephens		✓	
Fasbender		✓	
Boylan		absent	
Flynn		ab	
Mehrens			
Regan			
Roberts			
Thomas		✓	
Thiessen, Chairman		✓	

Secretary

Chairman

Motion:

P-6

Reconsider - un

un a

SENATE COMMITTEE

FINANCE AND CLAIMS

2/7

Date 3-8-77

2

Bill No.

~~236~~ ²³⁶ b/s

Time

5:24

NAME

YES

NO

Himsl, V.C.

✓

Story

✓

Echert

✓

Kolstad

✓

Lockrem

✓

Nelson

✓

Smith

✓

Stephens

✓

Fasbender

✓

Boylan

✓

Flynn

✓

Mehrens

✓

Regan

✓

Roberts

✓

Thomas

✓

Thiessen, Chairman

✓

Secretary

Chairman

Motion:

Amend 3/4 I seconded 1/2

SENATE COMMITTEE

FINANCE AND CLAIMSDate 3-8-272Bill No. 217Time 5:25

NAME

YES

NO

Himsl, V.C.

✓

Story

✓

Etchart

✓

Kolstad

✓

Lockrem

✓

Nelson

✓

Smith

✓

Stephens

✓

Fasbender

at

Boylan

✓

Flynn

✓

Mehrens

✓

Regan

✓

Roberts

✓

Thomas

✓

Thiessen, Chairman

✓

Secretary

Chairman

Motion: 169d1

STATE PUBLISHING CO., HELENA, MONTANA

STANDING COMMITTEE REPORT

March 8

19~~X~~ 77

Journal

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration SENATE Bill No. 217

Respectfully report as follows: That SENATE Bill No 217,
second reading, be amended as follows:

1. Amend title, line 7

Following "MAKE"

Strike: "ALL"

Insert: "eligible"

2. Amend page 1, section 1, line 18.

Following line 17

Strike: "receive those payments;"

Insert: "begin receiving three-fourths (3/4) of those payments;
provided however, a person is not eligible for those payments
if her taxable income is sixty eight hundred dollars (\$6,800)
or more per year;"

AND AS SO AMENDED, DO PASS

XXXXXX

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 4-1-77Bill No. 164Time 11:48

NAME

YES

NO

Himsel, V.C.

✓

Story

✓

Etchart

✓

Kolstad

✓

Lockrem

ef

Nelson

✓

Smith

✓

Stephens

✓

Fasbender

✓

Boylan

at

Flynn

✓

Mehrens

at

Regan

✓

Roberts

✓

Thomas

✓

Thiessen, Chairman

✓

Secretary

Chairman

Motion: 26 90 ✓

STANDING COMMITTEE REPORT

- DO PASS
- DO NOT PASS
- BE CONCURRED IN
- BE NOT CONCURRED IN
- BE ADOPTED
- BE NOT ADOPTED
- BE HELD OVER

APRIL 1 1977

MR. PRESIDENT.....

We, your committee on..... FINANCE AND CLAIMS.....

having had under consideration..... SENATE..... Bill No. 236.....

SENATE..... Bill No. 236.....

Respectfully report as follows: That.....

DO PASS

J.R.

SENATOR STIEGEMAN

Chairman.

SENATE COMMITTEE

FINANCE AND CLAIMS

Date 4-1-772Bill No. 236Time 11:NAME YES NO

Himsl, V.C.		✓	
Story		✓	
Etchart		✓	
Kolstad		✓	
Lockrem	at		
Nelson		✓	
Smith			✓
Stephens			✓
Fasbender		✓	
Boylan	at		
Flynn	at		✓
Mehrens			
Regan		✓	
Roberts		✓	
Thomas			✓
Thiessen, Chairman		✓	

Secretary

Chairman

Motion: P-6

11:01

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

45th LEGISLATIVE SESSION 1977

Date 4-1-77

NAME	PRESENT	ABSENT	EXCUSED
THIESSEN, CH	✓		
HIMSL, V.C.	✓		
STORY	✓		
ETCHART	✓		
KOLSTAD	✓		
LOCKREM			✓
NELSON	✓		
SMITH	✓		
STEPHENS	✓		
FASBENDER	✓		
BOYLAN			
FLYNN	✓		
MEHRENS			
REGAN	✓		
ROBERTS	✓		
THOMAS	✓		