

MINUTES OF THE MEETING
FINANCE AND CLAIMS
MONTANA STATE SENATE

April 5, 1977

The twenty-second meeting of the Finance and Claims Committee met in room 331 on the above date. Roll call was taken, attached, and the meeting was called to order at 8:06 A.M. by Senator Thiessen, Chairman.

HOUSE BILL 55 was explained by Rodger Tippy who was introduced to the committee by Representative Marks, author of the bill.

Mr. Tippy said this was an actual accounting, and was for \$15,000. He said the coal tax over sight committee when first organized did not have any money. The legislature gave them the authority to bill the coal board for their expenses. They prepared an estimated budget of \$29,000. The actual expenses were \$15,000. Of this money he gave a break down of the percentages and the other expenses. Testimony attached. He said Senator Manning had taken him to Washington D. C. to give testimony at a hearing, and that accounted for the out of state travel. In answer to a question he said there is a bill up to continue this for 2 more years, but it is still in the House.

SENATE BILL 217. Senator Healy thanked the committee for permitting him additional hearing time, and introduced Mr. Louis Forsell, an attorney and an assistant to Arnold Olson when he was Attorney General. He spoke on the amendment that had been passed by the Legislature which conflicted with the law. He said that one said it must be limited to \$150 per month and the other talked about gainful employment. He had prepared the opinion which was passed down, and since the Legislature had not changed the law since then, it was still a garbled law and any interpretation was subject to question.

Mr. Ernie Post, staff representative of the AFL-CIO said they had always taken a position that the companies should take care of their own occupational disease people, but since the legislature had passed the law that made the state responsible, then the state should take care of them properly. He passed out the sheet on the number of silicotic widows and the age groupings.

Mr. Norman Grossfield, Workman's Compensation gave a history of the law and his interpretation of it which he said he would feel comfortable about defending in any court. He said he had given the committee a full report which they had and is filed with previous minutes.

Dr. Strizich, Helena medical internist, said he had worked with the Workman's Comp, and had examined many of the recipients. He told how silicosis was contracted, how it was found by X-rays and oxygen tests in the blood, and the amount of disability that had been incurred.

He said chronic pulmonary disease is the biggest cause of people having to draw disability pension before they would normally do so. He said most of it was due to cigarette smoke, and most silicotics also smoked cigarettes.

Senator Healy said Ruby Bastian, Marysville, is working at scrubbing floors and baby sitting, she also lives in a poor dwelling since it is rent free. She could not be here today since she is working the election board and needs the money.

Mr. John Bell speaking for himself said he knew Mrs. Bastian and said her social security check was between \$103 and \$105 per month. In answer to a question from Senator Nelson he said she has one daughter.

Dr. Strizick said with better ventilation in the mines, open pit mining, and better information on silicosis there is not as many cases now. He said a silicotic is highly prone to T. B.

On a question in regard to whether silicotics now come under the Occupational Disease Act, and are covered by Workman's Compensation, Mr. Grossfield said many do not meet the restrictive provisions of the act. He said the provisions were harder to meet, such as a claimant must have been subjected to silicotic conditions for at least 1,000 hours, and within so many years of applying for the benefits. If they were ineligible, they could be added to the program covered in this bill.

HOUSE BILL 444 was explained by Representative Estenson. She said this would amend the law, specifically on page 3, lines 4 and 5. She said it takes 5 to 7 months to get a finding of facts ruling, then it quite often would go to court. This bill would address itself to the time limit since many of the rulings were 5 to 7 months.

Mr. Dave Sexton, Montana Educational Association spoke for the bill. He explained the back log of cases, and said this bill had been requested by them to attempt to speed up the finding of facts ruling.

Bob Jenson, Administrator of the Board of Appeals said this bill was introduced at the request of the MEA, and while they would do anything they could to speed up the delay, they just were a long way behind. We will hear them all, but it might be a year.

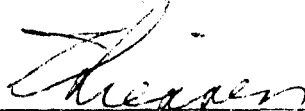
In answer to some questions from the committee he said there was an increased work load from both the boards and the teachers. He said he was not sure about the 90 day limit. If transcripts had to be typed, it was impossible since they were too lengthy to get finished in time.

Jerry Painter, Staff Attorney said the time might be hard to meet since they needed a more definite statement and that might

cut down on time. Also if they did not have to work from transcripts the time could be cut down.

Senator Thiessen asked about the \$105,000 for the biennium, and Mr. Jenson said the only way they could meet the 90 days was to have two people working full time on the cases.

The meeting was adjourned, and a meeting called for adjournment today.



SENATOR THIESSEN, Chairman

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

45th LEGISLATIVE SESSION 1977

Date 4-5-77

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

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Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

March 7, 1977

Tippy
SENATE MEMBERS

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ROBERT PERSON
DIRECTOR, RESEARCH

To: Representative Bob Marks
From: Rosie Weber
Re: Reimbursement of Coal Tax Oversight Committee Expenses
(1975-77 biennium)

The breakdown of the \$15,000 reimbursement for Coal Tax Oversight Committee expenses is as follows:

Staff Assistance and Centralized Services	
Professional staff (Tippy); secretarial assistance; postage; printing of minutes and final report	\$ 9,295
Travel	
In-State (5 meetings)	3,873
Out-of-State	<u>1,832</u>
	\$15,000

You may recall that the Coal Tax Oversight Committee originally requested an amount of \$29,000 for the biennium from the Council. They were prepared to deposit this amount in our Council appropriation on a quarterly basis. It just seemed better to wait and see what the actual expenditures were before any money changed hands.

If I can provide further information, please let me know.

WIDOWS OF SILICOTIC BENEFICIARIES
WHOSE HUSBANDS DIED BEFORE MARCH, 1974

In order to provide some benefits to widows not receiving payments under the first portion of the Program, the Legislature granted widows of silicotic beneficiaries whose husband died before March, 1974, monthly payments equal to one-half (1/2) the monthly payment made to silicotics. When the bill passed the Legislature, the Division identified 549 married claimants who died prior to March, 1974. Letters were sent to the widows of these claimants and replies from 241 were received and approved for benefits effective July 1, 1975. Many of the widows did not reply to the initial contact. As of November 30, 1976, 256 widows receive benefits under this portion of the Program.

The following schedules show the ages of these widows by various age groupings.

<u>Age</u>	<u>Number</u>
51-59	7
60-64	19
65-69	42
70-74	60
75-79	52
80-84	53
85-89	21
90-over	<u>2</u>
Total	<u>256</u>

<u>Age</u>	<u>Percentage</u>
51-69	26%
70-79	44%
80-over	<u>30%</u>
Total	<u>100%</u>

- (6) income from the local impact and education trust fund account, and
- (7) in addition to these revenues, the surplus revenues collected by the counties for foundation program support according to sections 75-6912 and 75-6913 shall be paid into the same earmarked revenue fund.

As used in this title, the term "state equalization aid" means those moneys deposited in the earmarked revenue fund as required in this section plus any legislative appropriation of moneys from other sources for distribution to the public schools for the purpose of equalization of the foundation program.

Section 13. There is appropriated to the coal board for its expenses and for making grants under section 7 of this act, seven-elevenths (7/11) of the funds in the local impact and education trust fund account for the biennium ending June 30, 1977. The coal board shall transfer funds from this appropriation to the select legislative review committee created in section 15 of this act, such sums as the committee determines to be necessary to carry out its functions. The committee may reimburse the legislative auditor or legislative council from these funds for services provided the committee.

Section 14. There is a new R.C.M. section numbered 82-3710 that reads as follows:

82-3710. County land planning assistance. (1) The department of community affairs shall annually distribute to all the counties in the state the funds in the county land planning account. The funds shall be apportioned forty percent (40%) on the ratio of each county's portion of the total land area of the state and sixty percent (60%) on the ratio of each county's portion of the total population of the state.

(2) Counties receiving funds under this section shall use such funds for the purposes of making inventories of land categories within their boundaries and of classifying lands for taxation and planning programs.

(3) There is appropriated to the department of community affairs for the purposes of this section all the funds in the county land planning account for the biennium ending June 30, 1977.

(4) At the end of each fiscal year the governing body of the affected county shall provide an accounting of how the moneys were spent in a form acceptable to the department of community affairs. Any surplus of prorated funds shall revert to the education trust fund account.

Section 15. Legislative review committee. (1) There is a select interim committee of the legislature, composed and appointed as provided under section 43-716, R.C.M. 1947, from the standing committees on taxation.

(2) The select committee shall review the programs authorized under Senate Bill 86, Senate Bill 87, and House Bill 642, as such programs are established and implemented. The select committee may also review the impact of the severance and gross proceeds taxes upon the coal industry.

(3) The departments of revenue, highways, natural resources and conservation, and community affairs, and the coal board shall furnish the