

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 9, 1981

The fortieth meeting of the Finance and Claims Committee was called to order in room 108 in the State Capitol Building by Chairman Hims1 at 8:13 a.m. The roll call was taken and all were present.

CONSIDERATION OF HOUSE BILL 601: Representative Curtiss, District 20 said this is a bill to provide funding for a replacement of a syphon which is a critical source of irrigation. This project was before you last year and we received a little funding. Since that time they had received a small amount and have replaced one syphon which was smaller. This one is 22' long and 40' in diameter and has been in since 1916. 90% of the efficiency depends on it. It is the Glen Lake Irrigation project and services the entire area. They are trying to go to a total gravity flow and a possibility of hydro-electric power in the future. They have not gone into this yet.

Senator Bob Brown spoke as a proponent of the bill. He said he is a cosigner of this bill. It is a small amount of money from the renewable resource fund. This is probably the largest and oldest irrigation project in the state. He said Dick Gritter and Art Nutting, supervisors of the irrigation project are here to answer questions if the committee would have any.

No further proponents, no opponents and the Chairman asked if there were questions from the committee.

Senator Boylan: How much is the cost to the water user per acre foot now? Answer. The acre cost to the district members is \$20 per acre and it allows them about as much water as they need per year for pasture or grain. About 2 acre foot. If we have the water they can get more.

Note: Mr. Dick Gritter and Art Nutting the supervisors of the irrigation district were not identified by name, so "answer" in the minutes will apply to one of them.

Senator Aklestad: How much money does it generate: Answer: There are 3,000 acres of border land which are paid for and we want to extend our acreage to 5100 acres which would generate more money and help us with our budget.

Senator Regan: I notice the original request was for \$650,000. It has been trimmed to \$310,000. Do you have any comment on that?

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Representative Curtiss: That will cover exactly the cost of the materials. At the time I dropped the bill in, I did not have the statistics. I asked for \$260,000. Between the time it was heard in the Appropriation we had brought it down to the cost of the materials. That was \$129,000. The work that has been done on the project since 1974--it had really deteriorated. We fix one place and it pops out somewhere else.

Senator Dover: How much money have you been spending on materials? The money that comes in. Curtiss: Some goes toward repaying an obligation the district has incurred. They have spent money and made an effort to get it up to standard.

Senator Keating: Who owns the project? Answer: The water users but we have to abide by the state laws.

Senator Keating: Do you set aside for maintenance as you go along to have a reserve fund? Or what? Answer: This is an extra hard situation. We have a buried supply line. This has greatly reduced our water losses. Our problem was that the district was let go for so many years. Most of it is in excellent shape but this is a big one. If we can get it replaced we can serve more people.

Senator Keating: If you have upgraded the system except this is the last piece, do you visualize there will be more deterioration every year? Answer: These things we can handle. There will be repairs all along. When we lost the cost sharing we had to do the work and that helped with the cost. We no longer can receive cost sharing and we are in need of a grant.

Senator Regan: Did we make an earlier appropriation for this district? Answer: \$33,000.

Senator Regan: Is \$20 an acre foot the going rate? Answer: It is quite high.

Senator Regan: In section 2. The project has been referred to as other sources. What is meant here?

Representative Curtiss: This is language that was with the bill I presented 2 years ago and I guess something that came about in the drafting of the bill in the Legislative Council. I came in two years ago for the \$260,000. The Department had done a feasibility study on the project. The costs they projected were far and above what the district has been able to do it for. The request was incorporated in the omnibus bill. They watered it down. The language set 5% of that amount or \$34,000 whichever was the greater and it was inadequate.

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Senator Regan: What other funds, if any, do you have for this project? Curtiss: Obviously none. Before we had cost sharing. That is cut out now.

Senator Regan: What about the \$60,000 of collected fees? Curtiss: Everything they have is committed to go back into the project?

Senator Regan: Will you be using that \$60,000 along with this money to be upgrading the project? Can it be put on a match? Curtiss: No. Because of work they have done, they have to pay it off. We have a demand for twice as much water and that could help us.

Senator Regan: Is there anyone here from the DNR? Curtiss: Fritz is coming in but they are in favor. They are interested in the hydro-electric.

Senator Aklestad: What is used in it? Answer: Steel. 1/4" wrapped steel.

Senator Aklestad: Any SCS available for the project? Answer. No.

Senator Aklestad: You have applied? Answer: We have applied but it is not available. The government has stopped the program. This has brought us to a stop. Before we could cost share. It is not available now.

Senator Boylan: I can't figure that out. I put in for this water and they did not approve the project, but they had plenty of money available. This sounds like a good project. I can't see why not. Answer: The individual can qualify, but on a basis where it has a tax identity, it cannot qualify. Up to this time we could. The individual still can put in but not the irrigation district. We have really tried. We also tried for FHA on a low interest loan and that is not available.

Representative Curtiss: I feel this is a logical use of the resources development money. In the future the only water we can claim for our own is what we do now. This is a long time project. This syphon pumps the water down a ravine and up the other side and is really in demand for the valley.

The hearing was closed on House Bill 601.

CONSIDERATION OF HOUSE BILL 217: Representative Menahan, sponsor of the bill said he had a number of people here and would make his testimony short so they could also testify. This is a senior citizens bill. They have some amendments that they would like to offer.

Gordon McGowan spoke as a proponent of the bill. He said, I would like to make a general overlying statement to help

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place the committee in their deliberation. I am Gordon McGowan, Highwood, Montana and I am here to represent the Legacy people. This Legacy Legislature came into having a difficult time living in their own homes. They tried to come before the Missouri Assembly asking for a tax reduction, asking for lower taxes and had no results. When they appeared with the Legacy, they were given good hearings. Other states followed. In 1980 Montana, North Dakota and Colorado are going through the process. In Montana there were 63 people involved in the mock session. Each area could provide 5 bills. When they got their requests in some were so similar that you could consolidate 14 bills.

Mr. McGowan went on to say they held a session much like the legislature, and came out with \$2 million in H.B. 217. The House committee has cut it down to \$1/4 million. This money would be divided up in the different areas. The people had to 60 years of age or over to run for the Legacy. They donated their time and received a stipend for coming to Helena, This bill would be a step toward keeping the senior citizens in their homes. It is for home health care and is much more cost effective than any other way. Volunteers do so much of the work, the senior citizen can be in his home rather than in a nursing care home or a hospital and using medicare and medicaid. I would urge your favorable consideration.

Lois Shorey, Yellowstone County, works as a volunteer, and has also served as a state director. I am a senior citizen and also I have a mother. We are coming into an era where you are finding older people caring for older parents. This is more economical than a nursing home. Written testimony attached.

Stan Rogers, speaking as a proponent for the bill left testimony, attached.

Don Judge, representing AFL-CIO said he hoped the committee would give it favorable recommendation. That hopefully we would all travel this path ourselves, and he would hope the committee would amend it up.

Mable Trinka, LISCA (low Income Senior Citizens Advocate), spoke as a proponent of the bill. She said nursing home and hospital costs have risen dramatically forcing people to become dependent on help. We can control these costs and believe we must work with things to help the people. We have found costs of up to \$250 per day for bandages and medication that could have been done in the home with a little help. The Billings Gazette spoke aptly in saying "Old Folks at home are better than Old Folks Homes."

James Van Campen, Missoula, Senior Citizen, said we feel this is a very important bill. One of the greatest problems of the senior citizen is the point where they have to make a decision that they are incapable of maintaining their own homes. This bill is designed to serve a limited amount of assistance.

Wally Blue, Aria 1, Eastern Counties of Montana. I think I have been fully convinced that this is a wonderful bill and I hope you will give it favorable consideration.

Judith Carlson, Deputy Director, said we are supportative of the bill in its present form. I would resist any attempt to direct the funds toward any other area. It seems to be bordering on a dangerous precedent to pass through to certain groups. We would like to see it stay as the bill is now.

There were no further proponents, no opponents, and the Chairman asked if there were questions from the Committee.

Senator Aklestad: If this goes to SRS and if the amounts goes to the community, is there no administrative costs? Is there any administrative costs that go to the SRS? Mr. McGowan: At first when the bill was conceived originally, it was to be 51% of the monies to go for in-home health care. After it was worked over it is 100% to go to the home health care, with no administrative help taken off. It would go directly into the project for services.

Senator Aklestad: Did these areas indicate they would charge for services? Answer: We are not aware of any. Dover: Is SRS funded for this same type of service? Senator Story said he would get the information.

Senator Johnson: Judy, the way the bill is written is there anything on area councils on aging? You are not saying they will be abolished. Judy: Only that the Department has the authority here.

Senator Haffey: Why is it that you are uncomfortable with an amendment? Carlson: The usual procedure on an appropriation is that it not be made to a non-state agency. By naming the agency and using SRS as a pass through, it comes uncomfortable close to giving money to a non-state agency. By naming the agency and using SRS as a pass through, it comes uncomfortable close to giving money to a non-state agency.

Senator Haffey: That is precisely what you would do anyway?
Carlson: Maybe not precisely.

Senator Aklestad: Were these amendments given to the House?
Answer: Yes. In the House on second reading.

Senator Himsl: Judy, could you run this story by me. The Legacy Legislature was set up by SRS? Carlson: It was money that came through us that helped it.

Senator Himsl: To achieve certain goals or objectives they had in mind. When they met, they concentrated on this program. It was directed vigorously toward getting in-home services. Carlson: That was not clear cut. There were 14 bills. Himsl: Did not the SRS set up adhoc committees to review this? In the districts did the directors not go in favor of this program and for this reason you did not come into the subcommittee with this program in the bill?

Carlson: The Legacy Legislature--we assisted with funds and assistance. We did not direct what they came up with. The SRS, as a department, were tied into giving the senior Citizens an opportunity to tie into developing their own program. We did not say we would back them.

Senator Story: I did not get the dollar figures. There are about 75 people now in the state working on various types of programs such as meals-on-wheels and that sort of thing. This amount would be pay for about 6 more people and their travel. It will stretch much further as a volunteer program.

Senator Dover: After you kind of encouraged them, they came up with this. It surprises me a little bit as to what they do. If it has any merit, why was it not included in your recommendation? Carlson: My testimony included support for the present bill. The executive has a whole budget development process of its own so that we have a number of special groups concerned with different problems. We are unable in the executive sessions to make it a part of our budget of all the different groups.

Senator Story: I was on the subcommittee last year and community affairs budget last year. We don't recall giving you money for the Legislative Legacy. Carlson: I am embarrassed. I have not been that closely involved in the budget process. I know it was federal money.

Senator Story: Passed through SRS? Carlson: It was sent through us to the private non-profit task force.

Senator Story: Did you put in a budget amendment?

Lois Shorey: I am only an amateur politician. All of the senior citizens were advised. We thought it absolutely wonderful that we might have a say as to what we wanted most. Holly Luck said they had money for seed money. The rest of the money came from us as senior citizens. The reason it is not in the line itemed budget is that we wanted to make contact. They said put it in the line itemed budget. We said we didn't want that. We wanted to be heard from. We want to have our bill heard. We finally, through a vote, decided to present our own bill. We did not want it in the SRS budget. The area agency will not go to get the money because we are watching them. For every dollar we spend we will give \$25 in our Help.

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Senator Hims1: In fairness to the committee. This has not been all so cut and smooth in the organization. The AARP does not agree. I think it should be heard. It has not come through any primrose path on this. It is up to the committee to take action.

Mr. McGowan: I will not close. Lois Shorey expressed it very well. We are all talking about too much control from the state and everyone else. We think it should be carried on and you will be accounted for for what they do.

Senator Hims1 declared the hearing closed.

CONSIDERATION OF HOUSE BILL 290: Representative Keedy, House District 18, Kalispell, said this is a bill to increase the benefit payments from the present \$175 to an amount over that figure. The bill as introduced called for an increase of \$400 a month. The bill was amended to \$300 a month and then to \$200 a month in the Appropriations Committee. The bill should be further amended to at least \$350. The other principle affected would be to bring the monthly payment on widows to the amount that their deceased husbands received at the time of their death. It penalizes those even more.

Representative Keedy explained silicosis as sharp particles that do not dissolve that get into the lungs through dust, do not disappear, and continue to worsen throughout a life time, since they cut the lungs. He said benefits had remained constant for many years, no inflationary increases had been made and many were destitute. They required oxygen, had trouble exercising, etc. He said the average age of the widows is over 75 years. The youngest recipient of the pension is 56 years old and the oldest is to the stage where they will not be on the pension much longer.

Ed Sheehy, 60 years old, said that fortunately he had not been able to get on in the mines when he came out of high school or he would be one of the silicotics today if still alive. He said that out of simple compassion he would hope the committee would support the bill as he did.

Barney Rask, Citizen of Silver Bow County, USWH, United Steel Workers of Montana, gave an eloquent speech in favor of the silicotics and the widows and for the bill. He said many of them used 3 to 4 tanks of oxygen per day.

Senator Healy spoke of the bill. He gave the history of the silicosis bills in the Legislature through the years. Their victories and failures, and expressed the need for this long over due legislation.

Representative Quilici, District 84, Butte, said they had the bill in House Appropriations, and said he would like to say that these people are not wealthy. They are working people that need this. He said in 1978-79 there were 9 applicants. Three received the benefits, 6 were turned down. The number of silicotics are decreasing.

Representative Dan Harrington, Butte, said the Silicosis Act has not taken care of these people like it should. The increase of \$25 many of these people are will to accept. I would hope you would look at the amendments on the widows. If you have ever driven to Butte you would see the oxygen tanks on the porches of many of the homes.

Representative Pavlovich spoke in favor of the bill. He said his mother buried two husbands from this.

James Jensen LISCA, Low Income Senior Citizens of America, spoke in favor of the bill and mentioned the widow in Marysville who lived under terrible conditions.

Allen Kangas spoke in favor of the bill and said he had put 15 years in the mines. He said he delivered oxygen tanks to the men in Butte, and one of them used 9 tanks a week. He said this was quite a bit, most of them used 4 or 5, but it took a lot of money to buy it and they were not young and not healthy, and had little income.

Mr. Fred Swans, Citizen of Butte said he had lived there for 87 years, said my wife is 85. He told of the companies he had worked for, the conditions he had worked under and the condition of his health now. He said he did not have silicosis as bad as some or obviously he would not be around to talk about it now.

Another gentleman from Butte told that when he drew more pension they took it away from his military pension so he was no better off.

There were no further proponents, no opponents, and Senator Hims1 asked if there were questions from the committee.

Senator Smith: Representative Quilici. You made the statement that 9 had applied and 3 were all that received benefits. Isn't there some kind of protection from the Government or what? Quilici: I think most of them won't apply for silicosis benefits until they got to retirement age. In the event they do, they probably will not get it. Three physicians evaluate as to whether they have it or not. Out of the 9, 6 were rejected, 3 were admitted. The problem is there has been a standing agreement the physicians will say they have emphysema. It is hard to define between the two. The reason they don't apply is it is so hard to get them.

Senator Smith: Senator Keedy. In section 4, if you strike all the language on line 14--an eligible person--as surviving spouses in, it is \$566 a month. Then they would be eligible

for whatever this committee does.

Representative Keedy: The Appropriation Committee left the section of the law that does affect the amendments. One reference to section 4 is already stricken. That section, they said, the committee had no intention of striking the law.

Senator Keating: They took out this so that if the bill is further amended it will not be affected in the law.

Senator Himsl: The reason it was in the law was we did not know how many gold diggers in Butte. It was put in so that someone quite young could not get the pension.

Senator Keating: One man said other benefits decreased by these benefits. Are social security payments decreased?
Keedy: Many worked under the time or age to get full benefit rights, these do suffer from this.

Senator Keating: Most of these people are eligible for social security?

Senator Himsl: I have one question on the finance, on the increase. The fiscal note does not apply at all. Do you have a new one? If we went on the basis of \$200 on the amendments, what happens on the fiscal note? Keedy: On the basis at the present time, \$700,000 in General Funds in 1982 it would increase to \$341,000 in General Fund in 1982 and \$300,000 the second year. The \$200 a month, \$640,000 increase from the general fund for the biennium. He passed around a comparison sheet.

In closing, Representative Keedy said he was appreciative of the testimony given and said he did not feel very good about only a \$25 a month increase and a \$12.50 increase to widows prior to '74 is an insult to the miner and an embarrassment to me to offer in today's economic condition. I consider this an obligation on the part of the state. It is a debt that as Mr. Rask said should have been borne by the company. It is a question the state has side stepped.

DISPOSITION OF HOUSE BILL 601: Motion by Senator Etchart that House Bill 601 be concurred in. Senator Keating said that Representative Curtiss was going to get some more figures and material to the committee.

Senator Himsl: Out of courtesy to Representative Curtiss we will delay the bill.

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Senator Regan: Fine. I hope the bill will pass on its own merit and on the feasibility of the project. For those of you who have not had the opportunity, there is a study made that has some rather startling conclusions. I would like to have you all read it before we vote on this bill. It was a study prepared on gravity flow and the conclusions on hydro-electric on the project and the feasibility clearly indicates it is not feasible, and would be a lot more money in the future.

It was decided to delay this bill for further information.

DISPOSITION OF HOUSE BILL 217: Senator Himsl said there are some proposed amendments to this bill. It is an outside independent adhoc approach outside the Department. I asked questions about how it was developed, and I am not sure. There is some emotional appeal.

Senator Regan: It is far cheaper to maintain them in their own homes than to pay medicare and medicaid for them. I think it should have been done in the SRS budget. They have a certain kind of pride in ownership, and I can understand that. It would be cost effective. It buys so much in volunteer hours. I went through this with my mother-in-law before she died. Fortunately she was fairly well off and could afford the care. We had to have baby sitters for her.

Senator Keating: The proposed amendments provides the money should go to the councils on aging in the various districts. Could you tell me what relationship it is to what department of state government?

Is it possible for the state to appropriate money to the councils? Is it legal? Is there legislative authority to do do?

Senator REgan: They do it on a contract basis. I would resist it. I have a portion of an amendment that would nail SRS even tighter as to what they can use the money for. It will take the administrative costs out. It will clearly indicate the intent of the money will be expended exclusively for older Montanana to remain in their own homes.

Senator Himsl: Are you in favor of the concept? If you are we will start working on the bill.

Senator Story: I agree with Senator Regan. The concept is cost effective. It is also emotional. It is cheaper to the public. We do have a mechanism. We have set a budget to do this type of thing and I would rather see an increase in this area. The mechanism is to bureaus. SRS bureau has a committee on every community that determines for each person that has a problem the best thing to do with the person.

We went on to explain his position and finished by saying he

he thought they should have to work within the budget.

Senator Regan: We knew this one was coming up.

Senator Story: We set the budget for all these services and we set the budget at what we could afford to give them out of what was available. This group was an advocacy agency funded by tax dollars. We should work with the executive budget and other groups should not come in after the budget is set. We can be starting a precedent. Visual disabilities and a lot of others in the same manner. We would pump more dollars in a scattered approach instead of working in the subcommittee.

Senator Boylan: If these people, as a group, did they come and appear as a group to promote anything or ask for anything in the subcommittee?

Story: No.

Senator Keating: Since the people were invited to the Legacy Legislature did the SRS provide for funds for in-home care or was it left out for this? Story: No coordination at all that I know of. It is a lot better than letting the people get down where we have to institutionalize them.

Senator Stimatz: I think we should do something to keep this volunteer service. I would not like to antagonize them. Can't we appropriate to SRS and let them contract or whatever?

Senator Aklestad: It is not run through the area agencies. It is not audited, only the SRS and the local are audited.

Senator Himsl: Do you want to process the bill now?

MOTION by Senator Aklestad to adopt amendment #2 on the proposed amendment sheet. Following "appropriated" on page 1, line 16 to add the words "from the general fund".

Voted, passed, unanimous.

Senator Regan suggested words "such services be expended exclusively for those in-home related services that will enable older Montanan's to remain independent within their own homes". Senator Jacobson suggested this could be done by adopting #4. Agreed.

MOTION by Senator Jacobson to adopt #4 and 1/2 of #5. Page 4 line 25. Following "for" insert "in-home care and page 2, line 1". Voted, passed, unanimous.

Senator Haffey: I would like to know--there was no discussion on the last proposed amendment. What does it refer to on the allocation of funds. This is out then? Himsl: We did not amend it in?

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Senator Regan: If you approve the Older American Act it provides they must have the local ageing councils in.

Senator Himsl: What are they? Senator Regan: That is why we asked for a study to have this defined. Our fiscal analyst can go in and see how it can be handled. I think we have to hang with the SRS.

Senator Story: Some of the area councils are doing a good job. Others are in-fighting and doing a negative job or wasting time. Before we vote on this bill, I would like to hear from this gentleman.

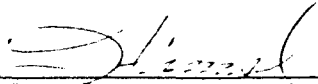
Ron Wise: During the current biennium there has been money in there. \$202,000 and \$220,000 has been gone into the area. In the previous biennium Title 20 provided in-home care. Title 20 is out and now there is no money for these paid services in the budget recommendation for this next biennium. Only the federal money. The federal money has dropped out. You have what is called social services. Story: In for this? Wise: In specifically as to my understanding for this bill. Aklestad: In our subcommittee we had money going in.

Senator Johnson: I would move the bill BE CONCURRED IN AS AMENDED. Voted, passed. Unanimous except for Senator Nelson voting no.

Senator Regan said she would like to make one comment. The Legislative fiscal committee will be asking them to see how this worked out and that everybody in the state get their share of the pie. I want a letter to say that it is for this.

Senator Haffey will carry the bill.

The meeting was adjourned until 8 a.m. the next morning.


SENATOR HIMSL, CHAIRMAN

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 4/9

NAME	PRESENT	ABSENT	EXCUSED
Senator Etchart	✓		
Senator Story	✓		
Senator Aklestad	✓		
Senator Nelson	✓		
Senator Smith	✓		
Senator Dover	✓		
Senator Johnson	✓		
Senator Keating	✓		
Senator Boylan	✓		
Senator Regan	✓		
Senator Thomas	✓		
Senator Stimatz	✓		
Senator Van Valkenburg	✓		
Senator Haffey	✓		
Senator Jacobson	✓		
Senator Himsl	✓		

DATE

4/9

COMMITTEE ON

F+C

217-290-601

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
James W. Britt	Area II Agency On Aging	217	✓	
Harry D. Shoray	Chairman, Area III Leg. Comm & Legacy Leg. Representative	217	✓	
John C. Shoray	STATE DIRECTOR A. A. R. P.	217	✓	
Ed Sheehy	ASSN RETIRED FED EMPLOYEES HONORARY	217	✓	
Stan Rogers	Senior Citizens Advocate	217	✓	
Mabel Munka	LISCA	217	✓	
Horton McHowan	Legacy Legislature	217	✓	
Harry Blue	HEA	217	✓	
Dick Brinton	Idaho Fed. Ins. Dist.	601		
Art Muttling	" "	601		
Bob Brown	Sen. Dist 10	601		
Don Judge	MT STATE AFL-CIO	HB 217 HB 290	X	
BARNEY RASK	LISCA	HB 290	X	
Ed Sheehy	ASSN Retired Federal Employees	HB 290	✓	
Al Kendee		290	✓	
Jim Jensen	LISCA	217/290	✓	
Senator Jack Barry Dist 44	Butte Silver Bow Senator	290	✓	
Fred W. Shoray	Butte " "	290	✓	
Quentin Ben Spader	Butte " "	290	✓	
John T. McEvoy	" " "	290		
Raymond Rodriguez	2804 Band	290	✓	
John J. Nicholson	Butte Silver Bow	290		
Bert P. Brimmer	BUTTE	290		
Henry Flechsen	MISSOULA	217	✓	
Claude D. Williams	Missoula	217	✓	
Margaret M. Holland	Butte	217	✓	

(Please leave prepared statement with Secretary)

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VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

April 9

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MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 217

Respectfully report as follows: That House Bill No. 217,

third reading bill, be amended as follows:

1. Page 1, line 16.

Following: "appropriated"

Insert: "from the general fund"

2. Page 1, line 25.

Following: "FOR"

Insert: "in-home care"

3. Page 2, line 1.

Following: "SERVICES"

Strike: "TO"

Insert: "for"

And, as so amended,
BE CONCURRED IN

~~DOLPASS~~

Y.Q.

Please Return

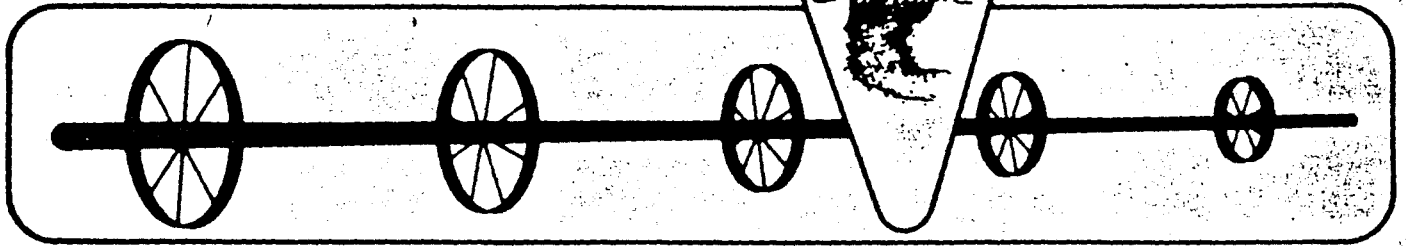
Rep. Aubyn Curtis
Dist. 20

TECHNICAL

ASSISTANCE



PROGRAM



Prefeasibility Report
on

GLEN LAKE IRRIGATION DISTRICT

Gravity Irrigation System

COMMITTEE OF THE WHOLE AMENDMENT

MR. CHAIRMAN: I MOVE TO AMEND House Bill 290

April 2, 1981

9 am

Keady

1. Page 3.

Following: line 6

Insert: "Section 4. Section 39-73-109, MCA, is amended to read:

"39-73-109. Payment of benefits to surviving spouse. (1)

Upon the death of a person receiving payments for silicosis under 39-73-104 or 39-73-106, the surviving spouse is entitled to receive the same payments granted an eligible person under 39-73-107.

(2) A person who otherwise is qualified to receive payments under subsection (1) of this section but whose spouse died prior to March 14, 1974, is hereby made eligible to begin receiving those payments."

Remember: subsequent section

Keady

COMMITTEE OF THE WHOLE AMENDMENT

MR. CHAIRMAN: I MOVE TO AMEND

House Appropriations Committee amendments
of 3/30/01 to House Bill 290

April 2, 1901

9 am

Keedy

Amendment #1.

Strike: "\$200"

Insert: "\$350"

Amendment #4.

Strike: "\$200"

Insert: "\$350"

Amendment #5.

Strike: "\$200"

Insert: "\$350"

Amendment #6.

Strike: "\$200"

Insert: "\$350"

Amendment #7.

Strike: "\$200"

Insert: "\$350"

Amendment #8.

Strike: "\$200"

Insert: "\$350"

Keedy

AMENDMENTS TO HB 290

Line 7,

Following: "SPOUSES"

Insert: "AND TO MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES"

Line 8,

Following: "39-73-104,"

Strike: "AND"

Following: "37-73-109,"

Insert: "AND 39-73-109,"

Page 3,

Follosing: Line 25,

Insert: "Section 4. . Section 39-73-109, MCA, is amended to read:

39-73-109. Payment of benefits to surviving spouse. (1) Upon the death of a person receiving payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as such spouse remains unmarried, is entitled to receive the payments granted the deceased spouse if the surviving spouse's taxable income is not more than \$7,400 a year.

(2) A person who otherwise is qualified to receive payments under subsection (1) of this section but whose spouse died prior to March 14, 1974, is hereby made eligible to begin receiving those payments."

Renumber: Subsequent section.

290

To: Michael Keedy
 From: Anne Brodsky
 Re: Estimated fiscal impact - HB 290

Current Law:	FY 82	FY 83
Silicotics and Spouses at \$175/mo	\$ 487,200	\$466,200
Spouses prior to 3/14/74 at \$87.50	211,050	184,800
Benefits	698,250	651,000

Proposal:		
Silicotics and spouses at \$350/mo	\$ 974,400	\$932,400
Spouses at \$175/mo	422,100	369,600
Benefits	1,396,500	1,302,000

Increased cost to general fund	698,250	651,000
Increased cost if spouses at \$350/mo	1,120,350	1,020,600

Proposal:		
Silicotics and spouses at \$300/mo	\$ 835,200	\$799,200
Spouses at \$150/mo	361,800	316,800
Benefits	1,197,000	1,116,000

Increased cost to general fund	498,750	465,000
Increased cost if spouses at \$300/mo	860,550	781,800

Proposal:		
Silicotics and spouses at \$200/mo	\$ 556,800	532,800
Spouses at \$100/mo	241,200	211,200
Benefits	798,000	744,000

Increased cost to general fund	99,750	93,000
Increased cost if spouses at \$200/mo.	340,950	304,200



JAMES W. MURRY
EXECUTIVE SECRETARY

Box 1176, Helena, Montana

ZIP CODE 59601
406 442-1708

Room 100 Steamboat Block
616 Helena Ave

TESTIMONY OF DONALD R. JUDGE, MONTANA STATE AFL-CIO, ON HOUSE BILL 290, BEFORE THE
~~HOUSE APPROPRIATIONS COMMITTEE, MARCH 17, 1981~~
~~SENATE FINANCE & CLAIMS COMMITTEE, APRIL 9, 1981~~

I am Don Judge, representing the Montana State AFL-CIO, in support of House Bill 290. Even in its amended form this bill provides a much needed increase in the payments to suffering workers and to the surviving spouses of workers that were eligible under this program.

As you know, the law was enacted to provide protective benefits for claimants who had contracted silicosis in their line of work prior to July 1, 1959. In 1959, the legislature passed the Occupational Disease Law to protect such workers.

To qualify under the Silicosis Law, the employee had to have the specified number of hours worked in areas where silicon dioxide was present. The hours needed are the same as under the Workers Compensation Act. In addition, claimants had to prove ten years' continuous residency, total disability, and earnings of less than \$150 a month. Then the claimant was examined by one of the physicians on the Occupational Disease Act Board.

This program is slowly dying out because these victims are slowly and painfully dying. When the Division of Workers Compensation began administering this program on June 30, 1961 (previously under the Department of Welfare), there were 771 active claimants. As of June 30, 1980 there were 246. As long as we have workers compensation laws, there will be no more workers added to the coverage requirements of this 1959 law.

The average age of the claimants is 76.5 years, and, therefore, disabled retirees may also be eligible for Social Security and other pension or retirement plans. The silicosis benefits are of a strictly supplemental nature. However, even with their other added benefits, 70% of the claimants receive less than \$500 per month, and 50% receive less than \$350 per month from other sources. These figures show clearly how necessary and important this increase is to the suffering workers and their spouses.

It was not until 1974 that the Montana legislature enacted a law to provide benefits to widows who otherwise qualified but whose spouse died prior to March of 1974. These widows became eligible to receive one-half of the payments as long as they remained unmarried and their taxable income did not exceed \$6800. House Bill 290 as originally written, would have corrected this "half-hearted" situation by granting these widows full benefits that would be due to any eligible person.

There are currently 224 widows receiving benefits. The average age of the widows is a little over 77 years. As a group, they are financially in much worse shape than the single male claimants or the married couples. Over 90% of all the eligible widows receive less than \$500 per month and over 30% receive less than \$250 per month from all other sources of income. Should these women be punished for living longer than their husbands, who were inflicted with a fatal disease?

House bill 290 gives a much needed increase to some of the most needy and deserving people in Montana. Although this bill is a long-overdue step in the right direction, we urge that the bill be restored to its original form with an original benefit level of \$400 per month, or at least to a reasonable level of \$350.00 as suggested by the sponsor.
(Over, please)

Workers who, through no fault of their own, became totally disabled and stricken by an incurable disease, should not be forgotten by society. Nor should their spouses be forgotten by Montanans. These people are not welfare cases -- they are disabled workers and victims. This small increase is well deserved and necessary for their continued survival. We ask for your support on HB 290.



AMERICAN
ASSOCIATION
OF RETIRED
PERSONS

STATE DIRECTOR FOR MONTANA
Mrs. Lois C. Shorey
2115 Dahlia Lane
Billings, MT 59102
(406) 252-2563

April 9, 1981

Mr. Chairman and Members of the Committee:

My name is Lois Shorey and I am from Billings, Yellowstone County. I wish to emphasize that I am a volunteer in the Aging programs - I serve on our local Council on Aging, at our Area II Advisory Board and serve as State Director for the American Assn of Retired Persons. I am a senior and it is evident, but I also am fortunate to still have my mother who is among the old, old and has lived in a nursing home for the past ten years. We are seeing a new phenoneman - the elderly children taking care of the elderly parent. We firmly believe that home access services, minor chores and minimum health care can keep the frail elderly in their homes much longer rather than resorting to expensive nursing home care. We ask you to consider the economics carefully for we are all committed to stopping our runaway inflation, but this appears to be one answer for all of us. We ask that you consider HB 217 as we originally intended it to be. Funds to keep the elderly at home a little while longer when possible and to channel these funds through the area agencies who have repeatedly told us they will handle this issue without administrative overhead. We must take care of the poor and frail elderly, but we must also give some thought to that middle class citizen who is fast sinking into a medical abyss through no fault of his own and only wants to remain at home until no other solution is possible or death overtakes him. We appreciate what you have done for us and we know we are asking for funds when you have many other priorities -- but we would request as fellow Montanans who

Olof J. Koosa
President AARP

Carl E. Bruford
Executive Director

are all traveling the same road to old age together, that you carefully consider our request on this bill - to channel the funds through our area agencies with no administrative overhead, so that all dollars will do the work of many dollars when used judiciously.

Lucas C. Shroyer

The Billings Gazette

Opinion

Publisher
George D. Remington

Editor
Richard J. Wesnick

Opinion Editor
Duane W. Bowler

Old folks at home much better than old folks' home

Our sympathies and hopes go with the forces trying to get the Montana Legislature to support a program which will help ailing elderly remain in their own surroundings instead of being forced into nursing homes.

The problem, of course, is money. The real question, however, is where it is spent.

We share the viewpoint of those who contend it will be less expensive in the long haul for the state to finance a program to provide home services for the ailing elderly than to institutionalize them.

With a virtual guarantee out of Washington, D.C., that states are going to assume more and more costs of caring for the ill and aged, call it welfare, it behooves Montana to find a better way to serve the needs of the ailing elderly than to pack them off to a nursing home.

Unquestionably a number of the ailing elderly will require nursing home services. But not all of them, perhaps not even most of them, need the 24-hour care that a nursing home must provide.

Needs of the ailing elderly vary, from in-home meals to physical therapy. Their incomes, if modest, will go much farther when staying in their own homes than by trying to meet the frightening payments now associated with nursing home care.

When their money runs out, which is likely to happen in many cases, they then become charges of the state. Delaying that day as long as possible will not only save the state money, it will allow the ailing elderly a much more acceptable way of living until nursing home care is unavoidable.

Mr. Chairman and Members of the Senate Finance and Claims Committee.

My name is Ladd S. Shorey, 2115 Dahlia Lane, Billings, Montana and I served as an elected representative from Area II on Aging to the First Biennial Session of the Montana Senior Citizens Legacy Legislature held in Helena in September, 1980.

Our Bill No. 4 became the top priority legislative bill for the entire session. This bill later became HB-217 introduced and sponsored by a large number of House Representatives from both sides of the aisle. It reads almost exactly the same as its counterpart in the Legacy Legislature. The Bill asks for an appropriation of one million dollars each year for the Dept. of Social and Rehabilitation Services Area Councils on Aging. Allocation of funds to the area councils on aging shall be based on a formula consistent with the requirements of Title III of the Federal Older Americans Act.

The main thrust of this bill as envisioned by the Legacy Legislators, and hopefully by our many friends in the real Legislature was that these funds would be earmarked for home health and home chore care for the frail elderly. This is so they may remain in their own homes for as long as possible, probably indefinitely rather than be forced into a nursing or retirement home at a much higher price both to themselves and to society. It is born out both by statistics and example, that helping elderly people remain in their own homes is far more healthy and economical for them than in an alternate arrangement. The sterile and regimented atmosphere of a nursing home precludes any chance of volunteerism whereas the wise use of volunteers for home bound people is a usable and profitable two-way street for the benefit of both the recipient and the volunteer. With a combination of volunteer and reasonable-to-lower cost home chore and home health practitioner at an hourly rate, or even at a contribution based on ability to pay, you will find in actual practice that more service will be generated and there will prove to be more people benefitted for a lesser amount of tax dollars. In some instances this can provide home sitter service for a spouse or family member to get away themselves for necessary shopping, relaxation, business and doctor appointments. In so doing, for a relatively small fee, they can continue to

maintain the elder person in dignity in their own familiar environment and at a much lesser cost to themselves and to society, or ultimately to the taxpayer thru Medicaid which is usually the last and only resource available to many of our elderly citizens.

It would appear from the sounds the new Federal administration is making that many of the programs of the Federal government on which many of our seniors rely, may be in for drastic change and probably some retrenchment. I am not an authority on whether this is good or bad for the country. What I do suggest is that we should be willing to tighten our belts in many areas, but not at the expense of the frail elderly. I am in the hope that you ladies and gentlemen - and thru you, the Legislature of the Great State of Montana will see fit to provide enough funds which your mature and seasoned judgment deem necessary or available to do the job. But may I suggest that this project will be better and more economically done if the money you judicially decide to invest - yes, I repeat - invest in your elderly seniors, be in a mandate that these funds be directed to each of our individual areas on aging, without any taken out for administrative costs and for use in home health and home care only for the elderly. It is my understanding that this is possible to do, and that the areas on aging offices understand and concur in this procedure.

I and many of my friends work purely as volunteers in the aging network. We are not salaried but we do respect professionals in the field of aging and what they seek to accomplish. But we also suggest that a combination of volunteerism and a supportive dedication to helping the fragil aged and their own supportive family network is also valuable. Helping themselves and bolstering their self-image and self-worth in taking care of themselves with a modicum of help is both economical and patriotic. This is a great country which stands for both those citizens who help themselves and those of our citizens who, in their elder days need our compassion, our love and our helping hands. Thank you.

Leo O. Moray

Senate Finance and Claims Committee

Dear Sirs:—

I understand that HB217 as passed by the House made Two significant changes.

- ① Language specifying distribution by Area Agencies was eliminated.

Note

The original language assured that the funds would go To home bound Seniors by formula.

This is important and should be restored.

- ② The funds were reduced To ~~\$~~50,000.00 for the biennium.

Note

This permits only a Token program when divided up for 56 Counties and Their local agencies.

\$500000.00 would permit a meaningful program that would permit a good evaluation.

Walter G Taylor

Missoula Montana

April, 8, 1985

My name is Walter G. Taylor of Missoula.

I am a member of the Board of the Missoula County Council on Aging, the Area VI Agency on Aging and the Montana Task Force for Advocacy on Aging.

I am a retired business man and view aging services from a practical standpoint.

Senior Citizens have a great fear that they will be put into a resthome or a nursing home. They hate the thought that they will be removed from their home and taken away from their community and at the same time lose all control of their destiny. To them this is Endsville.

You and I may face this situation someday.

The intent of HB 217 is to give aid to seniors in their own homes to delay that evil day when they will have to go into institutional living.

We already have an efficient distribution system in place. The Area Agencies will dispense this money, by formula to Senior Citizens in all 56 counties in Montana.

Money appropriated in HB217 will be an important tax saving investment.

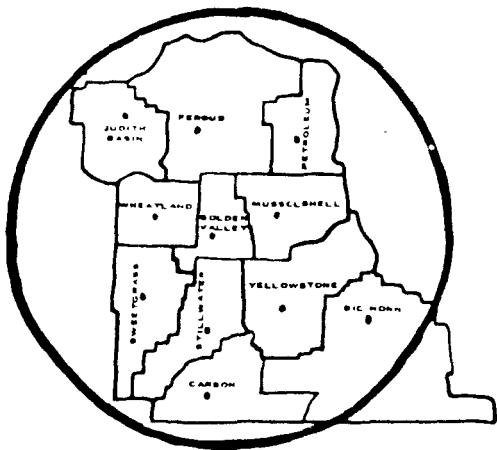
At a modest cost per month seniors can be kept happily in their own homes and at the same time save up to one thousand dollars (\$1,000.00) per person per month less than the cost of maintaining them in a rest home or nursing home.

HB 217 monies may well give the highest dollar return of any appropriation made by this session of the Montana Legislature.

Vote yes on HB 217.

Walter G Taylor

Walter G. Taylor



AREA AGENCY ON AGING MONTANA - AREA II

202½ MAIN
ROUNDUP, MONTANA 59072
PHONE 323-1320

THE FOLLOWING TESTIMONY WAS PRESENTED TO THE SENATE FINANCE AND CLAIMS COMMITTEE ON THURSDAY, APRIL 9, 1981 IN SUPPORT OF HB-217: MR. CHAIRMAN AND MEMBERS OF THE SENATE FINANCE AND CLAIMS COMMITTEE. FIRST LET ME THANK THE COMMITTEE FOR GIVING ME THIS OPPORTUNITY TO TESTIFY ON BEHALF OF THE SENIOR CITIZENS RESIDING IN AREA II. MY NAME IS STAN ROGERS. I LIVE IN BILLINGS -- A CITY THAT HAS GREAT STATE LEGISLATORS AT THIS SESSION. I AM A SENIOR CITIZEN AND THE AREA II ADVOCATE FOR SENIOR CITIZENS. AREA II COVERS ELEVEN COUNTIES CONSISTING OF: BIG HORN, CARBON, FERGUS, GOLDEN VALLEY, JUDITH BASIN, MUSSELSHELL, PETROLEUM, STILLWATER, SWEET GRASS, YELLOWSTONE, AND WHEATLAND: THESE COUNTIES SERVE A POPULATION OF 20,613 SENIOR CITIZENS 60 YEARS OF AGE AND OVER. ALTHOUGH THE AREA II ADVOCATE IS A VOLUNTEER POSITION, THE REWARDS, GRATIFICATION, SATISFACTION AND LOVE GAINED WORKING WITH SENIOR CITIZENS CANNOT BE MEASURED IN DOLLARS AND CENTS, BUT ARE MEASURED BY THE APPRECIATION, SMILES, AND COMFORT OF KNOWING THAT PEOPLE ARE CONCERNED AND STILL CARE FOR THEIR WELL BEING -- ESPECIALLY THOSE LESS FORTUNATE THAN MOST OF US WHO CANNOT CARE FOR THEMSELVES.

I HAVE BEEN A VOLUNTEER FOR APPROXIMATELY FIVE YEARS HELPING SENIOR

CITIZENS GO THROUGH THE MAZE OF RED TAPE TO SEEK AND RECEIVE THE SERVICES THEY ARE ENTITLED TO AND IN DIRE NEED OF. AS YOU CAN IMAGINE THIS IS NO EASY TASK, NOT EVEN FOR PEOPLE LIKE YOU AND ME -- NEVER MIND SENIOR CITIZENS WHO GENERALLY HAVE TWO STRIKES ON THEM BEFORE THEY START. I AM NOT HERE TO REMIND YOU OF THE NEGATIVE ASPECTS THAT SENIOR CITIZENS FACE. I AM CERTAIN YOU ARE WELL AWARE OF THIS -- PROBABLY BETTER THAN I. HOWEVER, I AM HERE ON BEHALF OF HB-217. THIS BILL ORIGINALLY REQUESTED TWO MILLION DOLLARS FOR "IN-HOME-SERVICES" FOR A TWO-YEAR PERIOD. THE FUNDS TO BE ALLOCATED DIRECTLY TO THE AREA AGENCIES ON AGING AND NO FUNDS TO BE USED FOR ADMINISTRATION. THE HOUSE VOTED OVERWHELMINGLY IN FAVOR OF THIS BILL BUT AT A SUBSTANTIAL REDUCTION AND WITH NO PROVISION THAT THESE FUNDS BE ALLOCATED DIRECTLY TO THE AREA AGENCIES ON AGING. "IN-HOME-SERVICES" GENERALLY INCLUDE SUCH SERVICES AS: HOME HEALTH, HOME CHORES, HOME MAKER, MEALS ON WHEELS, TRANSPORTATION, OUT-REACH, INFORMATION AND REFERRAL, AND OTHER RELATED SERVICES. ALTHOUGH SENIOR CITIZENS ARE NOT REQUIRED TO PAY FOR THESE SERVICES AND ABILITY TO PAY IS NOT A PRE-REQUISITE FOR SERVICES, EVERY EFFORT IS MADE TO ENCOURAGE THEM TO PAY ALL OR PART OF A REASONABLY ESTABLISHED FEE.

I AM HERE ON BEHALF OF THE SENIOR CITIZENS RESIDING IN AREA II, ASKING YOU NOT TO VOTE AS REPUBLICANS OR DEMOCRATS IN SUPPORT OF HB-217 WHICH PROVIDES FUNDS FOR "IN-HOME-SERVICES" TO ENABLE OLDER PERSONS TO REMAIN INDEPENDENT WITHIN THEIR OWN HOME AND OUT OF NURSING HOMES AS LONG AS POSSIBLE. WE ARE ASKING YOU TO VOTE YOUR CONSCIENCE ON THE MERITS OF THE BILL AND THAT THESE FUNDS BE MADE AVAILABLE DIRECTLY TO THE AREA AGENCIES ON AGING TO INSURE PROPER ALLOCATION AND UTILIZATION.

IN CLOSING I WOULD LIKE TO READ A PORTION OF AN ARTICLE WRITTEN BY
CARROLL ESTES, DIRECTOR OF THE AGING HEALTH POLICY CENTER, UNIVERSITY
OF CALIFORNIA, SAN FRANCISCO:

"THE ROLE OF SOCIAL FACTORS IN INSTITUTIONALIZATION
IS SHOWN IN NURSING HOME STATISTICS. ONLY EIGHT PERCENT
OF RESIDENTS ARE MARRIED WITH A LIVING SPOUSE, ALMOST
FIFTY PERCENT HAVE NO LIVING SPOUSE OR CHILDREN,
MORE THAN EIGHTY PERCENT ARE BELOW THE POVERTY LEVEL;
AND AN ESTIMATED THIRTY TO SIXTY PERCENT COULD BE
LIVING IN THE COMMUNITY WITH ADEQUATE ECONOMIC AND
SOCIAL SUPPORT."

THANK YOU FOR LISTENING -- FOR YOUR PATIENCE --UNDERSTANDING AND
MOST OF ALL -- FOR YOUR FAVORABLE CONSIDERATION.

PRESENTED BY:

S. J. ROGERS
AREA II, SENIOR CITIZENS ADVOCATE
2031 HEWITT DRIVE
BILLINGS, MONTANA 59102



STATE OF MONTANA

Office of the Legislative Fiscal Analyst

STATE CAPITOL
HELENA, MONTANA 59601
406/449-2988

~~JOHN D. LAFAVER~~
~~LEGISLATIVE FISCAL ANALYST~~

April 9, 1981

TO: Senator Matt Himsl, Chairman
Senate Finance and Claims

FROM: Curtis M. Nichols *Curt*
Senior Fiscal Analyst

SUBJECT: Appropriation Requests in Senate Finance and Claims

The following is a summary of the appropriation requested and the source of funds for bills recently received in senate finance and claims.

<u>Bill No.</u>	<u>Amount</u>	<u>Subject</u>	<u>Type of Funds</u>
HB 13	N/A	Delinquent Tax	N/A
HB 19	100,000	RSVP	General Fund
HB 45	N/A	Retirement	N/A
HB 217	250,000	Aging Services	General Fund
HB 290	N/A	Silicotics	N/A
HB 469	50,000	Seed Potato	Renewable Resource Development
HB 568	200,000	Gifted and Talented	General Fund
HB 601	130,000	St. Clair Syphon	Renewable Resource Development
HB 620	21,000	Reenlistment Bonus	General Fund
HB 674	N/A	Firefighters Retirement	N/A
HB 676	N/A	Crime Victims	N/A
HB 767	25,000	Laboratory Study	General Fund
HB 810	258,000	Milwaukee	General Fund
HB 827	185,460	Telecommunications	General Fund
HB 828	300,000	Coal Tax Lobbyist	General Fund
HB 834	N/A	Capital Gains	N/A
HB 846	40,732	Tongue River Dam	Renewable Resource Development
	395,331		Water Development Earmarked Acct.
HB 851	N/A	Coal Tax Bonds	N/A
HB 854	324,626	Transportation Dept.	General Fund
HB 855	750,000	District Courts	General Fund
HB 861	350,000	Off Stream Hydro on Yellowstone	Renewable Resource Development and/or Resource Indemnity Trust
HB 863	11,500	Geraldine Strong	General Fund
HB 864	10,000	Saco Mosquitos	General Fund
HB 865	259,705	Supplementals	General Fund

CMN:jt:12

PROPOSED AMENDMENT TO HB 217 (third reading copy):

1. Title, lines 12 and 13.

Following: "MCA"

Insert: "SERVICES' EXISTING AREA COUNCILS ON AGING, AS PROVIDED
FOR IN SECTION 53-5-101, MCA, FOR IN-HOME CARE"

Following: "FOR" on line 12

Strike: "SERVICES TO"

2. Page 1, line 16.

Following: "appropriated"

Insert: "from the general fund"

3. Page 1, line 19.

Following: "~~services~~"

Strike: "SERVICES"

Insert: "services' area councils on aging, as provided for in
section 53-5-101, MCA,"

4. Page 1, line 25.

Following: "FOR"

Insert: "in-home care"

5. Page 2, line 1.

Following: "SERVICES"

Strike: "TO"

Insert: "for"

Following: "AGED."

Insert: "Allocation of funds to the area councils on aging shall
be based on a formula consistent with the requirements of Title III
of the federal Older Americans Act."

GLEN LAKE IRRIGATION DISTRICT

- Serves 80 bonded users----Irrigates 3200 acres.
- Provides water for 186 families along the delivery system.
- Provides water for the Eureka Ranger Station, which employs about 170 people at peak season.
- Provides water for stock and fire protection for fairgrounds which accommodates about 6,000 people besides valuable livestock.
- Supplies all water for the cemetery.
- Supplies water for County Shop and another 10 families living nearby.
- Provides backup fire protection for town of about 3,700 people.

If the syphon becomes inoperational, the capability will be less than 10% of the above.