

MINUTES OF THE MEETING
FINANCE AND CLAIMS COMMITTEE
MONTANA STATE SENATE

April 8, 1983

The 18th meeting of the Senate Finance and Claims Committee met on the above date in Room 108 of the State Capitol. Senator Himsel called the meeting to order at 8:12 a.m.

ROLL CALL: All members present except Senators Stimatz, Hammond and Tveit.

Senator Himsel said we had a lot of bills to be heard, everyone would be assured of a chance to speak, and the committee would appreciate if people would make it brief in the essence of time--also he said he would like to remind people that long testimony often killed a good bill. Senator Himsel said the committee would not act on bills today since many of the members would be on conference committees and not able to be present for part or all of the meeting.

CONSIDERATION OF HOUSE BILL 114: Rep. Manuel, Chief sponsor of HB 114, said this is a bill to provide training for family practice resident physicians. It would coordinate efforts to get family practice doctors to come to the state of Montana.

MARSHALL COOK, Business man, representing the Family Practice Training Program, gave out some information on the Montana Family Practice Satellite Unit Program, Inc. He said this was a fact sheet on the program. Attached to the minutes as Exhibit 1, HB 114, and Exhibit 2, HB 114.

DR. TOM NORRIS, family physician in Helena and President of the non-profit organization that is currently bringing people into Montana, said in the interest of time he would concur with Mr. Cook.

DR. MACK LISTEROOD, family practice physician: We have a great need in rural Montana to get physicians to practice in eastern Montana. The base of the fact sheet (Exhibit 1 above) is some information on physician supply in the next few years. All eastern Montana, out in Wolf Point, Circle, Scoby, Glasgow, etc., there are a couple of family physicians that have been delivering family care for a number of years now and they are looking toward retiring. We are hopeful that the resident program will bring them out to the rural areas. Greater responsibility but in some ways that is a challenge. This program is a relatively inexpensive way to expose some of these doctors to come out to eastern Montana in the rural areas.

DR. MARK JOHNSON, Choteau, one of the principle directors in this program: We hope by exposing these doctors to rural Montana we can influence their decision on where to practice. The current trend is to locate within 75 miles of where they take their training. With no training program it makes a difference.

BILL LEARY, President of the Montana Hospital Association: I want to assure the committee the entire member of the Hospital committee, no

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matter where located, are full of enthusiasm for the passage of HB 114.

DR. DRYNAN, Director, Board of Health and Environmental Sciences, said we support this bill for resident physicians coming to Montana.

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

SENATOR DOVER: Mr. Cook, have you managed a training program like you are having here?

DR. NORRIS: If selected, he will be asked to work with another physician while here in Montana. One to two months working under that physician and he will be their teacher while here. Most of the training is done from person to person.

SEN. DOVER: Are you talking about graduates?

DR. NORRIS: Four years of college, 4 years of medical college and one to 2 years of resident. Internship does not exist any more and they will be licensed physicians.

SEN. HIMSL: Isn't this program being done now through WAMI?

DR. NORRIS: That is medical school. This is graduate. The only program that only touches it, some of the Washington residents do rotate their services.

SEN. HIMSL: You are talking about post-graduate centers?

DR. NORRIS: There are about 430 family practitioners in the program. They are licensed physicians in their own state. They take a resident physician course for a period of 3 years. The ones we contract with are from this group.

SEN. HIMSL: The amount of this bill was cut from \$135,300 to \$65,000 for the first year and \$6,000 for 85. What do you intend to spend it for?

DR. NORRIS: Coordinator office and travel, etc. Basically the funding is just for the coordinating office and its expenses. The hospitals themselves will be paying the resident while here. We are not asking for that money.

SEN. AKLESTAD: page 2, line 4. "The Department" what department are you talking about?

REP. MANUEL: The Department of Health.

SEN. VAN VALKENBURG: If you will look on page 2, line 24, the appropriation is made to the Health Department.

SEN. AKLESTAD: Who are we referring to on line 8. "The officers and directors of the corporation".

DR. NORRIS: The Montana Unit Satellite Association. I am president elect. Dr. Johnson is also representing that organization. I can give you the remaining members.

SEN. KEATING: What would this director do that is not already being done?

DR. NORRIS: Work for the nonprofit organization. I had the great fortune to work under a grant that let us get some expenses out of the grant. It terminated last fall. We are without funding since last fall. We took the first resident last fall. Basically we are looking for a way to fund that position for the next 2 years to get it off the ground.

SEN. VAN VALKENBURG: Why the provision to limit the training for no more than 2 months in any community.

DR. NORRIS: The two boards concerned with Family Practice Residents have this as a stipulation. No more than that time away from the main residency sight.

REP. MANUEL: In closing, I have read accounts where some counties have spent \$10,000 to \$50,000 trying to get a doctor in their community and he didn't stay then. This is a way for one to stay in a community for a month or so to see if he likes it.

Senator Hims1 declared the hearing on House Bill 114 closed.

CONSIDERATION OF HOUSE BILL 400: Rep. Waldron, Missoula, chief sponsor of House Bill 400 explained the bill which deals with the displaced homemakers. I have a keen understanding of the financial problems we have and only agreed to carry this bill after being assured it would not cost the General Fund any money. There will be an additional \$25 on divorce filing fees. This goes into the General Fund and will be appropriated out. It does not set up an earmarked revenue fund. Homemakers are a part of the work force of Montana. These people, usually women, who because of death, divorce or displacement they are forced into looking at a job market and lack the job skills necessary.

MONA JAMISON, Legal Counsel with the Governor's office, spoke in favor of the bill. She said the sheet she handed out is a fact sheet on the Displaced Homemaker. (Testimony attached, Exhibit 1.)

DR. JEFF STRICKLER, Helena pediatrician, speaking for himself, said he could regale the committee with the effect of poverty on them and their children. I see it every week. These are not the unsuited mothers, unfortunately they have an unmarketable skill.

PASTOR BILL RIZER, St. John's Lutheran Church, Helena, representing himself, said I support this bill.

1. This would provide a humane and real need and only the state is able to address it.

2. Fiscally, it puts the burden of support on the people who create the burden. It appears to be cost effective. 40% found permanent employment at an average of \$4.10 an hour. They will pay back in federal taxes alone in 4 months.

3. It is socially constructive.

DR. DOUG YOUNG, Economics Professor from MSU, member of the Board of Advisors in Bozeman of Women in Transition, gave a handout testimony, Exhibit 3, House Bill 400.

DAVE HUNTER, Commissioner of Labor, said we operate 6 centers in the state that use CETA money. (He named the centers) One major problem is they have to operate under federal requirements. Their eligibility is based on family income in the previous 6 months. The income limitations are the family income must be less than \$4,600 in 6 months or less than a \$9,300 annual income calculated on a 6 month period.

Mr. Hunter explained that before death or divorce, the family wage was too high to make them eligible for CETA money. Upon the death or divorce this income was stripped, and the only way to meet the requirements was to leave them on welfare for 6 months. He said this bill would allow them to add centers in Kalispell, Helena and Butte. All the money is contract money, not money for department expense. He said at Miles City they are located in the community college, in other cities in a nonprofit group. There would be no additional administrative expenses. No additional FTE, and he said the job service does not have the time or the employees to do the intensive kind of counseling etc. that is needed here.

NOREEN RESVET, Bozeman, speaking for herself, said in my early marriage my husband had several family businesses in Bozeman. The last was a restaurant business. In the past 10 years his health deteriorated. In 1979, his kidneys failed. We had to move to Billings for a kidney machine. We took the course. He passed away 2 years ago. I had no training and two children.

LYNN REOBESON, Women in Transition, Bozeman, said we are not at this time able to serve any ineligible women for the time they need. At this time, I am meeting about 30% of the people who are ineligible. When women are widowed or divorced, they are dislocated financially and socially. We help these women with children to become taxpayers, not tax users.

MARIAN LANE, Director Women in Transition, Great Falls, spoke for the bill. Her testimony is attached. (Exhibit #4, HB 400.)

CAROL LAKEY, Great Falls displaced homemaker. (Testimony attached. Exhibit #5, HB 400.)

VERA PRAAST, Great Falls, Women in Transition and a widow. Testimony attached. (Exhibit #6)

LINDA HECKLER, Great Falls, Women in Transition, stated that in many

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cases women have no choice, it is the husband's decision or death and many have no job skills. Testimony attached. (Exhibit #7.)

JUDY JOHNSTON, League of Women Voters, said I interviewed for a job yesterday and there were 70 applicants. Women without skills have no chance in that kind of competition.

TESS CLARK, YWCA, Billings, stated they serve 5 counties and said the program is really needed, these people need help.

E. BONN, YWCA, Billings, said she is working with the displaced homemakers in that area, and this bill is really needed.

STACY FLAHERTY, Lobbyist, Women's Lobbyist Fund, testimony attached. (Exhibit #8, HB 400.)

GENE R. CHRISTIAANSEN, Assistant State Superintendent for Vocational Education in OPI, spoke for the bill. Testimony attached. (Exhibit #9.)

SALLY MOORE, Bozeman, could not be present but testimony is attached. (Exhibit #10.)

CELINDA LAKE, Women's Lobby Group, said she concurred in the statements given for the bill.

LANA ACKERLY said in interest of time she would hand in her testimony. (Attached as Exhibit 11.)

ARDIS MERRY, Great Falls, gave testimony. (Exhibit #12.)

JERROLD L. NYE, Attorney at Law, Billings, testimony attached. (Exhibit #13).

JOAN H. MEYER, Attorney at Law, Billings, testimony attached. (Exhibit #14).

MIKE JOYCE, Counselor, Adult Education Center, Billings, testimony attached. (Exhibit #14).

HELEN TURPIN, Great Falls, displaced homemaker, testimony attached. (Exhibit #15.)

There were no further proponents of House Bill 400, and Senator Himsel asked if there were opponents.

ROSE MARY RODGERS, Helena, spoke against House Bill 400, testimony is attached. (Exhibit #16, HB 400).

BEVERLY GLUECKERT, Helena, spoke against the bill, testimony is attached. (Exhibit #17, HB 400.)

MARY DOUBEK, spoke against the bill, testimony attached. (Exhibit #18, HB 400.)

MARY ANNE JERSA, Helena, spoke in opposition to the bill. She said she

felt there is a duplication of services here and the bill is not needed.

BARBARA GOULD, Wife of the Pastor of the Independent Christian Church in town, stated that she believes it is not the states' function to get involved in this program. The churches have programs, etc. and are already taking care of it. I think this might make it easier to choose to be divorced. Free day care and an education grant would just make it easier.

There were no further opponents to House Bill 400 and Senator Himsel asked if there were questions from the committee.

SEN. JACOBSON: Mrs. Doubek, you said something to the effect that the spouses should pay for the services instead of the state.

MARY DOUBEK: Many of these people turned down alimony a few years back. I think they should go back. Some who did not want it before are now going on welfare. Some women who have left the man high and dry also. I think they should help pay for their responsibilities. In many cases they could do so.

SEN. JACOBSON: The funding within this bill of \$25 is doing exactly that. Charging the earlier spouses.

MARY DOUBEK: Many, if they thought they would get off with a \$25 fee would get off very easily. A women wouldn't leave her husband for \$25.

SEN. STORY: The fee is charged to the person filing the divorce whether man or woman. The guy might be a loathsome old toad and the women driven to filing is the one who gets dinged.

SEN. HIMSL: On page 3 of the bill. You had (line 2) someone who "has worked in the home for at least 7 years" and this has been changed to 3 years. Why?

REP. WALDRON: It was drafting error. It was supposed to be 3 years. Some younger women have children, etc.

SEN. HIMSL: The \$25 goes into the General Fund and no appropriation other than that?

REP. WALDRON: There is more control by having the General Fund appropriate it out of the General Fund.

SEN. HIMSL: Local community support. I see assumed some revenues generated from the community for this program.

REP. WALDRON: It is our feeling that if a community or group want the program there should be some support. Therefore, 15% of the program is to be paid by communities. The services are done through a contract with the Department of Labor or which will require 15% of the cost of services that will be provided.

SEN. HIMSL: Soft match?

REP. WALDRON: Soft or hard.

SEN. SMITH: Someone said a new center in Helena, Butte, Kalispell etc. What about the rural areas?

REP. WALDRON: Provision in the bill for an outreach. It should be something in the contract.

SEN. DOVER: This actually costs \$250,000 whether you actually get that much in or not? This is actually appropriated?

REP. WALDRON: We did research and this averaged out.

SEN. DOVER: Only appropriated \$250,000 whether you get it or not. In regard to the fiscal note, it says General Fund and the counties also have a General Fund. It could be put in the General Fund and go into the county fund.

REP. WALDRON: The intention was state General Fund.

SEN. STORY: Even on the back of the fiscal note it does not specify whether state or county General Fund.

SEN. KEATING: A question from the ladies from the Billings YWCA. Would your organization be capable of offering this type of service without this bill?

TESS CLARK, YWCA: We see between 350 and 400 a year. We can see them for 2 hours and the Y does provide some in-kind services and classes to help with depression, etc. We do not have the time to do what should be done with them.

SEN. KEATING: I would like to ask Rep. Waldron, in that section 3 in which the definition of a displaced homemaker, when you say an individual who has worked in a home and provided unpaid household services for family members, don't you think it could be challenged on what kind of payment, other than monetary payment?

REP. WALDRON: I think the intent is there. Housework is not considered part of the gross national product, no unemployment benefits on them, no workmen's compensation that you get for paid labor.

SEN. REGAN: It also clears up the difference between the individual who wishes to become a paid housekeeper and receives a salary for doing this as a career--there is a distinction.

REP. WALDRON: In closing, I thank the people who came in in support of the bill. I didn't realize though, that this bill caused so many things. The sponsors of this bit of legislation and I have been happy to carry this

bill. I am amazed at the opponents. I see no logical reason. The Women's Bureau was a clearing house for information. It was a nice clearing house in the Department of Labor and very effective. This is a hands-on type of program and it does something. A woman homemaker has a lot of skills. Not necessarily marketable, however. Also CETA eligibility criteria. In 77 I churned with problems of placing this into the bill. That work didn't lessen. This bill does more probably than a good number of our welfare programs. It gets them to work, to living a useful and good life, and back as a taxpayer to the state of Montana. Many times when the husband dies, the corporate health insurance is also lost for the woman. There is a wash as far as the General Fund is concerned. The cost of the services is borne by the users.

SEN. HIMSL: This does not have a Statement of Intent with the bill. Is it required in Section 5? I have asked that it be prepared.

The hearing was closed. The committee took a 10 minute recess.

CONSIDERATION OF HOUSE BILL 526: Rep. Clyde Smith, District 18, Kalispell and chief sponsor of House Bill 526, explained the bill. He said this is the case of the Conrad Bank of Kalispell versus the Department of Revenue, and there were others who could speak better to the bill than he.

GENE PHILLIPS, Attorney at Law, Kalispell, and appearing on behalf of the Conrad Bank which is now the First Interstate Bank of Kalispell and would appropriate money to satisfy a judgment of approximately 2 years ago. The basis of the judgment was the manner of assessment. Under the old bank share taxes and conversion to the new bookkeeping system, we protested taxes. The district court ruled in our favor that the taxes had been assessed erroneously. The Department said no money, we can't pay it. We had to wait until this year to introduce a bill. The County Commissioners laughed at us. They lost in district court. The young attorney said that this would be dismissed upon payment of this claim. Exhibit 1, a copy of the judgment No. 29,099, Conrad National Bank vs. Department of Revenue, and Exhibit 2, a copy of a letter to Mr. Gene Phillips dated March 28, 1983 are attached to the minutes as Exhibits 1 and 2 of HB 526.

There were no further proponents of the bill and Senator Himsel asked if there were opponents.

ELLEN FEAVER, Director, Department of Revenue, said there are two issues for the committee to look at. The hearing was not announced in advance and did not appeal. This is a suit involving a property tax paid in the county. The suit serves to pay for a tax that was made not to the state, but to the county. This matter is still under litigation. I am unaware that there is a stipulation to dismiss the case. We never agreed this was a bill with any merit whatever. In 1977 and 1978, the district court decision was issued in favor of the bank. The bank came to the state to try to collect it. We said not only not enough money, but it was not our suit. It came to the district court and the state came into the case. In the supreme court we believe we would also prevail. I would request you not appropriate this money but await the outcome of the Supreme Court case.

SEN. KEATING: Mrs. Feaver, who got the money? Where did the money collected earlier end up?

ELLEN FEAVER: In Flathead. The state did get a 6 mill levy on property tax. This was for the School Foundation. They get 40 mills.

SEN. VAN VALKENBURG: I would address this to Mr. Phillips. There seems to be some confusion. Is this two totally different law suits and different judgments?

GENE PHILLIPS: At the time the judgment was entered, the state said no money. This was a suit brought against the Department of Revenue for illegally collecting taxes. As I indicated, they said no money. I told my young partner to file against the County Commissioners under 15-16-601 which says "any tax, per centum, and costs paid more than once or erroneously or illegally collected or any amount of tax paid for which a taxpayer is entitled to a refund under 15-16-612 or any part or portion of taxes paid which were mistakenly computed on government bonus or subsidy received by the taxpayer may, by order of the Board of Commissioners, be refunded by the County Treasurer." They said it was the Department of Revenue not us that made the mistake. The district court agreed with that. This judgment was entered March 1981. We are talking about two completely different lawsuits. The County Attorney's office and ours have already agreed that the case will be dismissed upon payment of this.

SEN. HIMSL: You have us all pretty well confused about all these cases. I would like to explain to the committee. I have been a director of a bank for 35 years. No longer there, they have an age requirement and I reached that age, so retired. I should know more about this case, but I am as confused as any one. I will abstain from voting on this. We all want to know what the bank and the Revenue Department case is all about.

GENE PHILLIPS: In 1977, the bank filed our final report from an accrual to a cash basis, which we were required to do. The Department of Revenue made an error. The way to do this is different now. We appealed to the Appeals Board. They were in favor of the Department of Revenue. We filed with the district court. Judge Salansky disagreed and reversed it and found in favor of the bank for the two years of taxes--77 and 78. By then it was dispersed. They had no money to pay back the taxes. That is the purpose of this bill. You appropriate the money and pay it back to the bank since it was the judge who did not distinguish between the amount of \$22,980 one year and \$16,224 the other year plus accrued interest. The suit is for \$53,764 against the Department of Revenue judgment for those tax monies. Because that occurred in March of 1981 and we were looking down the road for 2-4 years to get an appropriation, we filed a claim with the Board of County Commissioners under 15-16-601. It sort of hinges on the "may" rather than a "shall" in the law, and the county commissioners said go get it from the Department of Revenue. That is the sole issue of the appeal that went before the Supreme Court. That is strictly between the County Commission and the bank. It has been submitted since October of last year and not acted on. The alternative should be around the Supreme Court.

SEN. SMITH: To Ellen Feaver. It was stated here that the banks were illegally taxed. Could there be other banks in the state and could they come in on this question?

ELLEN FEAVER: I think this is a matter of statute. Whenever a property taxpayer has a grievance, they go through the administrative process and sometimes through the court. They always go through the counties. The 44% dispute. The green belt dispute. This would be kind of extraordinary for the state to be in a law suit of this type. This very same judge said the plaintiff's taxes were not paid under protest. No complaint within the time. No material facts in issue. The county commissioners and the Department of Revenue were entitled to favor in the ruling. The same judge said no refund to the bank.

SEN. SMITH: Did the bank go through the local appeals process or what? Different mechanism then.

ELLEN FEAVER: In earlier action, I don't know. When it went to court they brought it against the Department of Revenue instead of against the counties. We, by statute, are not the prime defendants in this case. That is the county commissioners.

SEN. SMITH: Mr. Phillips, did you go through the appeals process locally?

GENE PHILLIPS: We started with the County Tax Appeal Board. The county commissioners laughed at us, and the County Attorney did not take it serious, and the County Appeal Board filed against us. We then appealed to STAB.

SEN. DOVER: You are saying they ordered the Department of Revenue to pay it.

GENE PHILLIPS: Yes. The time for them to appeal has long since gone.

ELLEN FEAVER: In March of 1982, the same judge says the department does not have to pay.

GENE PHILLIPS: But, there was a procedural defect in the case and the earlier judge's decision was made void.

SEN. HIMSL: Do you have a copy where the court reversed itself? (Phillips said he would get one. The information would be coming up from Kalispell and he would have it Monday.)

SEN. HIMSL: Do I understand the judge gave a judgement against you in 81 and another one again that reversed it?

ELLEN FEAVER: Yes.

SEN. HIMSL: The first, yes, the second, no?

ELLEN FEAVER: Yes

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SEN SMITH: Do I understand that banks are under a different way of being taxed and the appeals process is different?

ELLEN FEAVER: In the 70's that year of the banks protest, yes.

SEN. SMITH: It was then handled locally?

ELLEN FEAVER: The tax was collected locally and you went through it locally.

SEN. HIMSL: Do you agree that the judgment against the state in 81 said it was the state's obligation. In March 82, the same judge wrote a different opinion?

GENE PHILLIPS: No. He read from the reversal (entered as Exhibit 3, HB 526) order. The 1978 taxes were paid under protest, etc. The judge just said we can't sue the counties at that point in time. The decision was counties, the state was not a defendant, and not included.

ELLEN FEAVER: The Department of Revenue was a defendant. There it says defendants.

SEN. REGAN: Senator Van Valkenburg, do you understand this?

SEN. VAN VALKENBURG: We have to go outside the record here and get it figured out.

SEN. LANE: This all hinges back to when the bank changed from an accrued to a cash basis.

GENE PHILLIPS: On declaring dividends. They said not unless already paid.

The question was asked if any other banks were in the same position. Perhaps one or two. One in Wolf Point.

SEN. LANE: Your CPA or whatever that came back--when you had the cash and testified.

GENE PHILLIPS: He used the Jourdan Slider as in California.

SEN. HIMSL: You have this same letter? On the second page do you agree the order of the same judgment?

ELLEN FEAVER: This whole proceeding did not involve us. On the front page there is a differentiation. We are named in the action.

SEN. VAN VALKENBURG: That may not be a difference you can rely upon.

GENE PHILLIPS: The motion was the motion of the Flathead County Commissioners and not the Department of Revenue. The Department of Revenue was not even present.

SEN. VAN VALKENBURG: Does the law still have this in that says "may" while in the bill to say "shall"?

ELLEN FEAVER: That is the county commissioners demand.

SEN. VAN VALKENBURG: If we pass this out and not deduct the money Flathead County already received, the rest of the state will pay the tab for what Flathead County got paid.

ELLEN FEAVER: I don't know, could there be something in the bill?

GENE PHILLIPS: I don't know.

SEN. SMITH: At the particular time the obligation was made, there was no Flathead fee on automobiles. I think I am in way over my head. The Department laws, the judgment case and the Department of Revenue did not make an appeal until too late.

SEN. HIMSL: This will be put into a subcommittee and I will declare the hearing closed on House Bill 526.

CONSIDERATION OF HOUSE BILL 317: Rep. Devlin, House District 52, said this started out in the House and passed second reading with \$391,500 to pay the judgment against James Glosser, State Veterinarian. It was reconsidered and language used to transfer this money in an amount necessary to come from the self insurance Liability Risk Retention Fund rather than from the General Fund. That amount was accepted on the floor. It addresses where does public liability begin and personal concern begin. In this case, a public official made a decision within the scope of his duties as administrator of the animal health Department of Livestock. Montana was not held liable, but was held personally liable. Dr. Glosser may lose everything he owns because of a position he took. Is Montana willing to stand behind its public officials. Usually in such appropriation as this, the bill is put before us after the fact. In this case, when the legislature does not meet except every two years, this could be settled between and this person lose what personal property he has. This is why we tried to bring this bill in so that the protection would be there, however, the outcome of the appeals process would be made. As yet, it is not determined how much if any money will be needed.

REP. DONALDSON, District 29, spoke as a proponent of House Bill 317. He said, I was Vice President of the Board of Livestock at the time it happened. Dr. Glosser, a state employee under the director, was indeed acting under their direction and using the same type of procedures as used in the past. He was carrying out the action of the Department. We have a bill in the House which is probably in a Senate committee now that will attempt to clarify this. This is the first one settled like this in the state. It was indeed an action on the part of the state of Montana. If no action is taken on this now, he could lose everything between now and 2 years from now.

MIKE YOUNG, Attorney at Law, spoke as a proponent of the bill. He said our defense has been to back up the federal. This is an instance where

a plaintiff can issue either the state alone within the scope of employment, or the individual employee. The plaintiff decided to use the federal act. Our act does not cover claims of this type. The amount will be \$270,000. The \$300,000 in the introduced bill would have included the interest. It would have included an estimate in case we had a lot of attorney fees in federal and district court in Great Falls. The amount of the judgment in question is \$270,000 not \$300,000.

CURT HANSON, Legislative Lobbyist, we need a state settlement. Dr. Glosser has been strong, effective and fair and was acting within the scope of his duties. (Testimony attached, Exhibit 1, House Bill 317)

MONS TIEGEN, Stock Growers, Wool Growers and Cowbelles, said we watched this with real concern from the standpoint of problems for Dr. Glosser that were personally borne and also the State's failure to address the problem and the effect it would have on others serving the state.

REP. BARDANOUVE: This was one of the most difficult bills to pass out of committee. This is a different bill than usually introduced. We had a tremendous amount of difficulty. The case was not settled and was not appealed. The support opened a pandora's box of state being liable for all state employees. We went to the Agriculture office with the bill and they felt it was within our rights to pay the claim. In the House, Rep. Ramirez had some very deep concerns about it. The bill was re-written in its present form. The money is really a General Fund appropriation because the money for the insurance fund comes out of General Fund. Obviously, there is some question. We do have to protect our state employees, but it does border line some serious questions of how far we can go. With the particular question involved, there is no question that he was acting within his duties, but feel it could open the door to a lot of other cases we might become liable to.

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

SEN. AKLESTAD: Rep. Devlin, is this case still litigation?

REP. DEVLIN: I believe it has been filed on appeal in San Francisco.

SEN. AKLESTAD: If we do take an action doesn't that sort of weaken the case?

REP. DEVLIN: When the chunk of money was there it weakened it further than allowing the Department of Administration and legal representation to try to make it based on the federal in the state. I wanted to make sure the person here did not lose his property in the interim.

SEN. AKLESTAD: Usually court cases do not happen that fast. Are you privy to tell the committee what actually happened?

REP. DEVLIN: It revolved around the card tabs that they use in brucellosis out of the Department of Agriculture. The state can give permission for different vets to use them throughout the state. In this case these other veterinarians were able to use the card tests. They were used in the sales yard so that when the list of the cases come back and each one

showed up saying one of the cars was loaded, and that gave them an accurate record. That is, cards were being taken outside of the sales yard. There was no record of the movement of the cattle. This had been a violation several times before Dr. Glosser. The card test--the vets say you have to use the card test around the whole state or the whole state will lose its ability to use its card test. What about title in the sales yard until cattle are back? There cards were withheld from the people that used them. They tried to reinstate the cards and the vets said we can't sign on them until you can guarantee they will not be used again.

REP. BARDANOUVE: They pulled the cards so that the vets could not perform the test. They took away their rights to perform those jobs.

SEN. HIMSL: Does this expose our whole licensing process when a license is lifted from an agency?

REP. BARDANOUVE: Well, yes. It is a property right.

REP. DEVLIN: That is the property of the Department of Agriculture.

SEN. AKLESTAD: Do they carry a card like a doctor?

MIKE YOUNG, Attorney at Law, said yes, they do.

SEN. AKLESTAD: Why weren't they insured?

MIKE YOUNG: They are the plaintiff. Our liability would be against a rancher. A card is the property of USDA. This is an agreement with the state and we do it for them. They pass it down to yard centers. If insured, how would you do it? The Department was talking about using it out in the field and some cards came up suspect. The cows were allowed to be shipped which is a violation of both state and federal law. The cards were revoked from the vets around a year from that situation. The board reinstated the permits and the federal government said "no". This case also involved the federal government and they said it is our liability. Instead of going through the state, they went through the states Civil Rights Act. Our state picked up the defense of the case but the state cannot be a party in a civil rights case in a federal court.

SEN. AKLESTAD: Who brought the case?

MIKE YOUNG, Attorney: A veterinarian clinic in Great Falls.

SEN. AKLESTAD: Who gave the authority to move them out?

MIKE YOUNG: The cards or the cattle?

SEN. AKLESTAD: Why not Dr. Glosser's liability insurance?

MIKE YOUNG: Dr. Glosser doesn't carry liability as a state employee.

SEN. AKLESTAD: Does anyone carry insurance like against malpractice with doctors?

MIKE YOUNG: Yes, the state, the Department of Administration, but it is limited.

SEN. OCHSNER: Where were the cattle shipped to?

MIKE YOUNG: I don't know.

SEN. OCHSNER: The state carries insurance.

MIKE YOUNG: The 1973 tort claims say we can't handle this. The new bill now should eliminate this type of thing. We are not free to go out and indemnify for something outside of the state law.

REP. DEVLIN: I have not talked to anyone to carry the bill if it passes the committee.

Senator Himsel announced the hearing was closed on House Bill 317.

CONSIDERATION OF HOUSE BILL 901: Rep. Donaldson, House District 29, and the only sponsor of House Bill 901, said that presently on the statutes in case of an emergency across the state to utilize funds to help alleviate the problems up to \$750,000. In 1981, this was inadequate. It was questioned if to use 1983, but decided to come before the committee for a supplemental. The A. G. says it has to be paid from these funds if an emergency occurs. The statute allows local governments to put up a 2 mill levy in the event of such a catastrophe. The short fall is the state's obligation. It involves about 6 or 10 subdivisions of government. Some concern the feds might pull back some work money.

MORRIS BRUSETT, Director of the Department of Administration, spoke for the bill and said basically, there is an amount of \$750,000 and it did not cover it.

JIM ANDERSON, Public Assistant Manager for Disaster Program, said he helped process these applications. We came out with \$152,000 state in trying to match the states 25% match. If not matched, the federal funds would be decreased and the local government will have to try to come up with the rest.

There were no further proponents, no opponents, and Senator Himsel asked if the committee had questions.

SEN. DOVER: Does this have any relationship to the flood bill, House Bill 144. The flooding here.

JIM ANDERSON: Separate.

SEN. DOVER: Not connected with this at all?

SEN AKLESTAD: It was discussed under that bill that the government has already appropriated \$750,000 over the biennium but it could not cover the last one since it was personal property.

SEN. DOVER: Yes, it can, but it is not adequate.

SEN. HIMSL: We appropriated \$750,000 for disaster relief for the Governor. Do I understand you to say that he has spent it?

JIM ANDERSON: For public local government relief--roads, bridges, etc. and that is short \$52,000.

SEN. HIMSL: It has nothing to do with the 25-75?

JIM ANDERSON: No bearing on this.

REP. DONALDSON: This is non-appropriated but allowed to be spent out of the cash balance. The A.G. has ruled any natural emergency. Also any matching money. The federal government 75%, local 2 mills and the state in effect fills up the remaining of the 25%. In 1981 (Rep. Donaldson listed different amounts from local, state, etc.) this resulted in a short fall.

SEN. HIMSL: Did we spend this?

REP. DONALDSON: Yes. We spent the \$750,000 + this amount too. The feds paid 75% and that was above this that we are short. If it is a federal emergency and costs us \$1 the feds will come in with 75% of it. We must provide the remainder.

SEN. DOVER: The state paid out this much. How much the feds? Was it 75% above this?

JIM ANDERSON: Yes. Several million that they picked up on the 75%, then the state and the local governments' two mills are what made up the rest. This is in regard only to public property, not personal.

SEN. HIMSL: Do I understand \$750,000 + \$152,000--does this represent 25% of this money? The feds came in with 75% above that amount?

JIM ANDERSON: This would represent a portion of the 25%. After the local government, that amount + the local government + the 75% feds was the total amount used in the disaster.

SEN. DOVER: Is there two programs that are a 25-75 match? The one Jan had was also 25-85 match, but personal property.

JIM ANDERSON: Yes.

SEN AKLESTAD: The governor's proclamation makes it an emergency. All this was then on public property here in Helena.

JIM ANDERSON: Here and in a number of other counties that were involved. Lots of irrigation districts, etc. Also the \$902,000 includes some costs to get the National Guard out.

REP. DONALDSON: In closing, I would caution you, don't confuse this with the other bill that was for personal property. This bill is for public property and is for repair of roads, bridges, irrigation ditches, etc.

Senator Himsl closed the hearing on House Bill 901.

CONSIDERATION OF HOUSE BILL 510: Rep. Jones, chief sponsor of the bill, said this bill will help in the costs of transporting and storage of the commodities such as cheese that is put out in the communities to the needy. The House amended the bill so the money would come from the Community Services Block Grant rather than from the General Fund. This is for federal money only if available. Contractors are the Human Resource Development Councils that distribute it.

DYANN LEHMAN, Northwest Montana, HRDC, Kalispell, said we felt the introduction of this bill would commit the state of Montana to financial aid in distributing commodities. This is potential money coming down to help the hungry and homeless, \$179,000 additional and \$13,000 additional to tribes and the regulations on that amount of money and commodity appropriation are very unclear at this time. In House Appropriation the amendment would take the HRDC operating capital and reduce it in any one district in the state by up to 30%. We are committed to the distribution of commodities whether or not federal or state have committed any money. This piece of legislation would mandate through legislative action a share of the money that would become available to the state. This covers in our area 98,000 square miles. It is a discretionary block grant. HRDC has spent almost \$24,000 or 4 times as much as made available. About 12 cents a mile to deliver it. We receive contributions from trucking companies to help us.

BOB WALTMIRE, Columbia Falls, LISCA, Chairman, said I looked at the bill and said it would not come from General Fund and if the state did fund anything it would come out of block grant. Butter, cheese, dried milk, to deliver. They will not give us any date as to when it will come. That way, for some time in May, maybe in the state. Eighteen places in our area alone, we have to tell the 250 volunteers when to come in. We need some administration money. The \$50 million Senator Dole put on the jobs bill--that will give the advantage of additional people. Twenty per cent locally. Don't know how much money in the state. It has to be used for more than just food. There are several other commodities, wheat flour, peanut oil, etc. It seems to me in a community where we have so much food, the state of Montana has done well, you only paid out of federal funds. The local HRDC's ate it out of our own budgets. We did a good job. We are 9th in the USA in the amount of butter and cheese delivered. In our part of the state, we are first in the state. We have more unemployment except for Senator Haffey and Senator Stimatzi who have higher unemployment. There are 95,000 people that qualify at under 50% of the poverty level. The unemployed in Montana do not get unemployment many of them, some who can still qualify get about \$120 a week average. Some union contract work in our state is only \$3.15 an hour.

WADE WILKISON, LISCA, said federal commodity around the nation and the distribution has been a remarkable success study. Montana has done a remarkable job. I would oppose the amendment put on in the House. They have taken the money out to do the job and left us to pay for it and you can't count the same dollars twice.

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

SEN. AKLESTAD: Did I understand the gentleman to say you were going to purchase trucks?

BOB WALTMIKE: No. Not with this money. Somewhere along the line we may if federal money comes then you may have to.

SEN. AKLESTAD: I would address this to the young lady. When you testified for Northwestern Montana Human Resources, did you say you can contract with people?

DYANN LEHMAN: No. SRS had to pay for private freight. We have had some that just put it on an empty load or had some room in the back of the truck. They would stick it on free. We are not paying a private motor freight. Some agencies are having to rent or lease school buses, U-Hauls, etc.

SEN. AKLESTAD: How many drops?

DYANN LEHMAN: At one time? St. Ignatius, Ronan, Polson, Kalispell-- 5 drops. In eastern Montana, three or four stops. Miles City, Glendive and Wolf Point.

SEN. AKLESTAD: What about the other drops in western Montana?

DYANN LEHMAN: SRS makes 23 drops in the state.

SEN. AKLESTAD: Each county in the west had a drop?

DYANN LEHMAN: If on the way, only.

SEN. AKLESTAD: Are you trying to distribute it out of that area?

DYANN LEHMAN: Yes. at 19 stops.

SEN. AKLESTAD: Why doesn't SRS drop at certain spots and the people come pick it up?

DYANN LEHMAN: Lincoln county,--maybe Libby, Troy and Eureka have drop points. On many people it is a hardship to have them to drive all the way to Libby. Many do come into a central distribution center. There is home delivery only to the ones who cannot drive, etc.

SEN. AKLESTAD: Cannot those deliveries be made when they pick up the people?

DYANN LEHMAN: Some areas in Montana they do now have them. Many are at the Senior Citizen Centers.

SEN. AKLESTAD: You are trying to get it out to the homes where there is a hardship?

DYANN LEHMAN: Home Health Care and Home Health Services. If an elderly person said I cannot get it, can my neighbor do it, we would say yes, and not make a special trip.

SEN. AKLESTAD: I would question how many people are not being contacted.

DYANN LEHMAN: We feel we are not saturated, but getting close to it. Churches, etc. are all very much involved.

SEN. AKLESTAD: Has the federal government indicated how long in existence? The warehouses will go dry some day.

DYANN LEHMAN: Since January of 1982 they have not even made a dent. In some cases, twice as much as when President Reagan freed them up. We really don't have a clear idea.

BOB WALTMIRE: We deliver almost as many as the counties for Missoula or Billings.

SEN. OCHSNER: The surplus comes into Helena and then out?

DYANN LEHMAN: Helena and also to Missoula.

SEN. OCHSNER: Five per cent in SRS and another 5% too? House Bill 659 special products allowed \$55,000.

SEN. VAN VALKENBURG: Anyone here from SRS? I am a little concerned about the amendment and whether LaFaver is in agreement with it. I think with the way-I think you need some other language in there. I think it should say "other than" so it isn't changed. We will have to tighten the language in this.

SEN. SMITH: Are you asking local people other than senior citizens and organizations to also assist? I know there are other people in our community that would be more than happy to assist. Whole grain wheat, we could hold it back at almost no cost, not depend entirely on the government all the time.

DYANN LEHMAN: We have the ability to do it, but need a staff person to get it all together and done.

SEN. DOVER: Why do you have to have an excuse from the union?

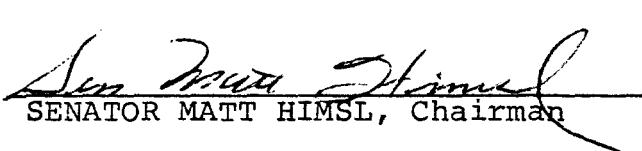
DYANN LEHMAN: We would have a question on liability on a truck driver delivering and unloading on his own truck.

SEN. JACOBSON: I can't answer this about the truck. When the commodities come in in Butte, they get everybody they can and get the commodities out in every way they can. It is really a community effort.

REP. JONES said he did not need to make further closing remarks, and Senator Himsl said the hearing on House Bill 510 was closed.

SENATOR HIMSL said he would appoint a subcommittee on the Conrad National Bank bill, and Senator Etchart would be chairman. Senators Van Valkenburg, Stimatz and Lane and Senator Keating to be on the committee.

Senator Himsl announced the meeting would be adjourned until 1:30 p.m. tomorrow afternoon.


SENATOR MATT HIMSL, Chairman

ROLL CALL

FINANCE AND CLAIMS COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date 4-8-83

NAME	PRESENT	ABSENT	EXCUSED
Senator Etchart, VC	✓		
Senator Dover	✓		
Senator Keating	✓		
Senator Smith	✓		
Senator Thomas	✓		
Senator Van Valkenburg	✓		
Senator Stimatzy			✓
Senator Story	✓		
Senator Ochsner	✓		
Senator Haffey	✓		
Senator Jacobson	✓		
Senator Regan	✓		
Senator Lane	✓		
Senator Aklestad	✓		
Senator Hammond			✓
Senator Tveit			✓
Senator Boylan	✓		
Senator Himsel, Chairman	✓		

DATE

4/8-83

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Raymond H. Barth	Self	HB317	X	
John Smith Collier	Self	HB317	X	
Mark Mahon	Family Practice Physician	114	X	
Mark B. Fritchino	Family Practice Physician	114		
John E. Norwood	" "	114	✓	
Gene Phillips	FIRS INTERSTATE BANK	HB526	✓	
William Geary	Montana Hospital Assn	114	✓	
Marshall Cook	Family Practice Physician	114	✓	
Lee Strode	Self	400	✓	
Mona Jamison	Governor's Office	400	✓	
Doug Young	Self	400	✓	
Mrs. Mary E. Doubek	Self, friends	HB400		✓
Doris Gaherty	WLF	HB400	✓	
Walter P. Payne	Self	HB400	✓	
David Hunter	MT Dept. of Labor	HB400	✓	
Rosemary Rodgers	Self + others	HB400		✓
Beverly Gluckert	Myself	HB400		✓
Mons Teigen	MS Stockgrowers, Combelles	HB317	X	
—	—	—	—	—
Vade Wilkison	LISCA	HB510	—	
Raymond J. Lehman	NW MT Human Resources	HB510	X	
Albert Charles Walmire	LISCA Ch.	HB510	✓	
Catherine A. Gibson	— myself	HB400	X	
Normie Besthardt	W.I.T	HB400	X	
Don Whalen Clark	YWCA	HB400	X	
Zandra M. C. Brown	YWCA - Billings	HB400	X	

DATE April 8, 1983

COMMITTEE ON

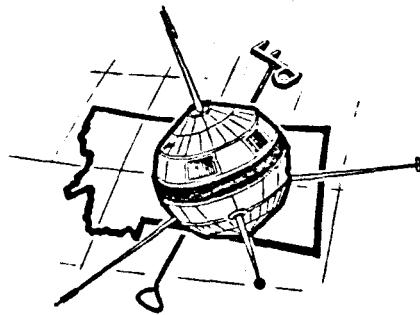
VISITORS' REGISTER

DATE:

4-8-83

COMMITTEE ON

VISITORS' REGISTER



Montana Family Practice Satellite Unit Program Inc.

- FACT SHEET -

1. The Montana Family Practice Satellite Unit Program, Inc. is a non-profit, tax exempt corporation with a board of directors representing the medical and hospital communities as well as the executive branch of state government.

2. The Montana Family Practice Training Program is community based, community hospital/physician sponsored program.

3. As of January 1, 1983, five communities are involved with the training of family practice residents. These communities are: Choteau, Havre, Helena, Sidney and Wolf Point.

4. The family practice residents are second and/or third year residents from various family practice residency training programs throughout the United States. These residents are licensed physicians in their respective states and are provided with a temporary license while training in the state of Montana. Fourteen residents will receive one month training within the state between August, 1982 and August, 1983.

5. At present there are eighty accredited family practice residency training programs that have expressed a desire to participate in the Montana program.

6. The cost for training one resident for one month will average \$3,000.00. The sponsoring hospitals are providing the cost of training. The sponsoring hospitals from the above five communities will be able to train at least twenty-two residents between July, 1983 and June, 1984. The cost will be approximately \$66,000.

7. The Family Practice Training Program is requesting \$135,000 for the 1985 biennium to support the program. These funds will not directly support the residency training activities of participating hospitals, but will cover the costs of coordinating and administering the placement of residents from various residency programs across the nation to the participating Montana hospitals.

8. The Montana Family Practice Training Program is not associated with other state medical educational programs, i.e.: WAMI, WICHE, The University of Washington or Montana University System.

9. A look to the future:

- There are 304 physicians in the state that practice family medicine (family practice physicians).
- The average age of this group of physicians is 50.
- 68 physicians in this group are between 50 and 59 years of age.
- 82 physicians in this group are over 60 years of age.

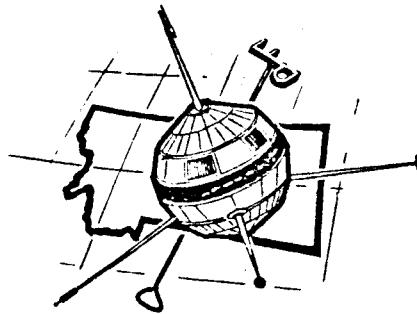
Montana Family Practice Satellite Unit Program
 Budget Request for 1983/84 and 1984/85

<u>Personnel</u>	<u>Salary</u>	<u>+ 20% Benefits</u>	<u>Total</u>
Coordinator	30,000	6,000	36,000
Secretary	10,000	2,000	12,000
<u>Operational Cost</u> (general office expenses, i.e. supplies, printing, etc.)			5,000
<u>Communications</u> (includes phone, postage)			5,000
<u>Travel</u>			<u>8,000</u>
	<u>Total</u> - \$66,000		

1983/84 - 66,000

+ 5% for 1984/85 - 69,300

For Biennium - \$135,300



Montana Family Practice Satellite Unit Program Inc.

Montana Family Practice Training Units as of January 1, 1983

1. Choteau - Teton Medical Center
2. Havre - Northern Montana Hospital
3. Helena - St. Peter's Community Hospital
4. Sidney - Community Memorial Hospital
5. Wolf Point - Trinity Hospital

Affiliated Family Practice Residency Programs as of March 1, 1983

1. Baptist Medical Center, Gadsden, Alabama
2. The Medical University of South Carolina, Charleston, South Carolina
3. Resurrection Hospital, Chicago, Illinois
4. The University of Oklahoma, Tulsa Medical College, Tulsa, Oklahoma
5. Hennepin County Medical Center, Minneapolis, Minnesota
6. David Grant Medical Center, Travis Air Force Base, California
7. Niagara Falls Memorial Medical Center, Niagara Falls, New York
8. Texas Tech University Health Sciences Center, El Paso, Texas
9. Swedish Covenant Hospital, Chicago, Illinois

D,

388 U.S. 3 YEAR FAMILY PRACTICE RESIDENCY PROGRAMS
(All States Except Montana, Alaska, and New Hampshire)



MONTANA FAMILY PRACTICE SATELLITE UNIT PROGRAM, INC.



MONTANA FAMILY PRACTICE SATELLITE UNITS
(Choteau, Havre, Helena, Sidney, Wolf Point)



Montana Hospital Association

(406) 442-1911 • P.O. BOX 5119 • HELENA, MONTANA 59604

TESTIMONY ON HOUSE BILL 114

BY

KEN RUTLEDGE, SENIOR VICE PRESIDENT OF THE MONTANA HOSPITAL ASSOCIATION
AND
BOARD MEMBER OF THE MONTANA FAMILY PRACTICE SATELLITE UNIT PROGRAM

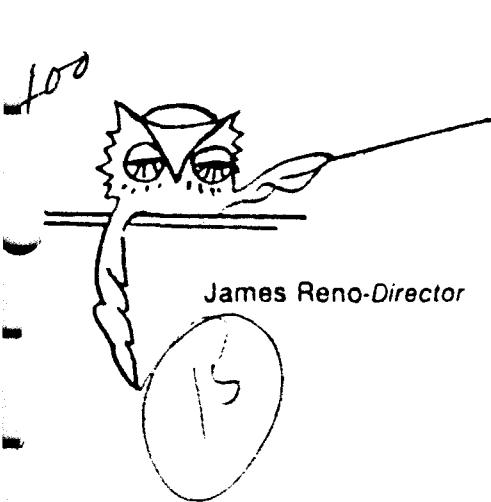
Mr. Chairman and Members of the Senate Finance and Claims Committee:

First, I would like to stress that Montana is one of only two states which does not have any form of state sponsored graduate medical education. If, as has been reported to us, Alaska establishes a three year family practice residency program, Montana will be the only state in the nation without a full-fledged medical residency program. We are not asking the legislature to establish a family practice residency program in Montana because we know that the price tag on such a program would be a minimum of \$1 million per year and Montana simply cannot afford such a program.

We feel very strongly, however, that Montana needs to have some form of graduate medical education particularly in the area of family practice medicine. The benefits of such a program to health care in Montana are numerous, and include improving the ability of rural hospitals to recruit new physicians, lowering the costs of physician recruitment and improving the quality of medicine practiced in rural areas by placing current physicians in a teaching role.

It is because of our strong feelings about the need for such medical education in Montana that we have developed the satellite concept for family practice residents. The bulk of the costs for this program are paid for by participating hospitals and with the one-time-only appropriation called for in House Bill 114, we believe that we can make this program entirely self-sufficient. If we do not receive this temporary assistance we fear that the program may be lost and it is doubtful that such a low cost approach could be reconstructed in the future.

We hope that you will support House Bill 114 and in doing so support our attempts to establish a privately funded program of medical education as an alternative to the traditional state sponsored medical education program.

100

School District No. 2

ADULT EDUCATION CENTER

James Reno-Director

2520 5th Ave. So.
Billings, Montana 59101
(406) 245-5124

Mike Joyce-Counselor

April 7, 1983

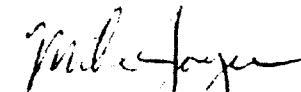
Honorable Representatives and Senators
State Capitol
Helena, Mt 59620

TO WHOM IT MAY CONCERN:

I am writing on behalf of HB 400, a bill to fund programs for Displaced Homemakers in the state of Montana. Speaking on behalf of the Billings program at the YWCA, I can honestly testify that this is one of the most valuable resources in the community. I have known dozens of women who have been helped back into a life of self-support for themselves and their children as a direct result of this program and the competent staff.

Our agency has always received total cooperation and the numerous individuals we have received have been helped in ways that words cannot describe. I hope that the Legislature sees the impact that these programs have on so many "displaced" persons, in helping them to become self-sufficient, contributing citizens. In doing so, I further hope that HB 400 will pass.

Gratefully,


Mike Joyce, Counselor

WOMEN IN TRANSITION

April 7, 1983

YWCA

220 Second Street North
Great Falls MT 59401
(406) 727-0966

Marian Lane, Director
Women in Transition

Senator Matt Himsel, Chairman
Finance and Claims Committee
State Capitol
Helena, Montana 59420

Dear Senator Himsel and Committee Members,

I am Marian Lane, Director of the Displaced Homemakers Program in Great Falls. Our program offers much the same services as other displaced homemaker centers in Montana, however, it does differ in some very significant areas.

Since we began in October of 1980, 226 CETA eligible displaced homemakers received a full range of support services through our program. During FY 82, we had a 48% job placement rate and 45% chose to upgrade their education. Yet, we have been extremely frustrated over the significant number of women who we have not been able to assist because of the strict criteria of CETA. Statistics are kept on every person who comes to us for assistance and an additional 270 women would have been assisted were it not for these restrictive guidelines.

We have recognized that men experience much the same feelings as women. They hurt when the kids leave home, if they do not have custody, when there is a divorce, if their spouse dies, or when they lose their jobs. As a result of their requests and our concern, we started a support group for men. Twenty-one (21) men have attended or received individual one-to-one counseling and assisted through some 'rough decisions'.

The inactment of H.B. 400 would not only allow us to assist more women, but men too.

My 26 year marriage ended in divorce eight years ago. I was a full-time homemaker during those years with no outside work experience. I am painfully aware of all the negative feelings that follow a divorce; the anxiety, the fears, the failure, frustrations, despair, the frightening experience in trying to find a job to support myself and my two teenagers. It is because of my personal experience that I have fought so hard for this program

We ask you to support H.B. 400.

Thank you.

Marian Lane
Marian Lane, Director

ML/sk

a program for "displaced homemakers" sponsored by the Great Falls YWCA.

Mr Chairman - Members of the Committee

3-25-83

Copy I am Ardia Merry of Great Falls. I am not a displaced homemaker, as a matter of fact I consider myself a professional working person in a non-traditional occupation. I determined a long time ago that I never wanted to be a displaced homemaker and I have worked outside the home all the time my children were growing up. I have spent a great deal of time the past couple of weeks trying to determine why I would want to take time off from my job to come down to testify for the Displaced Homemaker Bill.

I have decided that I believe my mother was a displaced homemaker. I say "I believe" because you see the term was around in the late 1950's.

My father was a farmer and my mother was --- his wife. 3 of the 4 of us children were grown & had left home when my dad had a stroke which left him paralyzed. As a matter of fact he spent the rest of his life in hospitals or nursing homes. It doesn't take long for medical bills to eat up the assets of a small farm and my mother had to leave her home and move into town. She supported herself by babysitting, which in those days certainly didn't pay much.

I found the calendar of the last year of life. She died in April of 1961. Even though she was in failing health the concern she noted on her calendar read like this. She circled each day as it passed and then wrote "No Work - No Work, $\frac{1}{2}$ day babysitting, no work - no work in three weeks."

I firmly support H.B. 400 because I knew and loved a displaced homemaker who could certainly have used the help and support from the type of centers this bill deals with ~~before she~~ ^{desperate} in those last ~~days~~ months before she entered the hospital for the last time.

I thank you for your support of this bill.

Orbie Nerry
2721 5th Ave So
Ph 727-1896
St Falls, Mt. 59405

HB 400

DISPLACED HOMEMAKER - FACT SHEET

4/1/83
HB 400
4/18/83

QUESTION: WHAT IS A DISPLACED HOMEMAKER?

ANSWER: A displaced homemaker is someone who, after spending years caring for a family and home, suddenly finds herself on her own due to divorce or the death of a spouse. The displaced homemaker often finds herself at a disadvantage in the job market because of limited training and outdated experience as well as age and sex discrimination. Often, a displaced homemaker is too young for social security and her family is too old for her to qualify for Aid to Families with Dependent Children (AFDC).

QUESTION: WHAT HAPPENS TO A DISPLACED HOMEMAKER NOW?

ANSWER: Some displaced homemakers may qualify for social security, AFDC or federal job training programs. Others may receive insurance settlements adequate for their needs. However, it is estimated that at least five percent* of Montana women are characterized as displaced homemakers (about 15,000 women), and many of these are ineligible for federal training programs because of family income previously earned by their former husbands. These women need an additional source of assistance.

QUESTION: WHAT ASSISTANCE IS ALREADY PROVIDED BY FEDERAL JOB TRAINING PROGRAMS?

ANSWER: The federal CETA job training program has sponsored six displaced homemaker centers, one each in Billings, Miles City, Bozeman, Missoula, Great Falls and Havre. These programs have provided counseling and referral assistance to over 1,400 displaced homemakers over the past three years. Through the job training program, displaced homemaker centers plan to serve an additional 575 people in Fiscal Year 1983 at a cost of about \$245,000.

QUESTION: WHY CAN'T THESE FEDERAL PROGRAMS ASSIST ALL DISPLACED HOMEMAKERS?

ANSWER: Many displaced homemakers do not meet CETA eligibility requirements. CETA requirements consider total family income for the past six months, including the husband's income which is no longer supporting the displaced homemaker. Thus, during the first critical six months after separation, divorce or death, when assistance is often most needed, an individual may not be eligible for services.

* Using the stringent criteria of having spent at least seven years in the home before becoming displaced.

Second, because of federal cutbacks in job training funding, services are not currently being provided in several areas of the state, including the northwest and northeast corners.

QUESTION: WHAT IS THE BENEFIT TO MONTANA OF FUNDING SUCH A PROGRAM?

ANSWER: The experience of existing displaced homemaker centers is that 80 percent of the 458 people who completed the program in Fiscal Year 1982, did so with a positive outcome. Forty percent of the displaced homemakers found permanent employment at an average wage of \$4.16 per hour. These people will pay back the costs of the program within eighteen months in federal taxes alone. Others were transferred to full-time training or education programs that lead to permanent employment.

QUESTION: WHAT KINDS OF SERVICES DO DISPLACED HOMEMAKER CENTERS PROVIDE?

ANSWER: The primary objective of the center is to help people achieve economic self-sufficiency. The services provided to meet this objective include counseling, job referral, job search techniques, resume-writing, interviewing skills, skills inventories, job development, self-esteem building and small amounts of supportive services for transportation to interviews, daycare, medical expenses, temporary housing and related short-term emergency costs.

aph 3
HB 400

April 8, 1983

SUBMITTED IN TESTIMONY

TO THE

SENATE FINANCE AND CLAIMS COMMITTEE

RE: HB400 (DISPLACED HOMEMAKERS)

Douglas J. Young
PhD., Economics
222 E. Koch
Bozeman, MT 59715

Getting a job is difficult for many people these days. Displaced homemakers face special problems because they typically have few skills or relevant job experience. Many haven't the faintest idea about what jobs are available or how to go about landing one. Their situations are often complicated by the emotional aspects of becoming "displaced". Job Service personnel serve a broad range of client groups and are not necessarily responsive to the special needs of older women who are often looking for their first job.

Many displaced homemakers can not immediately be served by CETA programs because eligibility rules require counting the (now absent) spouse's income over the last six months. The great danger is that a job can't be found for several months, and the woman will enter the welfare system. While AFDC, Food Stamps, and housing assistance assure a minimal level of income, these programs provide few incentives to become self-supporting. As a result dependency on the state may replace dependency on the former spouse, and women who enter the welfare system may remain dependent for many years.

The welfare system is extremely expensive. Benefits for a woman with one dependent and no other income can easily cost taxpayers \$700 per month (AFDC: \$279; Food Stamps: \$139; Housing Assistance: up to \$300 and more). Long term dependence on the welfare system wastes both the taxpayer's dollar and the valuable human resources of the clients.

The displaced homemakers program has only one goal: to assist women in making the transition from the home to gainful employment. Clients do not receive income maintenance payments and can participate in the program for only a limited period of time. These features make the program inexpensive and prevent the development of a dependency relationship. At a cost of \$333 per client, the program actually reduces government payments if it only prevents one half month of welfare support per client.

HB400 will provide transition services to more Montana women including those not currently eligible under CETA rules. It appears to be a bargain for taxpayers as well as an important helping hand for the clients themselves.

D. J. Young

(4)

4/7
April 7, 1983

YWCA

220 Second Street North
Great Falls, MT 59401
(406) 727-0966

Marian Lane, Director
Women in Transition

Senator Matt Himsel, Chairman
Finance and Claims Committee
State Capitol
Helena, Montana 59420

Dear Senator Himsel and Committee Members,

I am Marian Lane, Director of the Displaced Homemakers Program in Great Falls. Our program offers much the same services as other displaced homemaker centers in Montana, however, it does differ in some very significant areas.

Since we began in October of 1980, 226 CETA eligible displaced homemakers received a full range of support services through our program. During FY 82, we had a 48% job placement rate and 45% chose to upgrade their education. Yet, we have been extremely frustrated over the significant number of women who we have not been able to assist because of the strict criteria of CETA. Statistics are kept on every person who comes to us for assistance and an additional 270 women would have been assisted were it not for these restrictive guidelines.

We have recognized that men experience much the same feelings as women. They hurt when the kids leave home, if they do not have custody, when there is a divorce, if their spouse dies, or when they lose their jobs. As a result of their requests and our concern, we started a support group for men. Twenty-one (21) men have attended or received individual one-to-one counseling and assisted through some 'rough decisions'.

The inactment of H.B. 400 would not only allow us to assist more women, but men too.

My 26 year marriage ended in divorce eight years ago. I was a full-time homemaker during those years with no outside work experience. I am painfully aware of all the negative feelings that follow a divorce; the anxiety, the fears, the failure, frustrations, despair, the frightening experience in trying to find a job to support myself and my two teenagers. It is because of my personal experience that I have fought so hard for this program

We ask you to support H.B. 400.

Thank you.

Marian Lane
Marian Lane, Director

ML/sk

...a program for "displaced homemakers" sponsored by the Great Falls YWCA.

for 6

8 April 1983

Sir,

My name is: Carol Lakey
I would like to express my feelings concerning the Displaced Homemakers Program. It is my feelings and experience that this program is vital to the Great Falls community.

The program has been very helpful to me in preparing me for employment. Through their counseling and moral support, they helped me to realize my self-worth.

I have also developed skills in dealing with the public, which has been very beneficial to me, as I now hold a position that requires these skills. I have been able to obtain several pay raises in less than 6 months on the job, and I also have a chance for advancement.

I have the utmost praise for this program.

Carol Lakey

Bootlegger Trail Box 51
Great Falls, Montana 59401
Phone: 1-406-452-5823

b6

400

Great Falls, Mont. 59401
1533 Ninth St. South
April 8, 1983

Montana State Legislature
Helena, Montana 59601

I am in favor of House Bill 400,
concerning Women in Transition,
because I am a widow, and this
program has helped me a lot and
is still helping me.

Sincerely,

Vera L. Praast

400
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WOMEN IN TRANSITION

April 7, 1983

YWCA
220 Second Street North
Great Falls, MT 59401
(406) 27 0966
Marian Lane Director
Women in Transition

Senator Matt Himsl, Chairman
Finance and Claims Committee
State Capitol
Helena, Montana 59420

Dear Senator Himsl and Committee Members,

My name is Linda Heckler. I am a counselor with Women In Transition, the Displaced Homemaker Center in Great Falls. Two-and-a half years ago, when my marriage was terminating, Women In Transition was just being organized. I was not, then, aware of its' existance.

I was hurt, confused, and very frightened and had no place to go for help. I had not worked outside the home during my years of marriage and had no idea how I would support myself.

I now work everyday with women who's situations are similar to what mine were. These women may be separated, divorced, abandoned, or widowed. Many of them have had no choice regarding their altered marital status. It was thrust upon them by their spouse's decision or death.

Devastating emotions will almost always be present when one becomes a displaced homemaker. However, programs such as ours help the individual deal with them sooner and in a healthy manner, and offer job search skills that are necessary to become an independent, self-supporting person.

I ask your support for H.B. 400.

Sincerely,

Linda Heckler

Linda Heckler, Outreach Counselor
4604 3rd Ave. So. #12
Great Falls, Montana 59405
Phone: 454-1816

LH/sk

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



TESTIMONY OF THE WOMEN'S LOBBYIST FUND ON HB 400 BEFORE THE SENATE FINANCE AND CLAIMS COMMITTEE.

The Women's Lobbyist Fund urges your support of House Bill 400. Displaced homemaker centers have been providing invaluable services to homemakers who, because of divorce or the death of their husbands, must re-enter the job market after years of unpaid work in the home.

However, the centers have had trouble extending services to some of the women who need it the most because their funding has come primarily from CETA. CETA eligibility standards exclude women whose family income over the last six months exceeded low-income eligibility standards. The excess income was, of course, earned by their husbands and is no longer available to them. They often have zero income now.

These women are forced to start a new life without help at the very time when their need for support, counseling, job training, and job search skills is the highest. House Bill 400 would make alternative funding available so that services could be provided for non-CETA eligible women.

Becoming a displaced homemaker is often an over-night transition from a comfortable middle income to no income and no safety net. None of the supports that are available to an unemployed wage earner are available to women who have spent years working without pay for their families.

When displaced homemakers try to enter the job market and earn their own way they find that their skills are rusty; they are not accustomed to thinking about how skills learned as a mother and homemaker will transfer to a job; and they are often faced with age discrimination. Displaced homemaker centers have been able to teach job search skills, help homemakers find training if they need it, and rebuild their self-esteem which has usually taken a knock-out blow when they were forced to enter a world they weren't prepared for.

Society should certainly reward woman who have spent years raising the next generation without pay, but displaced homemakers do not want a hand-out, they want a hand up and will, with some help, be paying taxes on their own earnings in a short time.

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For the record my name is: Gene Christiaansen
Assistant State Superintendent
for Vocational Education Services
Office of Public Instruction

I wish to extend support in favor of HB400 for the establishment of a displaced homemaker program in Montana.

Displaced homemaker needs are not unknown to vocational education in the nation. Since 1977, federal legislation has established displaced homemaker programs under vocational as a national priority.

Fiscal year 1983 and 1984 witnessed a \$10,000 allocation for each year to address the concerns for inservice training and support for displaced homemakers in Montana. The sums provided under federal vocational education funding, however fall drastically short in comparison to needs within the state.

We are heartened by the recognition of the issue by the Governor and look forward to coordination and cooperation in addressing the problems faced by displaced homemakers.

We urge favorable consideration of HB400.

Gene R. Christiaansen
April 7, 1983

X10/

TESTIMONY FOR HB 400, Montana State Legislature

My name is Sally Moore and I live in Bozeman, Montana. From 1977-1981 I worked in the Office of Public Instruction as Human Potential Development Specialist in the Department of Vocational Education. I administered the research and development of programs and services for displaced homemakers as a part of the implementation of the vocational education federal legislation.

In 1978 the Women's Bureau conducted a survey on the needs and attitudes of Montana women and work. The results of that indicated that there were an estimated 12,600 displaced homemakers in Montana, individuals who have been solely homemakers for seven years or more, yet have not reached retirement age. These middle aged individuals have lost the income from a spouse who has been their sole support, either through divorce, separation, death or disability of that spouse. These individuals are often ineligible for social security benefits, welfare, unemployment insurance, jobs targeted for older or younger workers, educational financial aid, health care benefits, or credit.

In 1979 a survey was conducted by the Counseling Needs Research Advisory Panel in the Department of Vocational Education to assess the counseling and employment related needs of displaced homemakers. One hundred displaced homemakers were selected on a random basis and personally interviewed.

The needs that surfaced were 1) building self-confidence; 2) training and education; 3) changes in identity and role; 4) career counseling; 5) job placement; 6) skill assessment; 7) coping with problems of the children; 8) peer support; 9) decision making skills and; 10) coping with the agencies that are supposed to help them. They needed jobs to support themselves and their families.

From 1979-1981 the Department of Vocation Education sponsored ten two-three day workshops on job readiness and career/life planning for displaced homemakers across the state. Community committees helped in the planning and implementation of these workshops. These local workshops stimulated awareness of the problems that displaced homemakers face and introduced them to local and state resources that could assist them with their counseling and employment related needs.

The Montana legislature in 1977 recognized the need and allocated \$30,000.00 for two pilot centers in Billings and Missoula but earmarked the money to be a match for federal funds which never became available. In 1979 the \$30,000.00 reverted back to the general fund.

In 1979 two model centers to serve displaced homemakers were funded by CETA. In 1980 four additional centers were established with CETA funding. These six centers are still providing needed services in Billings, Missoula, Bozeman, Miles City, Great Falls, and Havre. Clients at these centers must, however, meet CETA guidelines in order to be served, and only a small percentage of displaced homemakers are CETA eligible.

Twelve percent (12%) of the displaced homemaker population living in towns over 10,000 are now being served. It is probable that 51% of the displaced homemaker population living in towns over 10,000 could be served if services were expanded to non CETA eligible - a total of 2,375 individuals.

I support HB 400 because state funding financed by the divorced filing fee plus community support that existing centers have built will provide continued services to displaced homemakers and help them to become productive, healthy, self supporting individuals who would add to the tax base in Montana instead of being dependent on it.

400
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April 7, 1983

TO WHOM IT MAY CONCERN:

I am writing in support of House Bill #400 for Displaced Homemakers. I realize the need for such a bill because when I was widowed in 1977, there were no resources to aid in recovering from such a loss.

At the age of 35 with three children I found myself in the catagory of "Displaced Homemaker". At the time I did not realize that that was what I was and it wasn't until years later that the name was given to women whose lives had been devoted to home, husband, and children and were suddenly alone because of death or divorce.

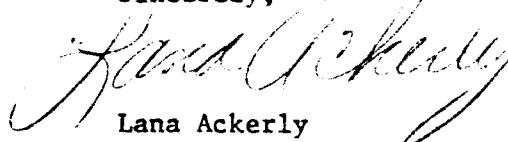
My husband was killed instantly in an accident and my world fell apart. I was one of the lucky ones who did not have to work right away to support my family but emotional I was devastated. Society gave me a month or so to recover and then I was to fit back into the mainstream fully prepared to be a single parent, emotionally strong, and financially able to provide for the family left me with job skills that had not been used in ten years.

Women of my age and older were raised to be wife and mother and that a husband would take care of us always. We were not suppose to be interested in business, family finances or insurances for that was man's work. Fortunately, todays young women are learning to be responsible for themselves and that one must be whole even in marriage.

I urge you to help those of us "from the old school" who were not prepared to be head of house to become prepared. To provide us with places where we can get help during emotionally stressful times, to see that we are of value, that we do have abilities and can do more than be "just housewives". We need help to get on our feet and become an asset to the community rather than a liability. Please give your support to House Bill #400.

Thank you.

Sincerely,


Lana Ackerly

Mr Chairman - Members of the Committee

3-25-83

I am Ardis Merry of Great Falls. I

am not a displaced homemaker, as a matter of fact I consider myself a professional working person in a non-traditional occupation. I determined a long time ago that I never wanted to be a displaced homemaker and I have worked outside the home all the time my children were growing up. I have spent a great deal of time the past couple of weeks trying to determine why I would want to take time off from my job to come down to testify for the Displaced Homemaker Bill.

I have decided that I believe my mother was a Displaced Homemaker. I say "I believe" because you see the term was around in the late 1950's.

My father was a farmer and my mother was --- his wife. 3 of the 4 of us children were grown & had left home when my dad had a stroke which left him paralyzed. As a matter of fact he spent the rest of his life in hospitals or nursing homes. It doesn't take long for medical bills to eat up the assets of a small farm and my mother had to leave her home and move into town. She supported herself by babysitting, which in those days certainly didn't pay much.

Peg & Mr. Davis

The time is 8:00 a.m. Peg enters the Sunshine Mini-Market. Her boss, Mr. Davis, is checking the shelves.



PEG: Hi, Mr. Davis. I'm on time today!

MR. DAVIS: (Continuing to work) Well, it's nice to see you on time, Peg, but it's too late. I've decided to fire you.

PEG: Fire me? But Mr. Davis. . .why?

MR. DAVIS: You should know, Peg.

PEG: I've been doing a good job. You said so yourself the other day.

MR. DAVIS: I said *when* you get to work on time I'm happy with the work you do.

PEG: Well, I get here most days on time.

MR. DAVIS: Humpf!

PEG: And you said I'm friendly to the customers and smile a lot. Isn't that what counts?

MR. DAVIS: That's part of what counts. . .

PEG: (Less sure of herself now) Then. . .then why am I fired?

MR. DAVIS: Where were you yesterday?

PEG: Oh, yesterday. I was sick and just couldn't get in. . .You know how that is, Mr. Davis. Sometimes you're just too sick to go to work.

MR. DAVIS: Why didn't you call?



PEG: Well, I didn't think of it. I figured you'd know I wasn't coming in if I didn't show up.

MR. DAVIS: Really?

PEG: I thought you'd understand that I was too sick to call.

MR. DAVIS: (Stops working. Looks directly at Peg.) Look, Peg, you have some responsibilities (ri spahn suh BIL uht eez). Don't you know that? If you're not going to come in, then call me and let me know. Better yet, get someone to fill in for you and then call. I know Rich or José or Kerri would have been happy to get the extra money.

PEG: Didn't you call them?

I found the calendar of the last year of her life. She died in April of 1961. Even though she was in failing health the concern she noted on her calendar read like this. She circled each day as it passed and then wrote "No Work - No Work, 1/2 day babysitting, no work - no work in three weeks.

I firmly support H.B. 400 because knew and loved a displaced homemaker who could certainly have used the help and support from the type of centers this bill deals with before she ~~died~~ ^{desperate} in those last ~~dear~~ months before she entered the hospital for the last time.

I thank you for your support
of this bill.

Orbis Merry^{ml}
2721 5th Ave So
Ph 727-1896
Mt. Fall, mt. 59405

Peg & Mr. Davis

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JL
150
NYE & MEYER

ATTORNEYS AT LAW

SUITE 316 - FIRST FEDERAL SAVINGS BUILDING
2929 THIRD AVENUE NORTH
BILLINGS, MONTANA 59101

JERROLD L. NYE
JOAN H. MEYER

406/248-4816

April 7, 1983

House of Representatives /Montana Senate
Montana State Legislature
Helena, MT 59401

RE: House Bill 400

Dear Representatives:

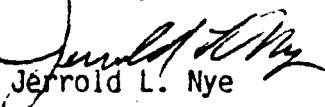
I support the passage of House Bill 400. I have a general practice and represent both men and women of all ages and backgrounds. I have represented many women who have not worked outside the home for years and who would not be able to cope with the stress and uncertainty that results from the loss of a spouse's support due to divorce, death or disability, without the assistance of the Women's Center in Billings. I have referred many clients to the Women's Center, knowing that they could receive immediate counselling and referrals to help them assess their needs and available services.

Without the temporary assistance and direction provided to displaced homemakers by the Women's Center in Billings, I believe that there would be many more women requiring long term public assistance. In that respect, House Bill 400 will save the tax payers considerable sums of money.

As a lawyer for many divorce clients, I believe that the additional \$25.00 filing fee for divorce actions is an appropriate source of funds for displaced homemakers centers. It is a small part of the total cost, and an incremental increase that anyone who wants a divorce will pay. Importantly, this additional fee would be used for public services highly relevant to divorce actions under House Bill 400.

I urge the passage of House Bill 400.

Sincerely,


Jerrold L. Nye

JLN/jg

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**THE LAW CLINIC
OF BILLINGS, P.C.
1901 BROADWATER AVENUE, SUITE 2
BILLINGS, MONTANA 59102**

JOAN H. MEYER
JERROLD L. NYE
ATTORNEYS-AT-LAW

(406) 652-4300

April 7, 1983

House of Representatives/Montana Senate
Montana State Legislature
Helena, MT 59401

RE: House Bill 400

Dear Representatives:

I write this letter to express my strong support for House Bill 400. In my general practice, I do a great deal of divorce work. My clients are both men and women of all ages and backgrounds. In my practice however, I have represented many women who have not worked outside the home for years and who would not be able to cope with the emotional stress and financial uncertainty that accompanies the break-up of their marriage without the assistance of the Women's Center in Billings. For several years that Center has provided invaluable counselling for displaced homemakers. With confidence I have referred many clients to the Women's Center, knowing that they could receive immediate personal counselling, referrals for social services and resources available, and vocational counselling and training. It has proven to be extraordinarily efficient to have one displaced homemakers center where a woman could have all of her needs assessed at once. Some women are able to make it on their own after an initial conference; others require periodic assistance in personal, financial, and vocational counselling, either in individual or group sessions.

The Women's Center in Billings has assisted displaced homemakers in numerous programs, in addition to personal counselling. All of my clients who have attended the evening group sessions have raved about the new understanding of their situations and self-confidence gained in discussing matters with other women in a similar position. Many women have attended the quarterly employment seminars provided at the Center, at which representatives of three or four local employers have explained the jobs available, educational and training requirements, plain facts about how to get hired, and wages and benefits. Other seminars, such as assertiveness training, resume writing and interviewing techniques, and handling finances are of tremendous importance to displaced homemakers as well.

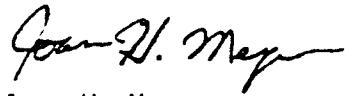
House of Representatives/Montana Senate
April 7, 1983
Page Two

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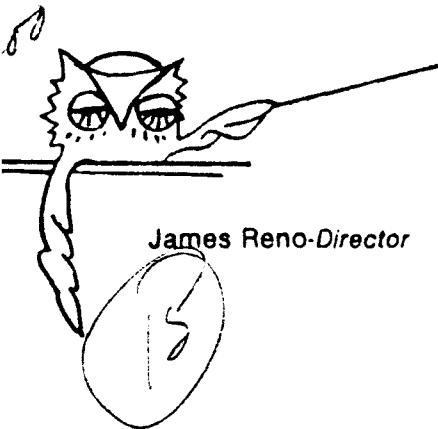
On behalf of the innumerable women and certain number of men who require assistance in starting life anew without the benefit of a spouse's support, and speaking for myself, I urge the passage of House Bill 400.

Sincerely,



Joan H. Meyer

JHM/jg



School District No. 2

ADULT EDUCATION CENTER

James Reno-Director

2520 5th Ave. So.
Billings, Montana 59101
(406) 245-5124

Mike Joyce-Counselor

April 7, 1983

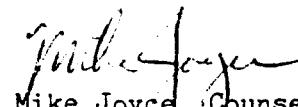
Honorable Representatives and Senators
State Capitol
Helena, Mt 59620

TO WHOM IT MAY CONCERN:

I am writing on behalf of HB 400, a bill to fund programs for Displaced Homemakers in the state of Montana. Speaking on behalf of the Billings program at the YWCA, I can honestly testify that this is one of the most valuable resources in the community. I have known dozens of women who have been helped back into a life of self-support for themselves and their children as a direct result of this program and the competent staff.

Our agency has always received total cooperation and the numerous individuals we have received have been helped in ways that words cannot describe. I hope that the Legislature sees the impact that these programs have on so many "displaced" persons, in helping them to become self-sufficient, contributing citizens. In doing so, I further hope that HB 400 will pass.

Gratefully,


Mike Joyce, Counselor

400 (15)

Matt Hinsel Chairman of Finance + Claims
Dear Matt

I am writing to you about
house bill 400.

My name is Helen Turpin I
15, and in the process of getting a
divorce from my husband who is
an Alcoholic.

I started going to Woman
in Transition after I filed for my
divorce.

It has helped me so much
because I didn't know any one here. Now
I have a place to go for help + also make
good friends that are going through
the same things I am.

We need this bill as bad
so they can help more people like me.

I thank you very much. Please
write me back to Helen Turpin

Box 1368
Great Falls, Mt. 59403

Chairman and Members of Committee:

I urge a speedy defeat of HB-400 (Displaced Homemaker Act) as it is entirely out of line with the taxpayer's demand for less special interest Government.

Beyond doubt, we feel compassion for isolated cases. However, we are aware that duplicate services are available in many areas in addition to family and church support groups.

Indeed, it is an affront to most women who freely chose marriage to now ask the weary taxpayer to bail them out when marriage fails or if they are left widowed. The women of Montana pride themselves in having a pioneering spirit. I believe in women and their innate resourceful nature that believes in necessity being the mother of invention. We pride ourselves on being willing and able to accept the challenges inherent in our nation with our free enterprise system. My own life has proven this repeatedly.

To assume that homemakers lose all skills and ability in the market place, after an interim in the home, is unjustified. A certain segment of our society would have us believe that women somehow go into remission when they choose to be homemakers. Actually, many enhance their talents. I took offense at HB-400 on Page 2 Line 16 referring derogatorily to displaced homemakers "providing unpaid household services for family members". What an assault on the family and how degrading to all mothers and wives whose value structure is not weighed in dollars and cents. These women have voluntarily chosen the most rewarding of all careers as a Queen in their home. Therefore, if misfortune strikes we willingly accept, and in most cases have planned for that eventuality without expecting the taxpayer to pick up the tab.

Please understand, we are not the victims that a frustrated segment of our society wish to portray. Our faculties continue to function despite a broken marriage or the death of a loved one.

HB-400 is just another bureaucratic welfare program. This massive bill includes transportation, outreach services, counseling, re-training, health care, child care, etc. I was stunned to learn how many of these programs to aid women are already in place and they will forever seek more and more funding for expansion. To these operators it means jobs and power. In many cases a political arm.

I was deeply annoyed to watch this controversial bill, (The Women's Bureau reincarnated, that the 1981 Legislature fully chose to abandon,) being maneuvered through the House of Representatives, for a first, second, and third reading within hours of the midnight transmittal deadline, a week ago Monday night. A travesty of legislative procedure was in evidence. I felt it was presented fraudulently at that hour as a bill whose funding would be forthcoming from a \$25 fee (or tax) on those whose marriage was dissolved.

The fiscal statement clearly states a \$250,000 initial cost together with assumptions of local aid. How many times will the unsuspecting citizen be taxed for this costly and discriminatory bill?

Please vote NO on HB-400

John P. Bergman
5515 Section Line
Billings, Mont 59106

400

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April 8, 1983

To: Finance and Claims Committee
Matt Himsel, Chairman

HB 400 is broad and open-ended proposing to create an enormous state bureaucratic handout system. It would cover all sorts of bureaucratic-identified problems with bureaucratic-identified solutions...but paid for with the taxpayer's hard-earned dollars!

It is this type of spending which causes the very problems which this bill supposedly would solve. It causes inflation which is so hard on the family, senior citizens--everyone.

Inflation stops by a reduction in government spending.

I hope you hear Montanans' pleas of "No more taxes" and vote against HB 400.

Thank you,

Beverly Glueckert

Beverly Glueckert
1529 Choteau Street
Helena, Montana 59601

16 Doubt
400

Dear Legislator:

There are a number of questions concerning house Bill 400 which should be answered before passing it. This Bill concerns "Displaced homemakers".

While we are all very sympathetic with these people, the cost of such a program might easily be prohibitive, as well as in some areas, a duplication of services already rendered.

First of all the "fees" and extra "fees" scheduled should be declared a tax, true? In essence, that is what it is.

Next, what kind of proof will determine the qualifications for "displaced" persons? The Bill refers to "persons in the state, who being in their middle years" (Page 1, Lines 11-12). What are the "middle years" exactly? What are the limits? The Guidelines? Yet on page 2, Line 15 defines a "displaced homemaker as one who "has worked in the home for at least 3 years providing unpaid household services for family members". Which age group is this intended to cover?

What about cost of "health care" (Page 4 Line 8-9)? What limits are planned for this area: Open Heart Surgery, for example could cost a patient \$15,000. How much health care will be provided? Is the Legislature aware that this could be a multi-million dollar program?

What about cost of child care, page 4 line 12? Will this be a 24 hour program? - a 12 hour program? Will you take care of infants? Two year olds? Sixteen year olds? What are the guidelines for such a program?

What will the guidelines be for controllers? Will all viewpoints be represented? How will "education" (Page 4, Line 9) be financed?

This Bill states "The services may include but are not limited to" (Page 3, Line 16). This is open ended! it is a blank check. What limits are provided? Will this Bill encourage discontented homemakers to seek further education, thus contributing to further domestic strife? How much "education" will be provided?

Will "counsel to displaced homemakers" (Page 3, Line 21) include indoctrination in "Lib" Philosophy? Who will counsel? Is this more of the women's Bureau Syndrome? Is this a foot - or a leg, in the door?

Will this take Governmental administration? These programs generally mushroom and are difficult to eliminate later.

Now do you know that some of these "displaced homemakers" don't have money? Do they really need it? Some people, widows, etc., have money and don't want to spend it.

Many of these people were so opposed to taking alimony a few years ago. It was so degrading; they were so independent, so proud, yet the ones who should provide the money - the husbands - get freed from responsibility and it becomes a tax supported program.

Now do we know that 80% of the funds won't go to salaries while only 20% go to services?

Are there private organizations that help women already established or that would help? e.g. Churches, The "Y", The Salvation Army, etc.?

Will the various clerks of the courts, administrators, directors, etc., find they need more employees to help with the working of the programs?

* It would seem that this bill could easily be a \$40 Million cost to the taxpayers who are already overburdened.

Please investigate, discuss, and realize that this program is too costly to pass. Don't pass HB-400. If this program does not need Government funds, why was the hearing in the Appropriations Committee?

Thank You,

Respectfully,
Mrs. Mary E. Dourbek

Mrs. Barbara Foll
Rose Mary Rodgers
Betty Johnson
Evelyn Whitesitt
Kathleen Corbett

Budget bill veto on women's unit urged

By GARRY J. MOES
Associated Press Writer

State Labor Commissioner David Hunter said Monday he will ask Gov. Ted Schwendin to veto language in the fiscal 1982-83 state budget bill prohibiting use of any funds to continue operations of a state Women's Bureau. To stop that, the committee recommended he said last week it had learned that the Women's Bureau, he said, nothing, however, Department of Labor hoped to get around the omission of a specific appropriation for the department to address problems related to the employment of women.

"The question is: how do we fulfill some or all of those functions?" Hunter said.

He said decisions are yet to be made on various options, including use of the existing governor's Status of Women's Advisory Council, seeking outside consultants to advise the governor and department or using remaining department personnel to advise Job Service offices on women's employment issues.

He said the training and workshop activities of the Women's Bureau might well be covered adequately by private, non-profit, or other public organizations dealing with women.

The Women's Bureau participated in a workshop held several years ago, which, according to a spokesman for the Helena Women's Center, prompted compilation of the Montana Women's Resource Groups directory to which Rep. Chuck Cozzens, R-Billings, objected.

Cozzens was a member of the House Appropriations Committee and the House-Senate conference committee which wrote the restrictive language about the Women's Bureau in the budget bill.

He acknowledged under questioning that elimination of the specific prohibition placed by the Legislature in the budget bill would allow continuation of the Women's Bureau, but he added, "That's not going to happen."

"For one thing, we don't have funds

A House-Senate conference committee on the elsewhere in the department" to support the budget said last week it had learned that the Women's Bureau, he said, nothing, however, Department of Labor hoped to get around the that other portions of state law still require the omission of a specific appropriation for the department to address problems related to the employment of women.

"The question is: how do we fulfill some or all of those functions?" Hunter said.

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"For one thing, we don't have funds

JOB'S BILL STORY -AIRED 4/7/83

WESTERN DISTRICT CONGRESSMAN PAT WILLIAMS HAS ANNOUNCED THAT MONEY FROM THE RECENTLY PASSED FEDERAL SUPPLEMENTAL JOBS BILL IS ALREADY MOVING INTO OUR STATE. WILLIAMS SAYS HE IS PLEASED THAT ABOUT \$400,000 IS ALREADY ON THE WAY....

" about \$180,000 of that is going to be available to Montana charitable organizations and that money is to be used for emergency food and shelter for needy Montanans. And there is an additional \$194,000 that will soon be available to the state department of labor and industry - and that money will be used to help train displaced workers including young workers for new jobs."

WILLIAMS SAYS THE JOBS BILL IS PROOF POSITIVE THAT THE FEDERAL GOV'T IS MOVING VERY SWIFTLY TO HELP PULL THE COUNTRY OUT OF IT'S CURRENT ECONOMIC RECESSION..

IN THE DISTRICT COURT OF THE ELEVENTH
JUDICIAL DISTRICT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF FLATHEAD

FIRST INTERSTATE BANK OF) CAUSE NO. DV-81-375
KALISPELL, N.A., formerly)
known as THE CONRAD NATIONAL)
BANK OF KALISPELL, a National)
Banking Corporation of)
Kalispell, Montana,)

Plaintiff,) SUMMARY
-vs-) JUDGMENT

THE MONTANA DEPARTMENT OF REVENUE,)
FLATHEAD COUNTY COMMISSIONERS,)
JOAN DEIST, MEL WOLLAN and HENRY)
OLDENBURG and FLATHEAD COUNTY)
TREASURER, ROBERTA WOLFE,)

Defendants.)

Defendants Flathead County Commissioners and Flathead
County Treasurer having filed a Motion to Dismiss Plaintiff's
Amended Complaint or, in the alternative, for an Order granting
Summary Judgment, and Plaintiff having filed a cross-
Motion for Summary Judgment against Defendants and having
further resisted said Motion to Dimiss, and briefs having
been filed, and oral argument and hearing having taken
place on January 13, 1982, and the matter having been
deemed submitted to the Court for its decision on January
15, 1982, and

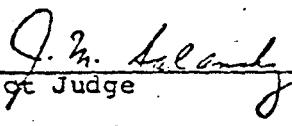
THIS COURT FINDING:

1. That Plaintiff's 1977 taxes were not paid under protest;
2. That Plaintiff's 1978 taxes were paid under protest, but no civil action was brought against Flathead County or its Treasurer within the requisite ninety-day period.
3. That the judicial review action brought by Plaintiff against the State Department of Revenue did not substitute for the statutory requirement to bring an action against Flathead County and its Treasurer within ninety days and did not grant Plaintiff an extension to meet that requirement.
4. That there are no material facts in issue and that said Defendants are entitled to Judgment as a matter of law.

WHEREFORE, in view of the foregoing, IT IS HEREBY

1 ORDERED that Summary Judgment be, and the same is, hereby
2 granted to Defendants Flathead County Commissioners, Joan
3 Deist, Mel Wollan and Henry Oldenburg, and Flathead County
4 Treasurer, Roberta Wolfe, and against Plaintiff on both
counts.

5
6 DATED this 12th day of March, 1982.
7
8
9

10 
11 District Judge
12
13

14 MEMO: The Court feels that all statutory requirements
15 must be complied with to insure that the protested taxes
16 are placed in the protest fund to be available for proper
17 disposition at the conclusion of litigation. The statutes
18 insure that the same will be accomplished when the requisite
19 procedures are taken by the taxpayer. Here the Court feels
20 the taxpayer has not followed the statutory mandates.
21
22

23 JMS
24
25

26 cc: John B. Dudis
27 R. B. McGinnis
28 Jonathan B. Smith
29
30

31 I hereby certify that I have mailed a true
32 copy of this document to:

33 John B. Dudis R. B.
34 McGinnis + Jonathan Smith

35 by depositing same in the U. S. Mail this

36 12 day of Mar,

37 19-82

38 CHMVAN

39 Clerk of the District Court

40 Geneta Y. Neira
41 Deputy Clerk
42
43
44
45
46
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48
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50

16
526
527
1 IN THE DISTRICT COURT OF THE ELEVENTH
2 JUDICIAL DISTRICT OF THE STATE OF MONTANA,
3 IN AND FOR THE COUNTY OF FLATHEAD

4 THE CONRAD NATIONAL BANK)
5 OF KALISPELL,) No. 29,099
6 Kalispell, Montana,)
7 Petitioner,)
8 -vs-) JUDGMENT
9 THE DEPARTMENT OF REVENUE)
10 OF THE STATE OF MONTANA,)
11 Respondent.)

12 Hearing and oral argument upon Petitioner's Petition
13 for Judicial Review of the decision of the State Tax Appeal
14 Board having been heard by the Court on February 11, 1980,
15 and the Court having made certain findings of fact and having
16 ordered the cause remanded to the State Tax Appeal Board
17 for further proceedings in accordance with said findings of
18 fact and the State Tax Appeal Board having again made
19 findings of fact and conclusions of law inconsistent with
20 the findings of the District Court, the District Court did,
21 on January 23, 1981, enter its Order reversing the decision
22 of the State Tax Appeal Board.

23 NOW THEREFORE;

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
25 Petitioner shall have and recover from the Respondent those
26 taxes for the year 1977, assessed by the Respondent and
27 paid under protest by the Petitioner on April 5, 1978, in
28 the principal amount of SIXTEEN THOUSAND TWO HUNDRED TWENTY-
29 FOUR AND 42/100 DOLLARS (\$16,224.42) together with interest
30 thereon at the rate of 13.661% as prescribed by Section
31 15-1-402, MCA, in the amount of SIX THOUSAND FOUR HUNDRED
32 TWENTY-EIGHT AND 13/100 DOLLARS (\$6,428.13).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that pursuant to that certain stay order dated November 30, 1978 issued by the State Tax Appeal Board of the State of Montana in Docket No. PT-1978-557, the Petitioner shall have and recover from the Respondent those taxes for the year 1978, assessed by the Respondent and paid under protest by the Petitioner on July 31, 1978, in the principal amount of TWENTY TWO THOUSAND NINE HUNDRED EIGHTYAND 66/100 DOLLARS (\$22,980.66) together with interest thereon at the rate of 13.661% per annum as provided by Section 15-1-402, MCA, in the amount of EIGHT THOUSAND ONE HUNDRED ONE AND 20/100 DOLLARS (\$ 8,101.20).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Petitioner shall have and recover from the Respondent its costs of suit in the amount of THIRTY AND NO/100 DOLLARS (\$30.00) for judgment in favor of Petitioner and against Respondent in the total amount of FIFTY THREE THOUSAND SEVEN HUNDRED SIXTY-FOUR AND 41/100 DOLLARS (\$53,764.41).

DATED this 16th day of March, 1981.

J. M. SALANSKY
DISTRICT JUDGE

District Judge

HB 526

LAW OFFICES

MURPHY, ROBINSON, HECKATHORN & PHILLIPS

ONE MAIN BUILDING
P. O. BOX 759

KALISPELL, MONTANA 59901

CALVIN S. ROBINSON
I. JAMES HECKATHORN
C. EUGENE PHILLIPS
JOHN B. DUDIS, JR.
DANIEL D. JOHNS
DONALD R. MURRAY, JR.
DANA L. CHRISTENSEN
STEVEN E. CUMMINGS

TELEPHONE
755-6644
AREA CODE 406

JAMES E. MURPHY
OF COUNSEL

March 28, 1983

Mr. Gene Phillips
c/o Colonial Inn
Helena, Montana 59601

Dear Gene:

Pursuant to your request regarding the present legislation pending in the Montana Legislature for the payment of the First Interstate (Conrad Bank) judgment against the Montana Department of Revenue, I wish to inform you of the following:

In January at the time the legislation was originally introduced, I had a discussion with Mr. John M. Clark, Deputy Director, Support Services, Department of Revenue. We correlated the information portions of what our records indicated and what his indicated, and he informed me that the Department of Revenue was aware of the judgment and was aware that special legislation was being introduced. He indicated to me that there was no problem with this legislation.

I was led to believe there would be no further problem with the Department. If you need anything further, please let me know.

Very truly yours,

MURPHY, ROBINSON, HECKATHORN &
PHILLIPS

John B. Dudis

JBD:mam
cc: Harry Lattin

B 317

Curtis R. Hansen
Registered Lobbyist
The Montana Veterinary Medical Association

BEFORE THE SENATE FINANCE AND CLAIMS COMMITTEE

IN SUPPORT OF -

- HOUSE BILL NO. 317

My name is Curtis Hansen. I am the registered lobbyist for the MONTANA VETERINARY MEDICAL ASSOCIATION and appear here today for the veterinary profession in strong support of House Bill No. 317.

We are convinced that for our profession to survive and be vitalized we must have effective, active, well qualified administrators within the governing and related state departments. These administrators must be free to act and react as conditions require and to do so in a timely fashion without fear of personal reprisal.

If those administrators are not given the type of support, protection and backing that is provided by this bill, It will be difficult, if not impossible, to find such dedicated individuals that would be willing to serve in any administrative capacity.

Even if such an individual could be found that would be willing to serve - he would be ineffective and restrained when required to make any important decisions based on information obtained or provided to him.

To be effective such an administrator must be willing and able to make and carry out administrative actions and decisions.

Without backing and support there would always be fear of reprisal and/or reactions that could, without merit, destroy or damage that individual's personal and professional life. As a result decisions would be made, at least in part, based on the possibility, probability and ability of those affected to bring about such reprisal and not soley based on the facts, circumstances and laws that require definitive decisions and actions.

Living with such fears results, in most cases, in an administrator taking the easy way out and that is ineffective, useless, or meaningless penalties or deferring such decisions until agreement or support can be obtained from colleagues or boards.

Administrators are, at times, required to make decisions under pressure and time constraints that are later reviewed by seven judges for months!

The knowledge of swift, fair, impartial and meaningful penalties is the best known deterrent, ways and means of eliminating the necessity of such actions. Should we not provide the backing and support as provided by this bill, we would be undermining the human ability to function adequately as an administrator.

Dr. Glosser was acting in the course of and in the scope of his employment in this matter and in the best interests of the State of Montana and the veterinary profession. The Montana Veterinary Medical Association feels very fortunate to have had the services and abilities

of Dr. James W. Glosser as State Veterinarian. We feel he has been fair, honest and effective. We would hate to see him personally penalized for doing his job, that has been done in the best interests of the State of Montana, its citizens and our profession.

Dr. Glosser has demonstrated to the public that the Veterinary Profession is capable of protecting the public and that any unconscionable acts will not be allowed to continue without some type of disciplinary action.

We would strongly support a "DO PASS" recommendation on House Bill No. 317.

Thank you.

Curtis B. Hansen
for
The Montana Veterinary Medical Association

AMENDMENTS TO HOUSE BILL 510

LINE 14 PAGE 2 STRICK: COMMUNITY SERVICES BLOCK GRANT
INSERT: FEDERAL MONIES AVAILABLE FOR THIS PURPOSE.