

MINUTES OF THE MEETING
LABOR AND EMPLOYMENT COMMITTEE
MONTANA STATE SENATE

February 21, 1985

The meeting of the Labor and Employment Committee was called to order by Chairman J. D. Lynch on February 21, 1985 at 12:30 p.m. in room 413/415 of the State Capitol in Helena, Montana.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 440: Chairman Lynch called on Senator Williams, sponsor of Senate Bill 440. Senate Bill 440 is an act to allow employers to operate as self-insured under the workers' compensation act by forming groups to be certified as self-insured. (See EXHIBIT 1)

PROPONENTS:

Jay Downen, representing Electric and Telephone Cooperatives, said the bill assures the long-term protection of workers benefits. Over the past years his people have found out that we are paying private insurers tremendous premiums for very little actual loss coverage.

George Wood, representing Montana Self-Insurer's Association, executive secretary, rose in support of Senate Bill 440. He had two concerns that he felt the committee should consider: (1) the question of cross identification for losses between the members of the Association; (2) formation of associations for the express purpose of getting the self-insurance rather than for the purpose of community interest.

Don Judge, representing Montana State AFL-CIO, said the AFL-CIO does not oppose the passage of this bill. He submitted written testimony. (See EXHIBIT 2)

Gary Blewett, Administrator of the Workers' Compensation Division Department of Labor and Industry, said that this association dedicates itself to safety. They want to assure there will be protection toward future claimants under this provision.

Keith Olson, representing Montana Logging Association, rose in support of SB 440.

OPPONENTS:

There were no opponents.

QUESTIONS OF THE COMMITTEE:

Senator Keating asked Gary Blewett if this bill is passed, would these people have their own group and would their rates go down.

Gary Blewett said they would be self-insured, so they would be paying directly to their own insurance costs.

Senator Towe said the bill language says "any association, corporation, or organization that seeks permission and meets the requirements that were set by the division by rule." He asked what kind of requirements were contemplated for the division to set in allowing this type of group to form.

Senator Williams referred the question to Mr. Downen.

Jay Downen said his group would expect to meet any requirements laid down by the division.

Senator Towe asked if there are any other requirements contemplated.

Jay Downen said, exactly what you see in the language.

Senator Towe asked Mr. Downan how he responds to Mr. Woods' comments about no cross liability.

Jay Downen said those entering a pool would understand by the limits of the law that they are jointly liable.

Senator Thayer asked Mr. Wood if he has seen the 30 pages of suggested ideas.

George Wood replied he hadn't seen the 30 pages but had seen the regulations in other states that allow group self insurance;

Senator Thayer asked Mr. Blewett the same question.

Gary Blewett replied, the package rules that were proposed were drawn exactly from the resources that George Wood was referring to. There are about three different states that have very good programs.

Chairman Lynch asked Jay Downen if he thought amendments were needed for this bill.

Jay Downen said he didn't think so but that he believed the counsel for the division said there were a couple of areas where the language should be tightened.

Steven Shaprio, representing the Department of Labor and Industry as its chief legal counsel, said there are a couple of places in

the old part of the statute that need to be tightened, not the language Mr. Downen has proposed.

Chairman Lynch asked if this would be the proper place to address those in this bill.

Steven Shaprio said, since we are making other changes of greater substance wouldn't it be the time to correct the grammar.

Senator Williams closed on SB 440 saying that many groups will benefit from the passage of this bill.

The hearing was closed on SB 440.

EXECUTIVE SESSION:

ACTION ON SENATE BILL 218: Senator Manning MOVED that SB 218 do pass.

Senator Thayer made a SUBSTITUTE MOTION that SB 218 be laid on the table.

On a voice vote, Senator Thayer's motion to lay the bill on the table passed. Senator Manning voted "no." MOTION PASSED.

ACTION ON SENATE BILL 219: Senator Thayer MOVED that SB 219 be tabled. Senator Manning voted "no" and all other members voted "yes" and the MOTION CARRIED.

ACTION ON SENATE BILL 220:

Senator Manning made a MOTION that SB 220 do pass.

Senator Towe said that this addresses an area that is grossly unfair at the present time. The impact on the fiscal note is severe.

Senator Blaylock asked what we can do.

Senator Towe said the issue has to be addressed some time.

Chairman Lynch said his only response to Senator Towe is that this bill, if tabled, will be referred to the council. He said he agrees with Senator Towe.

Senator Manning asked if, in the event this bill is tabled along with the other two, the committee could write a letter recommending that a thorough study be done and looked at closely.

Chairman Lynch said he would certainly favor that.

Senator Towe said that is a good suggestion; it would be much better if we would write a letter from this committee and emphasize the cost of living, in particular.

Chairman Lynch stated that in the next couple weeks we could draft a letter.

Senator Manning withdrew his motion.

Senator Manning made a motion to table SB 220. He said if it is studied and reviewed with close scrutiny, there might be a justifiable end whereby workers are looked at in a little better way.

Senator Keating asked Senator Towe if he was talking about the equity within the table of the injuries itself.

Senator Towe replied "no." He said the indemnification concept means you get indemnification whether you are disabled or not, according to the table.

Senator Keating said he thinks the intent of the study should be spelled out in the letter, like a statement of intent, so we know what we're directing it at.

On a voice vote, the committee voted that SB 220 be tabled.
MOTION PASSED.

ACTION ON SB 356: Senator Keating made a motion that SB 356 do pass. THE MOTION FAILED. (See the attached roll call sheet)

ACTION ON SENATE BILL 362: Senator Manning made a motion that SB 262 do pass. On a voice vote, with Senator Keating voting "no" and all others voting yes, the MOTION CARRIED.

ACTION OF SB 393:

Senator Keating moved the amendments that he presented on the previous day. In a voice vote, the committee voted unanimously that the AMENDMENTS DO PASS.

Senator Keating made a motion that SB 393 DO PASS AS AMENDED.
MOTION PASSED with a 3-5 vote. (See roll call vote sheet)

Senator Manning requested to reverse the vote to make it a "do not pass." (See the attached roll call vote sheet.)

Senator Keating requested a minority/majority report.

RECONSIDERATION OF ACTION ON SB 356: Senator Aklestad asked for a reconsideration of action and a Do Pass for SB 356.
Senator Manning was asked to chair the meeting as vice-chairman.

On a roll call vote, the committee voted 4-4 tie. (See attached roll call sheet)

Chairman Lynch resumed the chair.

CONSIDERATION OF SENATE BILL 409:

Chairman Lynch called on Senator Bill Farrell, sponsor of Senate Bill 409. SB 409 clarifies the statute regarding examination of injured workers by a physician to determine their physical condition and ability to work. Senator Farrell offered amendments. (See EXHIBIT 3)

PROPONENTS:

George Wood, Executive Secretary of Montana's Self-Insurer's Association, rose in support of the bill as amended.

Chad Smith, representing Montana Hospital Association, offered amendments to Senate Bill 409. (EXHIBIT 4)

Gary Blewett, Administrator, Workers' Compensation Division, Department of Labor and Industry, rose in support of SB 409. He did not agree with the fee schedule.

OPPONENTS:

None were present.

QUESTIONS OF THE COMMITTEE:

Senator Keating asked Mr. Blewett if he could recommend a specific relative fee schedule.

Gary Blewett said he had specific guidance for setting a specific fee schedule.

Senator Keating asked if there is one that Mr. Blewett would recommend.

Gary Blewett replied, if there were to be one that you were going to adopt, this would be the one.

Senator Farrell closed on SB 409.

The hearing was closed on SB 409.

CONSIDERATION OF SENATE BILL 402:

Chairman Lynch called on Senator Dave Fuller, sponsor of SB 402. Senate Bill 402 is a simple bill. It handles emergency situations concerning who is giving the final judgement on a workers' compensation settlement.

PROPOSERS:

Norm Grossfield, representing himself, said he drafted this bill to change a decision of the Supreme Court in the case of Grimshaw v. L. Larson Company. He offered amendments as follows:

Page 1, line 19.
Following: "partial"
Insert: "indemnity"
Strike: "or permanent."

Page 1, line 20.
Strike: "total disability"

This would correct the concern of the self-insurers.

Jan VanRiper, Department of Labor and Industry, said the department supports this bill particularly as amended. There are two other bills acting in response to the Supreme Court Decision, HB 453 and 559. (See EXHIBIT 5)

George Wood, executive secretary of the Montana Self-Insurer's Association, said his organization supports SB 402 as amended and strongly supports the present practice.

Roland D. Pratt, Executive Director of Montana Restaurants Association, said his organization supports this bill.

Karl Englund, representing Trial Lawyers Association, rose in support of SB 402.

OPPOSERS:

None were present.

QUESTIONS FROM THE COMMITTEE:

Senator Towe asked Mr. Grossfield why he just wants to limit it to permanent partial indemnities.

Norm Grossfield answered 99% of the cases involved are permanent partial, involving advances dealing with permanent partial benefits. Senator Towe asked if, in permanent partial, employees can get an advance but on a permanent total they can't.

Mr. Grossfield replied, you can't get an advance on permanent total benefits.

Senator Fuller closed on SB 402.

CONSIDERATION OF SENATE BILL 430:

Chairman Lynch called on Senator Tom Towe, sponsor of SB 430 which is the Montana coal mines safety act of 1985. He read the WHEREAS

February 21, 1985

and the statement of intent to the bill. (See EXHIBIT 6)

PROPOSERS:

Leonard Colvin, representing the United Mine Workers of America representing approximately 450 Montana coal miners, submitted testimony in support of SB 430. (See EXHIBIT 7)

Len Blancher, representing Operating Engineers Union, Local 400, submitted testimony in support of SB 430. (See EXHIBIT 8)

Don Judge, representing Montana State AFL-CIO, submitted testimony in support of Senate Bill 430. (EXHIBIT 9)

OPPOSERS:

James D. Mockler, Executive Director of the Montana Coal Council, submitted testimony in opposition to SB 430. (See EXHIBIT 10)

Tom Ebzery, representing NERCO Mining Co., submitted testimony in opposition to SB 430. (See EXHIBIT 11)

Gary Blewett, Administrator Director Workers' Compensation Department of Labor and Industry, called the committee's attention to page 2, lines 17-20, dealing with shot fires in coal mining.

QUESTIONS OF THE COMMITTEE:

Senator Aklestad asked Mr. Blewett if he agreed with the figures that Mr. Mockler gave in his testimony.

Gary Blewett answered that he believes he got those figures from the division. Senator Aklestad asked Leonard Colvin if he was representing 450 coal miners and Mr. Colvin replied "yes."


Senator Aklestad added, "how did that representation come about?"

Leonard Colvin answered that the miners asked him to speak on their behalf.

Senator Keating asked Mr. Mockler if they had ever had any silos or storage facilities blow up. Mr. Mockler answered "no."

Senator Towe closed on SB 430 saying the point is that the miners came to him and asked him to introduce some legislation to help them. The hearing was closed on SB 430.

ADJOURNMENT: There being no further business the meeting adjourned at 2:30 p.m.


Committee Chairman

STANDING COMMITTEE REPORT

February 21

19 85

MR. PRESIDENT

We, your committee on Labor and Employment Relations

having had under consideration Senate Bill No. 362

first reading copy (white)
color

**RAISE MINIMUM WAGE TO \$3.05 10-1-85, TO FEDERAL MINIMUM RATE
ON 10-1-85**

Respectfully report as follows: That Senate Bill No. 362

DO PASS

~~XXXXXX~~
~~DO NOT PASS~~

SENATOR J.D. LYNCH

Chairman.

STANDING COMMITTEE REPORT

February 22 19. 85

MR. PRESIDENT

Page 1 of 2

~~the Majority of~~
We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **SENATE BILL** No. **393**

first reading copy (white)
color

**ABOLISHING LABOR APPEALS BD.; REVISING UNEMPLOYMENT COMP.
BENEFIT PROVISIONS**

Respectfully report as follows: That **SENATE BILL** No. **393**

be amended as follows:

1. Title, lines 6 through 15.
Following: "INDUSTRY;" on line 6
Strike: remainder of line 6 through "BENEFITS;" on line 15
2. Title, line 16.
Following: "39-51-603,"
Strike: "39-51-2105,"
3. Title, line 17.
Following: line 16
Strike: "39-51-2201, 39-51-2302,"
4. Title, lines 19 and 20.
Following: "DATES" on line 19
Strike: remainder of line 19 through "DATE" on line 20
5. Page 9, line 2 through line 10, page 12.
Strike: Sections 4 through 6 in their entirety
Renumber: subsequent sections
6. Page 13, line 23.
Following: "1 through"
Strike: "3, 7 through 12"
Insert: "9"

~~XXXXXXXXXXXX~~
~~AND AS AMENDED~~

(continued)

~~XXXXXX~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

Chairman.

7. Page 18, line 24.

Following: line 23

Strike: "14"

Insert: "11"

Lynch

Blaylock

Haffey

Manning

Towe

AND AS AMENDED

DO NOT PASS

Labor and Employment

COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2/21/85

NATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
1 <u>Senator Aklestad</u>	X		
46 <u>Senator Blaylock</u>	X		
9 <u>Senator Haffey</u>	X		
20 <u>Senator Keating</u>	X		
49 <u>Senator Manning</u>	X		
33 <u>Senator Thayer</u>	X		
<u>Sentor Towe</u>	X		
5 <u>Chairman Lynch</u>	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

DATE February 21 1985 BILL NO. SB 356 TIME

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK		X
SENATOR HAFHEY		X
SENATOR KEATING	X	
SENATOR MANNING		X
SENATOR THAYER	X	
SENATOR TOWE		X
CHAIRMAN LYNCH	X	

Beth Dudley
SECRETARY

J.D. Lynch
J.D. LYNCH

Motion: DO PASS, the motion failed with a tie.

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

DATE February 21 1985 BILL NO. 393 TIME

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK		X
SENATOR HAFHEY		X
SENATOR KEATING	X	
SENATOR MANNING		X
SENATOR THAYER	X	
SENATOR TOWE		X
CHAIRMAN LYNCH		X

Beth Dealy
SECRETARY

J.D. Lynch
J.D. LYNCH

Motion: Senator Keating's motion, Do Pass As Amended. The motion fails

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

DATE February 21 1985 BILL NO. SB 393 TIME

NAME	YES	NO
SENATOR AKLESTAD		X
SENATOR BLAYLOCK	X	
SENATOR HAFHEY	X	
SENATOR KEATING		X
SENATOR MANNING	X	
SENATOR THAYER		X
SENATOR TOWE	X	
CHAIRMAN LYNCH	X	

Beth J. Kelly
SECRETARY

J.D. Lynch
J.D. LYNCH

Motion: Reverse vote, Do Not Pass as Amended

ROLL CALL VOTE

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

DATE February 21 1985 BILL NO. SB 356 TIME

NAME	YES	NO
SENATOR AKLESTAD	X	
SENATOR BLAYLOCK		X
SENATOR HAFHEY		X
SENATOR KEATING	X	
SENATOR MANNING		X
SENATOR THAYER	X	
SENATOR TOWE		X
CHAIRMAN LYNCH	X	

Burt L. Lynch
SECRETARY

J.D. Lynch
J.D. LYNCH

Motion: DO PASS, the motion failed with a tie.

File 21085

Income + Employment

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
John A. Stiles	N A			
David A. Murray	Orion Group			
Jim T. Downen	Elec & Tel. Cooperatives	440	✓	
Dennis Hammer	Dept State Lands			
Leonard Coburn	Mine Workers	430	✓	
Jim Mockler	MT Coal Council	430		✓
Tom Ebzery	Nerco Mining Co	430		✓
Sen F. Blanchard	Assoc Eng ^{rs} 400	430	✓	
Wm. T. Allen		430	✓	
Daniel T. Long		430		
Annie S. Van Riper	Dept of Labor's Industry	402	✓	
D. Hatzinger	" " "	430		
Steven Shapiro	" " "	409/430 440		
Hiram Shaw	" " "	409/430/440		
Roland H. Pratt	MT Optometric Assoc	SB 402	✓	
	MT General Electric Assoc	SB 409	✓	
	MT Restaurant Assoc	SB 440	✓	
Don Jordan	MT STATE AFA-CIO	SB 420	✓	
Sen D. Fuller	Dist No. 22	402	✓	
Norm Grosfield	Self	402	✓	
T.M. Rollins	ASHIECO	402	✓	

(Please leave prepared statement with Secretary)

SB440

A BILL TO EXPAND THE DEFINITION OF "EMPLOYER"
TO INCLUDE GROUPS OF SIMILAR EMPLOYERS
FOR PURPOSES OF INSURING WORKERS' COMPENSATION BENEFITS
PURSUANT TO APPROVAL BY THE DIVISION OF WORKERS COMPENSATION

- I The intent of this bill is to continue to assure the inviolability of workers' rights under Montana Workers' Compensation laws. The Division of Workers' Compensation will retain the identical control over a formed self-insurance group as it currently holds over individual self-insurers and private insurers.
- II The bill has been drafted by the Division of Workers' Compensation, represented by Mr. Gary Blewett and Chief Council, Steven J. Shapiro and by Montana Associated Utilities by Mr. Jay Downen and Council, Pat McKittrick.
- III Many other states permit - either by law or administrative fiat - the pooling of assets for Workers' Compensation coverage. In each jurisdiction of which we are aware, the self-insurance groups are answerable, similarly, to the Workers' Compensation regulatory body. We are aware of no instance where the pools do not function smoothly and in similar fashion to individual self-insurers and private carriers.
- IV The strict language contained in this bill would discourage unsafe employers from participating in self-insurance pooling. (Montana's Electric Cooperatives are proud of their job training and safety program which has resulted in only \$74,000 in total losses compared to \$583,000 in total premiums over the past three years. Nearly half of the \$74,000 loss figure was due to a single occurrence).



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF DON JUDGE ON SENATE BILL 440, BEFORE THE SENATE LABOR AND EMPLOYMENT
RELATIONS COMMITTEE, FEBRUARY 21, 1985

Mr. Chairman and members of the Committee, for the record, I am Don Judge, representing the Montana State AFL-CIO. We want to make our position clear, that we do not oppose passage of Senate Bill 440.

The position of the Montana State AFL-CIO has been clearly established through convention position over the years. We support a fair system that provides speedy delivery of adequate benefits to those who have been injured or killed as the result of a job-related incidence.

We are deeply concerned that revenues raised or insurance provided is sufficient to cover the claims. Senate Bill 440 would allow employers who seek such classification to operate as self-insured under the workers' compensation act by forming groups to be certified for such a purpose.

Our primary concern, as always, is with the welfare of the worker. We believe, as this bill has been presented, that the necessary safeguards exist to guarantee that our criteria for speedy delivery of adequate benefits will continue to be met if this option is open to employers.

Thank you.

Amendments to Senate Bill 409

PAGE 3, LINE 16 - DELETE THE WORD "HOSPITAL"

PAGE 3, LINE 24 - DELETE THE WORD "HOSPITAL"

PAGE 4 , LINE 1 - PLACE A PERIOD AFTER THE WORD SPECIALTIES. CAPITALIZE
THE WORD MEDICAL.

DELETE THE WORD CHARGES AND SUBSTITUTE THE WORD "FEES" AND INSERT AFTER
FEES AND BEFORE THE WORD "AS" THE PHRASE "SHALL BE BASED ON THE MEDIAN
FEES".

SENATE BILL NO. 409

Mr. Chairman:

I move to amend Senate Bill No. 409 as follows:

On page 3 in line 16 by deleting the word "hospital,"

On page 3 in line 17 by inserting after the word "chapter"
the words:

" , excluding hospital services , "

On page 3 in line 24 by deleting the word "hospital,"

NAME: Janice S. Van Riper DATE: 2/21/85

ADDRESS: 5 So. Last Chance Gulch

PHONE: 444-6537

REPRESENTING WHOM? Dept. of Labor & Industry

APPEARING ON WHICH PROPOSAL: SB 402

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT:

This bill is preferable to HB453 and HB559,
both of which also propose to amend 39-71-737 in
response to Supreme Court decision Graham.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATEMENT OF INTENT

Senate BILL NO. 430

A statement of intent is required for this bill because section 2 requires the division of workers' compensation to adopt rules requiring certification of shot firers involved in coal mining and requiring mine foremen to have a basic knowledge of blasting material.

It is the intent of the legislature that the division provide a procedure for certifying shot firers that outlines the minimum qualifications for certification; the test procedure and administering authority, if other than the division, or recognized certification programs or authorities, if other than a state agency; and requirements for periodic recertification. The division may set appropriate certification fees and prescribe and issue certification.

It is the intent of the legislature that the division require foremen to have a basic knowledge of blasting material. The division should outline the extent to which such knowledge will be incorporated in the foreman's test and procedures and timeframes for bringing existing foremen into compliance with the division's rules.

Written Statement of Leonard Colvin on behalf of the United Mine Workers of America, representing approximately 450 Montana coal miners, employed at the Big Sky Mine and the Decker Mine.

Ladies and Gentlemen of the 1985 Montana Legislature:

History has shown us that when a man or woman toils in the earth to make a living, they face many dangers. The same holds true for the coal miner.

Over the last 50 years, coal mining has come a long ways.

With today's technology we can now dig and produce coal in record amounts--up to 125 tons per 8-hour man day.

Even with technology what it is today, one thing that has not changed is men and women still dying and being severely injured in our coal mines. We have all read in the papers of the recent mine disaster in Utah. There are people here that will tell you that that was an underground mine and that we strip-mine here. That is true, but it is also true that we in a strip-mine face the same methane gas as in an underground mine. Another point is that in an underground mine one worries about a roof cave-in. In a surface mine, the sky may be our roof but the highwalls and spoil piles can be just as dangerous and some times more so. With the elements of weather--rain, thawing,

wind, etc., the spoil piles shift and slides are common. I personally have seen machines that stand as high as a 3-story building covered up in less than 1 minute by a shifting spoil pile. It is said that if a person wants to know where he is going, first he must look where he has been. The same is true of the Montana coal industry. About 3 miles from Roundup, Mt., there are 2 miners' cemeteries. I walked through them once looking at the headstones. With me was a retired coal miner telling me the history behind those headstones--this man died in the Camp 3 Mine, another at the Queen's Point Mine, another at the Klien Mine. The names and the mines go on and on. In the calendar year, 1984, there were 27 people killed in surface mines in the United States. The cause of death ranges from electrocution, haulage accidents, and even one person who was drowned. These 27 people died--the number of people disabled and severely injured has not yet been published for 1984. As this bill is being introduced to you asking for mine health and safety, there are about 1400 men and women working in Montana's coal mines. There are funds available to help each coal-producing state protect their coal miners. The Federal Government has been in the process of turning the responsibility for mine health and safety over to the states for several years. Montana is presently using a set of mining laws dated 1974. Just as the automobile has changed from 1974 until the present, so has mining and some of the technology involved in use today. We in the coal

industry want and need to have an advisory board to help keep Montana's mining laws up to date, and give our miners a safe place to work. This is just a partial list of some of the hazards facing today's coal miner. They are:

1. Dust
2. Electricity
3. Methane gas
4. Ground control
5. Lighting
6. Health standards for eating areas
7. Standards for haul roads
8. Standards for noise
9. Standards for explosives
10. Better training for new miners
11. Better enforcement powers for Dept. of Mine Safety and Health

The list can go on and on. Montana's coal production has been on the increase. Last year over 33,000,000 tons of coal was mined. The year of 1985 is off to another record year for coal production. We sincerely request that this bill be given full and careful consideration and recommend , on behalf of all of Montana's Coal Miners, that it become law.

Thank you

FUNDING BY FISCAL YEARS

STATE	FY 71	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77	Based on \$4,000,000 FY 78	Based on \$6,000,000 FY 79	Based on \$4,000,000 FY 80	Based on \$6,000,000 FY 81	Based on \$3,727,026 FY 82	Based on \$ 5,350,000 FY 83	Based on \$5,500,000 FY 84	TOTAL
Alabama	67,180	75,000	90,000	90,000	42,000	265,835	177,079	334,480	286,883	0	231,116	99,102	151,145	171,778	1,991,598
Alaska													118,572	51,150	169,722
Arizona									153,792	90,576	144,158	63,820	139,875	94,600	688,771
Arkansas						43,538	65,090	90,000	131,091	123,866	151,876	36,066	80,108	113,860	835,495
California									286,233	381,831	140,318	126,771	156,975	179,850	238,673
Colorado	104,760	0	0	0	0	36,696	137,791	46,235	50,892	50,892	15,897	11,548	29,400	35,000	1,593,885
Connecticut									68,748	20,000	36,153	73,780		69,300	142,737
Florida															267,981
Georgia															68,847
Idaho							23,493	0	27,567	155,000	150,000	59,962	91,179	68,300	575,501
Illinois	30,510	125,000	70,000	70,000	117,500	282,078	52,400	125,000	240,862	149,012	168,000	84,711	158,137	146,054	1,749,264
Indiana					35,166	45,280	0	84,225	151,420	181,633	54,548	68,155	100,275	114,400	835,102
Iowa								15,559	15,559	63,980	0	0	0	0	79,539
Kentucky	115,183	79,915	420,000	295,038	210,000	528,000	1,221,661	1,410,455	1,060,882	1,229,297	1,158,456	670,044	583,006	659,400	9,641,317
Louisiana									67,538	45,054	111,255	24,820	55,068	69,704	373,439
Maine									62,279	192,815	16,601	45,838	50,400	57,419	51,450
Massachusetts										151,500	0	0	160,938	141,602	425,352
Michigan										184,788	122,064	64,093	167,530	149,700	434,040
Minnesota									57,900	48,971	8,661	36,750	36,750	0	688,175
Mississippi									271,727	67,459	186,000	88,826	156,893	135,975	152,282
Missouri									24,574	13,204	37,900	34,119	38,113	35,014	906,880
Montana		129,969	60,443	76,000	0	0	0	90,114	90,114	0	77,958	90,000	89,250	79,200	449,336
Nevada										24,426	64,762	0	0	21,000	426,522
New Hampshire									62,662	139,006	99,948	15,026	39,825	35,750	110,188
New Jersey									111,478	252,362	66,664	0	63,011	66,420	392,317
New Mexico									91,371	269,528	0	37,575	180,600	146,850	559,935
New York									199,152	142,625	174,559	54,513	190,447	165,828	725,924
North Carolina														48,000	927,124
North Dakota														205,150	48,000
Ohio	58,557	10,000	40,000	0	0	0	0	0	0	0	118,225	180,075	180,075	205,150	612,007
Oklahoma									146,381	153,790	127,108	48,862	84,525	97,900	1,242,599
Oregon														76,365	166,140
Pennsylvania									550,000	64,517	570,664	434,786	397,425	436,150	3,315,516
Rhode Island									16,269	29,618	35,234	1,745	13,529	7,875	104,270
South Carolina									15,046	39,573	36,443	18,486	45,288	46,750	201,586
South Dakota									44,085	65,343	71,028	32,477	68,250	71,166	352,349
Tennessee									277,481	205,319	250,000	121,595	194,306	234,805	1,605,007
Utah									240,300	183,200	210,000	61,870	79,800	77,000	1,563,267
Virginia	97,818	100,000	150,000	243,000	200,514	200,514	519,449	462,633	460,469	577,495	477,984	264,400	273,850	284,360	4,111,993
Washington									595,154	39,732	114,893	62,465	116,025	113,300	446,415
West Virginia	271,907	66,000	285,272	143,843	187,644	150,000	234,860	383,771	595,154	368,912	556,664	395,453	445,572	366,939	4,431,891
Wisconsin									133,920	34,770	127,433	56,603	142,275	141,350	636,355
Wyoming	387,085	504,760	1,145,241	1,092,000	1,045,490	1,341,224	1,272,282	627	146,100	58,000	22,288	37,571	99,978	62,700	3,087,941

Written statement of Len Blancher of the Operating Engineers Union, Local #400

Ladies and Gentlemen of the 1985 Montana Legislature:

My name is Len Blancher of Operating Engineers Union Local #400. Local #400 represents approximately 500 Coal Miners in the state of Montana.

We support this bill wholeheartedly because of the extreme dangers within the coal industry. Men and women in this industry constantly face many dangers such as faulty equipment, coal dust, noises, gases, bad haul roads, and so forth. We feel that this bill is of the utmost importance for the welfare of our people. From the man running the heavy equipment, the man maintaining the equipment, working in the steam bay, or working on a powder crew--they all need the safety rules and regulations that would be provided by this bill. I cannot stress strongly enough the importance of maintaining and improving the safety in our Montana Coal Mines. THANK YOU.



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF DON JUDGE ON SENATE BILL 430, BEFORE THE SENATE LABOR AND EMPLOYMENT
RELATIONS COMMITTEE, FEBRUARY 21, 1985

Mr. Chairman and members of the Committee, for the record, I am Don Judge, representing the Montana State AFL-CIO in support of passage of Senate Bill 430.

This worthwhile proposal would establish a well-balanced advisory council to examine conditions and to make recommendations for adoption, amendment or revision of safety rules in the coal mining industry. Recent tragic events in the Rocky Mountain region remind us how necessary periodic review and tightening of standards are.

The opening paragraphs of this bill detail the hazards faced by workers in both underground and open pit coal mines. Dangers such as explosives, cave-ins, handling of explosives and the use of heavy equipment threaten the health and safety of workers in the coal mining industry.

Funding to pursue this important cause is to be sought by the workers' compensation division from "funding sources beyond money available through state funding sources..."

This is a measure which seeks to insure the safety of Montana's workers before tragedy strikes.

We strongly urge passage of Senate Bill 430.

Montana Coal Council

SB 430

Mr. Chairman, members of the Committee, I am James D. Mockler, Executive Director of the Montana Coal Council. I appear here today in opposition to SB 430.

First, let me relate to you a place that I am very familiar with and it seems a fair analogy to the whereas portion of the bill. I am subjected to the following conditions:

1. Volatile and explosive gas within the confines.
2. Scalding water capable of inflicting severe injury in numerous locations.
3. Articles capable of hurling projectiles up to 1,000 yards and inflicting fatalities which may be used without formal training.
4. Danger from loose materials scattered about the floors.
5. Electrical wires laying about the floors.
6. Substances known to cause addiction and death within easy reach.
7. Occasional ice and snow on stairs and driveway.

Members of the Committee this horrible place is my home, heated with gas, with hot and cold running water, with big game rifles, with throw rugs on the floors, with extension cords to appliances, with liquor in the cabinet and snow and ice on the steps and driveway.

I am rather proud of the safety records of the coal industry. In 1982 Morrison-Knudsen, the company who mines

Westmoreland's coal, received the President's award for safety for having gone 2 years and over 700,000 hours without a lost time incident.

According to the Division of Workers' Compensation, data following are injury and illness rates by industry per 100 workers per year for 1982:

Construction	9.3
Manufacturing	8.0
Agriculture & Forestry	8.1
Wholesale Trade	5.4
Services	3.7
All Mining	5.5
Coal Mining	3.1

In 1984 coal mining had dropped even further to 2.0.

The mines all have full-time safety people as do the employees.

We have safety inspectors in the mines either from the State or from the Mine Health Safety Administration (MSHA) over 20 weeks per year and any employee has the right to file complaints or request action by either at any time.

We have methane monitors in all silos and storage facilities and we have yet to detect methane. We have never had an explosion from coal dust, we have no underground mines, our blasters are tested and certified, electrical lines are inspected and certified, and a large tire has never killed anyone in a Montana mine close up let alone at 200 yards.

In short it would seem far more appropriate to pass a

resolution commending the industry and its employees for their fine record than to pass an arbitrary and vindictive piece of legislation such as this.

(This sheet to be used by those testifying on a bill.)

NAME: JAMES D. MOCKLER DATE: 2/21

ADDRESS: 2301 Colonial Dr

PHONE: 442-6223

REPRESENTING WHOM? MT Coal Council

APPEARING ON WHICH PROPOSAL: SB 430

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tom Ezery DATE: 2/21

ADDRESS: Billings

PHONE: 443-2300

REPRESENTING WHOM? NERCO Mining Co

APPEARING ON WHICH PROPOSAL: SB 430

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENT: NERCO Mining Co is opposed to SB 430 simply
because its not needed. Safety in the coal industry
is regulated by MSHA and the State Mine Inspector

1. Creation therefore of a task force seems
to us to serve no use ful purpose other
than to duplicate efforts already in place

2. Methane, gas, explosions from coal dust etc
appear to be taken from an eastern underground
mining hand book - not problems in NE surface
mines which are already covered

3. Shot Fires - OSM regulates blasting + in conjunction
with the Dept of State Lands implements this. ~~we~~
~~think the Division should work together for certification~~
~~with OSL.~~

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I would like to note that
3) Under the blasters certification,
the certified blaster must supervise
shot firers. The program under the auspices of
~~shot firers. They are~~ NSL is just beginning.

This is in place — give it a chance
to work

not required by OSM

4) Finally requiring mine foremen
to have a basic knowledge of blasting material
a basic knowledge of blasting
material? We think that is unnecessary —
For example MAINTENANCE foremen ^{who never} ~~for example~~ ~~mean~~
get out of the shop — ^{would be required} ~~it's too broad~~
to have blasting knowledge —
For what?