

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS

Call to Order: By Senator Gary C. Aklestad, Chairman, on February 14, 1989, at 1:00 p.m. in room 415 in the state Capitol.

#### ROLL CALL

Members Present: All members were present: Senator Tom Keating, Vice-chairman, Senator Sam Hofman, Senator J.D. Lynch, Senator Gerry Devlin, Senator Bob Pipinich, Senator Dennis Nathe, Senator Richard Manning, Senator Chet Blaylock, and Senator Gary Aklestad, Chairman.

Members Excused: There were no members excused.

Members Absent: There were no members absent.

Staff Present: Tom Gomez, Legislative Council Analyst.

Announcements/Discussion: **SB 163**

Senator Aklestad stated the committee will hear additional testimony on SB 163. Senator Lynch stated the adverse committee report was rejected. Mrs. McLeod is available to speak, she was unable to attend the original hearing due to the severe weather conditions.

Mrs. McLeod stated her DD daughter entered the Sheltered Workshop in December 1988. The family lives ten miles away from the Sheltered Workshop. In January 1988, the family was informed that transportation would not be available. Through telephone calls and correspondence, the McLeod family realized there were many DD individuals in rural Montana areas needing transportation in order to participate in Sheltered Workshop activities. Mrs. McLead persuaded the committee to vote for SB 163.

HEARING ON SENATE BILL 348

Presentation and Opening Statement by Sponsor:

Senator Nathe, Senate District 10, sponsor of SB 348, stated the bill is an act to exclude members of an employer's immediate family from coverage under the Restaurant, Bar, and Tavern Wage Protection Act; amending sections 39-3-603 through 39-3-605, MCA; and providing effective dates. Senator Nathe stated many small town, family ran bars find it difficult to stay in compliance with state law while having to pay the mandated bond. The situation under consideration is the bar that is having a hard time making ends meet. The legislation addresses the bar completely ran by family members, brothers, sisters, children, and parents.

List of Testifying Proponents and What Group they Represent:

Bob Jerkee, President, representing the Montana Tavern Association.

Testimony:

Bob Jerkee, President of Montana Tavern Association, stated the association is a voluntary trade association. More than half of all-beverage licensees in the state belong to the Montana Tavern Association. Many licensees are family Ma and Pa operations that have family members on the payroll. The family members are on the payroll for necessary reasons, and they are caught in the trap of wage-bond requirements due to payroll activities. In reality, the business is a family operated establishment. Mr Jerkee urged passage of SB 348.

List of Testifying Opponents and What Group They Represent:

Don Judge, representing the Montana State AFL-CIO.

Testimony:

Don Judge, Montana AFL-CIO, spoke in opposition to SB 348. Mr. Judge submitted written testimony. (Exhibit 1)

Questions From Committee Members:

Senator Keating stated SB 348 deals with adults. Senator Keating said he could understand exempting a spouse working in the family bar, but a child must be an adult to work in a tavern. Therefore, the young adult would probably not be dependent on the family. The individual would be on the payroll as an adult, unless the individual was a student or was working part time. A sister, brother, parent, or grandparent would be living on their own, earning a wage.

According to Senator Keating, the family concept, in this situation, is not comprehensible.

Senator Keating asked what would the bond do if the business goes broke. Senator Nathe said the concept of the bill is to post a wage bond. This has nothing to do with Workers' Compensation. The family members are all receiving wages. The bond means, if the business goes broke, the wages will be paid for two more weeks. The bar business is the only industry that requires posting the bond. The "immediate family" definition is important in considering SB 348. Senator Keating asked if there would be an unemployment tax on the business. Yes.

Senator Blaylock stated the bond guarantees the amount paid is at least double the amount of the objective semimonthly payroll. Under Section 3, page 4, the bond can be effective whenever a person is operating a restaurant, bar, or tavern. Senator Blaylock asked if the bond would cover costs and make sure the people are paid for two weeks after the business shuts down. Judge said yes.

Senator Hofman asked if the bill passed, would the business have to pay Workers' Compensation. Don Judge stated, if SB 348 passes, and the tavern owner goes broke and is unable to pay wages, the state ends up on the short end. The employees will want to draw on the bond. If the employees are injured, the Workers' Comp will not put a date on the claim, unless the bond stays in place.

Closing by Sponsor:

Senator Nathe stated, if the employer has been paying wages to his help up until the time the business goes broke, the present law guarantees the next two week's wages will be paid. In regards to Workers' Comp, if the employer keeps up with the payroll, the taxes have already been paid.

Don Judge, stated in the event the employee is paid every two weeks, and the employers fails to pay, then the bond will make payment to the employee.

Senator Nathe closed, urging the committee to DO PASS SB 348.

HEARING ON SENATE BILL 372

Presentation and Opening Statement by Sponsor:

Senator Nathe, Senate District 10, sponsor of SB 372 stated the bill is an act clarifying the purpose and procedure of the mediation provisions of the Workers' Compensation Act;

and amending sections 39-71-2401, 39-71-2406, 39-71-2409 through 39-71-2411, MCA. Senator Nathe Stated there are amendment to SB 372. (Exhibit 2)

List of Testifying Proponents and What Group They Represent:

Bob Jensen, Administrator of the Employment Division, representing the Department of Labor and Industry

George Wood, Executive Secretary representing the Montana Self Insurers Association

Testimony:

Bob Jensen, Administrator of the Employment Division, Department of Labor and Industry, stated the department favors SB 372 with amendments. (Exhibit 2) Under current law, the department can dismiss a petition only if there is a motion by the parties. Under this legislation, the mediator, upon his or her motion, can dismiss the petition, subject to the rules of Workers' Compensation Court. Currently, petitions are dismissed by one of two reasons. The reasons are: 1) The parties are not in good faith prior to the closing of the dispute, and 2) There is a lack of jurisdiction. Mr. Jensen explained the amendments and submitted written testimony. (Exhibit 3)

George Wood, Executive Secretary of the Montana Self Insurers Association, stated the Association strongly supports SB 372 as amended. The section of the Workers' Compensation Act affected by SB 372 concerns the self insurers. The Association thinks SB 372 says, "If business is self insured, the business has an obligation, in the event one self insurer goes broke, to access themselves to pay the claims." This is a partial answer to the questions regarding Great Western in Billings.

There were no additional proponents for SB 372.

List of Testifying Opponents and What Group They Represent:

There were no testifying opponents to SB 372.

Questions from the Committee Members:

There were no questions from the committee members.

Closing by the Sponsor:

Senator Nathe urged passage of SB 372.

Senator Blaylock asked permission to ask another question. Permission was granted. Senator Blaylock asked about people being prevented from raising new issues and asked about bringing in new evidence. Mr Jensen stated sometimes mediation only has one issue, but many times the case is very complex. The department does not want the client to bring new issues, but certainly the client can bring new evidence related to the matter.

Senator Aklestad stated the sponsor of the next two bills have not yet arrived, and he asked permission to hold executive action on pending bills. The committee agreed.

#### DISPOSITION OF SENATE BILL 372

##### Amendment and Vote:

Senator Keating moved the amendments of SB 372. The motion carried unanimously.

##### Recommendation and Vote:

Senator Devlin moved SB 372 DO PASS AS AMENDED. The motion passed unanimously.

#### HEARING ON SENATE BILL 278

##### Presentation and Opening Statement by Sponsor:

Senator Thayer, Senate District 19, chief sponsor of SB 278, stated the bill is an act creating a guaranty fund for employers who self-insure under the Workers' Compensation laws to provide for payment of claims against self-insured employers who become insolvent and unable to pay workers' compensation claims; establishing a board of directors to administer the fund; providing an assessment against self-insured employers to finance the fund; and providing effective dates. Senator Thayer stated the bill, introduced at the request of the governor, provides for a board of directors appointed by the governor, and subsequently elected by members of the fund, who administer said fund.

##### List of Testifying Proponents and the Group They Represent:

George Woods, representing the Montana Association of Self Insurers.

Mike Welsh, representing himself.

Bill Palmar, representing the Division of Workers' Compensation, Department of Labor and Employment Relations.

Testimony:

George Woods, representing the Montana Self Insurers Association, stated the Association supports Sb 278, but thinks the bill says "if we are self insured, we have obligation in the event one self insurer goes broke, we assess ourselves to pay off the claim. It is partially an answer to the problems we had with Great Western in Billings, MT and an attempt to say we are going to assume our responsibilities and see the claimants are paid. Mr. Woods requested a do pass recommendation.

Bill Palmer, Interim Administrator, Division of Workers' Compensation, Department of Labor and Employment Relations, submitted written testimony concerning the creation of the Self-Insurers Guarantee Fund. (Exhibit 4)

Robert Allerd, Representing the Governor's Office, stated SB 278 is part of the Governor's Workers' Compensation Package, and urged support of SB 278.

Stan Kaleczyc, Montana Municipal Insurance Authority's attorney, stated the Authority has a self insurance program for Montana cities and towns. Kaleczyc stated it was his understanding SB 278 applies solely to private self insurers and does not apply to public corporations. Cities, towns, and counties also have programs. There is no need to amend the bill to include public corporations because, unlike the private entities, there is no concern the public corporation will go out of business, due to the taxing authorities providing revenue. Under existing laws, the public authorities must cross indemnify each other to provide adequate employee protection.

Don Judge, Montana AFL-CIO, expressed support of SB 278.

List of Testifying Proponents and the Groups They Represent:

There were no testifying proponents.

Questions from the Committee Members:

Senator Blaylock questioned George Wood concerning the amendment. The amendment allows the Governor to appoint the board of directors. Senator Blaylock asked if the governing board will conduct a self insurers' meeting to nominate people to fill vacated positions. Mr. Wood said yes. The

first appointment will be made by the Governor. Afterwards, as the positions become vacant, the members will elect the board membership from the self insurers.

Senator Blaylock asked Kaleczyc about the public corporations going broke. Kaleczyc stated the existing law provides for an annual Workers' Compensation review in order to keep the program in operation.

Closing Statements of the Sponsor:

Senator Thayer stated the Governor's Advisory Council diligently put SB 278 together and urged support.

HEARING ON SENATE BILL 384

Senator Harp, Senate District 4, stated line three, page one must be deleted. Senator Harp stated SB 384 is an act limiting the fee an attorney may charge a claimant in a Workers' Compensation case; establishing criteria for determination of the fee; amending section 39-71-613, MCA; and providing an immediate effective date and an applicability date. Senator Harp stated he has talked to injured claimants who want to know why benefits are cut and taxes are cut to benefit Workers' Compensation. Senator Harp distributed an information sheets. (Exhibit 5) (Exhibit 6) The attorney increase for FY'88 is \$52 millions, a 41% increase. Some people can say, since Senate Bill 315 is passed, everything is fine: The attorney fees will be in line.

There are nine states that have similar laws, which set up criteria as to how attorneys are paid, based on a contingency percentage arrangement commonly used in the legal profession. Another alternative is to pay an hourly wage, \$75 per hour, not to exceed \$15,000. The attorney would be paid from the contingency percentages, amounting to \$15,000. Page four explains what is not excluded. Medical care, the benefit package, would be an automatic entitlement.

In the past, according to Senator Harp, the Workers' Compensation Division tried to establish rule making authority, but the lawyers said the Legislature is violating the separation of power. As a legislative body, according to Senator Harp, the House and Senate can provide direction. The "out of control area" is legal fees. Mr. John Bothe of Columbia Falls, MT is not providing clients with noble and honorable service, according to Columbia Falls residents. The individual is an ambulance chaser and a detriment to the legal profession. Many people, including lawyers, receive an honest day's wage for an honest day's work. Senator Harp

stated he has problems with people who cannot refrain themselves from taking advantage of employee and employers, people who take advantage of people by using the Workers' Compensation System. A random 25% claim calculation was made to figure out what percentage of the benefits were going to the attorneys. The percentages fluctuated between 22% and 25%. The lawyer dealing with a \$1 million claimant fee receives 22% to 25% of the \$1 million total. Senator John Harp stated he does not believe the lawyers should be equal partners in receiving the benefits of the injured workers.

List of Testifying Proponents and the Group They Represent:

There were no proponents of SB 384.

List of Testifying Opponents and the Group They Represent:

Ben Everett, representing the Montana Trial Lawyers Association, 113 E Third, Anaconda, MT

Testimony:

Ben Everett, President of the Montana Trial Lawyers Association, stated he served eighteen months on the Workers' Compensation Advisory Council, was a member of the Workers' Compensation Rules Committee, and has practiced law for twelve years. Mr. Everett stated SB 384 was intended for one attorney (John Bothe) and is an attorney bashing bill. SB 384 is going to hurt the claimants. The Legislature passed SB 315 during the 50th Legislative Session, which essentially took away all of the claimants ability to get deserved benefits. The claimants rights are so severely restricted most attorneys will not practice Workers' Compensation law and cannot afford to take Workers' Compensation cases. SB 384 is evident of the Mr. Jensen's view concerning the mediation process. Mr. Jensen testified earlier more and more claimants are appearing as mediators without council. SB 384 further restricts the claimants' ability to retain legal council by restricting the amount of money the claimant's council can earn through legal efforts. The Legislature is not putting restraints on the insurance industry. An insurer can go out and retain an attorney at the prevailing rate, which is more than \$75 per hour. SB 384 limits the attorney representing the claimant. Therefore, the lawyer is not able to secure justice for his client and get paid for the attorney's services. It will make no difference how many hours the case will involve in it's consideration of required items. The fee will be no than \$15,000. The fee will be no more than \$10,000, or 20% on the first \$10,000. This restricts the claimant ability to get council. The bill is not necessary.



Mr. Everret submitted a Workers' Compensation's Attorney Retainers Agreement form, which read: "In the event a dispute arises between any claimant and the claimant's attorney relative to attorney's fees in a workers' compensation claim, upon request of either the claimant or the attorney, or upon notice of any party of a violation of ARM 24.29.3801, the Administrator or his designee, shall review the matter and issue his order resolving the dispute pursuant to procedures set forth in ARM 24,29.201, et seq." Every claimant gets a copy of the form and must sign the form. If there is a dispute that involves an attorney and claimant regarding the attorney fees, the division administrator has the power and must resolve the dispute.

Mr. Everett urged the committee to defeat SB 384, the bill will not do what it is intended to do and it will further hurt the claimant in the Workers' Compensation process. (Exhibit 7)

Don Judge, Montana AFL-CIO, gave written testimony in opposition to SB 384. (Exhibit 8)

Sue Winegarden, Montana Defense Trial Lawyers, presented written testimony prepared by Bradley Luck, Vice-President, Montana Defense Trial Lawyers Association, Inc. (Exhibit 9)

Norm Grosfield, Helena Lawyer specializing in Workers' Compensation Cases, stated he was the administrator of the Division of Workers' Compensation when 1974 legislation passed, allowing the division to regulate statute rule. Recently, the division has adopted more stringent rules. Hundred of claimants are represented by attorneys. Laws are very complex. Grosfield urged the committee to vote against SB 384.

Janice S. VanRiper, Helena, Montana, stated she represents a number of Workers' Compensation cases. VanRiper stated she is compelled to give a flavor of what an attorney's practice is on the claimant's behalf, and she strongly disagrees with Senator Harp's bill. Attorneys worked with medical claims and wage grade issues under the old law. Under the new law, people do not take payment in lump sums. Therefore, the attorneys do not take 20% of the lump sum payment. Under the new law, Ms. VanRiper advocates on the claimant's behalf as to what medical benefits the claimant will need. She stated she calls or writes the insurers, petition the division of Workers' Compensation for appropriate medical benefit forms, and negotiates in Workers' Compensation Court. If the attorney wins, the fee could ostensibly be 20% of the total. If \$900.00 is won in medical benefits, the fee is \$190.00. Ms. VanRiper stated she can put in

untold hours in the rehabilitation area and advocates on the client's behalf. The stated purpose of this legislation is to get at some of the system's costs. Certainly, claimant attorneys' costs are different than other costs. Ms. VanRiper stated she sees no rationale basis for moving the claimants attorney fees to \$75.00 per hour and continuing to allow the insurers to be paid \$85 to \$125 per hour.

Questions from the Committee Members:

Senator Lynch stated to Senator Harp "if you were an attorney representing the plaintiff and I was the attorney representing the insurance Company, we could spend the same amount of time, the same number of hours on the case. Our time is equally valuable, but I end up with \$24,000 in behalf of the insurance companies and you end up with \$12,000 on behalf of your claimant. Why would we not limit the both sides to \$12,000." Senator Harp agreed.

Senator Devlin asked Mr. Shipero if there is a graduated fee. Mr. Shipero stated the division does not have an official opinion on SB 384. There are nine or ten other businesses that have a similar graduated scale. The various arrangements vary concerning percentage rates. Montana's rates falls within the center of the percentage rates.

Senator Devlin asked, compared to coal taxes, how difficult are Workers' Compensations cases compared to court action cases. Mr. Shipero stated in most tort cases, the situation is proving liability of the person who injured you from the start of the case. In Workers' Compensation cases, the proof is not as difficult, the liability is accepted. The standard fees for the court actions are at 25% for settlements, 33% for district court actions, and 40% for appeals. This is the area where the Workers' Compensation schedule was tagged prior to the 1987, when the administrator worked to reduce the rates to 20% for settlements, from a previous 25%.

Senator Devlin asked if it had been difficult to make the rule making authority. The administrator amended the rule in 1987 and somewhat reduced the rate in an effort to bring the percentage into line with the other states. The 20-25% rates provided a figure which appeared to be adequate. A small group of trial attorneys initiate a court action in the summer of 1987 and challenged the legitimacy of the rule, In fact, by the spring 1988, the rule was judged invalid. It appears, if the rule was codified in the statutes, as the sponsor had attempted to do, the Legislature would reduce this kind of litigation.

Senator Keating asked about the rule making authority and asked if the language in the contract is affected by the rule making authority. Mr. Shipero said the language Mr. Everett referred to, concerning resolving disputes, came from the 1987 and prior versions of the rule. We have tried to resolve the disputes as they come up. We standardized the fee contract after consulting with the number of claimant attorneys including Mr. Speaker, Billings, Mr. Grossfield, Helena, and others. We do not spend as much time reviewing the contracts to prove the appropriateness of the contract. By using standard contracts, the reading and understanding of the contracts is made much easier.

Senator Keating asked if there has been any recent litigation regarding attorney fees. Mr. Shipero answered the department has been involved in attorney fee regulations litigation continuously for two years. The department would rather concentrate energy in order to deliver benefits to injured workers, but the division must resolve the disputes involving the workers' benefits. The division spent a year and a half defending the 1987 rule version. In district court there are now several follow-up cases concerning the Workers' Compensation Courts, with side issues off previous cases. The division spent time in the court assisting an injured worker. Judge Sherlock currently resolved the conflict, sitting in for Judge Reardon. The decision concerned a Billings attorney attempting to overcharge his client by charging a fee on \$20,000 worth of benefits he was not entitled to based on his fee. The lawyer had previously received a fee on \$12,000 of the \$29,000 total amount. Judge Sherlock found the attorney wrong, and the attorney has appealed to the Supreme Court. The division tried to assist the claimant in the Workers' Compensation Court, and will find a way to assist the claimant in the Supreme Court, as well.

Senator Blaylock said he is getting the other side of the Workers' Compensation argument. There are claimants, people who have been injured, who trying to find a lawyer to represent themselves. The claimants are finding no lawyers who will take their cases. Senator Blaylock said he does not want to discourage people from getting lawyers. Senator Blaylock asked the committee if they would like to go up against George Wood in an argument concerning Workers' Compensation without the help of an attorney. We would be helpless. Senator Blaylock asked, if the Legislature puts this law through, will the payments be further endangered if the responsibility of legal help is removed. Shipero stated the lawyers have moved out of the Workers' Compensation areas because of SB 315. (50th legislative session) In some cases, there were a lot of dollars involved, and the lawyers have taken their priority and product liability over to

other areas that are more lucrative. Lawyers are in the business to make money.

In some cases, Cheaper stated, the Workers' Compensation problem is being too entangled with lawyers and Workers' Compensation judges. The division has to take care of one person, the injured worker. An example is the heart patient, who is entitled to \$78,000, but the lawyer takes \$28,000. Therefore, the claimant only gets \$50,000.

Senator Blaylock said he doesn't want to shut off the possibility of claimants having access to legal council. Senator Devlin asked why does the day of injury rule apply to benefits, but doesn't apply to contracts. Mr. Cheaper stated there has been litigation discussion for the past three years concerning the plaintiff's attorney who wants to tag on to 22-25%, claiming they are tied into the date of injury rule. The rule is: The benefits are "tied" to the date the person is injured. The benefits are considered in the fight because the Supreme Court has indicated the benefits are based on the employment contract between the worker and the employer. The benefits become invested on the date of injury. The attorney does not become associated with the injured worker until sometime after the injury. It may be a few days or years after the injury that the injured worker seeks the assistance of the attorney. It does not seem appropriate the attorney would go back to the date of injury. The attorney simply does not have any interest in the case at that time.

Senator Hofman asked for an explanation of the chart. (Exhibit 3, pages 7, 8, & 9.) Program 1 and 2 are the self insured program. The light area gives data concerning the State Fund. The department took a 25% random sample and recorded the gross average figure.

Senator Lynch asked Janice VanRiper to address the Harp offer. Ms. Van Ripper stated the offer is not great. Ms Van Ripper stated she currently has eight Workers' Compensation Cases, and will devote many hour, but will not make any money. For reasons I cannot fathom, I can obtain \$130,000 additional benefits for my clients. I do not know what you have to do to get the additional benefits. Under these circumstances, I could apparently receive \$15,000. If the sliding scale is not added, the numbers will be only \$75,000 that I would have to get for my client so I would get the \$15,000 fee. If I am going to work on eight cases for nothing, and I am working the cases because the claimants need legal council, I think it is fair to use the sliding scale, and not obtain the so-called \$130,000 in order to get the \$15,000. If the Legislature enacts the

bill, it will be one more reason why attorneys will have a tough time taking new clients.

Closing statement by the Sponsor:

Senator Harp urged the committee to give SB 384 a DO PASS Recommendation.

DISPOSITION OF SENATE BILL 100

Discussion and Vote:

Senate Bill 100 was sent out of Committee with an amendment written. The committee voted DO PASS. Senator Keating moved to reconsider action on SB 100.

Senator Lynch acknowledged the House of Representatives for returning SB 100 to the Senate for reconsideration.

Senator Lynch stated he would speak against the motion. It would behoove the committee to show good faith by leaving the language stricken, showing we in turn can cooperate with the House. The language is ambiguous.

The motion to reconsider action passed with an agreed five Yes, four No votes.

Recommendation and Vote:

Senator Keating moved DO PASS AS AMENDED. The motion passed with five YES and four NO votes.

DISPOSITION OF SENATE BILL 278

Recommendation and Vote:

Senator Blaylock moved the amendment. Senator Blaylock stated the Statement of Intent accompanies SB 278.  
(Exhibit 10)

DISPOSITION OF SENATE BILL 311

Discussion:

Senator Keating stated SB 311 is the Self Sufficiency Trust Fund for the Developmentally Disable group asking for confirmation on a straight forward issue.

Recommendation and Vote:

Senator Keating moved SB 311 DO PASS.

Senator Keating referred to Exhibit 11, Pages 14 and 15. Senator Keating explained the flow chart dealing with the mechanism in state law for the establishment of a fund for investment of money through the state Treasury. The fund income can be utilized for SRS. The money will flow back to the providers. The funds will be private and will come from the private sector. There will be no cost to the state. SB 311 allows private money to flow into state accounts. The state can use the money through SRS to buy Developmentally Disabled client services from the providers. Senator Keating questioned whether some of the money can be used as federal "matched money".

Senator Blaylock asked if the gentleman gets a cut out of the profits. Senator Keating stated the private sector, under supplemental services funding, can sell various charitable fund arrangements to foundations or cooperations and can provide management services. A portion of the contributions will establish trusts and arrange charitable funds. The private sector will collect fees.

Senator Blaylock stated he raised the question concerning the Board of Investments being responsible for the funding, but did not receive a favorable opinion. Senator Keating stated there does not seem to be a reason why private money can't be geared through the Board of Investments. Even individuals can set up private funds without paying for the services.

Senator Blaylock asked Alicia Pichette if the funds could be routed through the Board of Investments. Ms. Pichette stated perhaps the funds could be controlled by the Board of Investments, if one understood relationship between the public and private sector. Senator Blaylock stated the Board of Investments, perhaps, would prove to be a better deal for the DD people.

Senator Blaylock commented the Self Sufficiency Trust Fund people may be happy with these arrangements, but the private sector's company takes the cut. Ms. Pichette stated Mr. Medlin flew to Helena to assist the passage of SB 311. He became involved in Montana's Self Sufficiency Trust Fund legislation because Illinois has a working model Montana has tried to imitate.

Senator Pipinich asked, if a DD individual moves to another state, are they out. Senator Aklestad stated the situation could be true, unless there was reciprocity arrangement between the states.

Senator Aklestad asked Tom Gomez to explain the Harding Amendment. The services will be clarified as services

defined by the department. On three, page five, a Self Sufficiency Trust will be identified. (Exhibit 12)

Amendment and Vote:

Senator Lynch made a substituted motion to amend the legislation. The motion carried unanimously.

Recommendation and Vote:

Senator Keating moved SB 311 DO PASS AS AMENDED. The motion passed unanimously.

DISPOSITION OF SENATE BILL 235

Recommendation and Vote:

Senator Lynch moved SB 235 DO NOT PASS. The motion failed.

Amendment and Vote:

Senator Blaylock moved the amendment. The amendment will take care of Labor's objection of not having an employee represented on the board, which handles the medical insurance. Senator Blaylock agreed there should be an employee on the board. The information would be inserted on page 2, line 1, following program, insert "govern by the employee retirement income and security act". On page 2, line 12, following number two, insert "A". On page 2, line 17, following line 16, insert: "the fringe benefit fund, plan or program described in subsection (1) must have at least one hourly employee who is a beneficiary of such fund, plan or program on the committee that serves as the plan administrator or trustee of such fund, plan or program." The motion to amend SB 235 passed unanimously.

Recommendation and Vote:

Senator Keating moved SB 235 DO PASS AS AMENDED.

Senator Lynch stated people are going to get ripped off. Senator Lynch further stated when the Self Sufficiency Trust Fund's people come back in a few years telling the committee someone ran south with the funds, you will remember you are the ones that allowed the situation to take place.

A roll call vote was taken on SB 235 DO PASS AS AMENDED. Senators Keating, Hofman, Devlin, Nathe, Blaylock, and Aklestad voted Yes. Senators Lynch, Manning, and Pipinich voted NO. The DO PASS AS AMENDED motion passed.

DISPOSITION OF SENATE BILL 128

Discussion and Vote:

Senator Keating moved to reconsider previous action on Senate Bill 128.

Senator Keating stated he misunderstood SB 128 until working on the bill in the appropriation subcommittee. While sitting on the Legislative Audit Committee, it became apparent the Project Work Program is a flop, and I did not want to pour more money into the program. SB 128, created by the Interim Subcommittee, tightens up the Project Work Program. SB 128 makes the program workable and saves money by putting people to work. Senator Nathe's Amendment utilizes the Vo-Tech and Adult Education Programs. The OPI programs are in place and will provide the vehicles to implement the programs at no additional cost. Senator Aklestad said the amendments were put on the bill before being voted down.

Senator Keating stated SB 128 has a statement of intent, which deals with rule making authority. The statement has not been added. Senator Keating asked Tom Gomez for an amendment explanation. Gomez stated the purpose of the program is to provide for a total work oriented program designed to help recipients obtain sustainable employment. The statement of intent outlines the result of the legislative audit, which revealed the current program is not achieving the intended purpose. The statement of intent explains the deficiencies discovered in the audits. The program must include an intensive job search activity and prompt placement for recipients for a job, rather than remedial education or job training. Although remedial education or job training is beneficial to the unemployed individual, they are not necessary for recipient to find employment. The program must include remedial education or job skill training, but only if it is necessary for the recipient to become employed. Whenever possible, it is intended services are provided with existing local, adult basic education programs administered under the Job Training Act. The program must include active, daily involvement of recipient in combination with a employment related activity in order to enhance recipient self motivation to increase job placement. Job search is an essential requirement and should be part of the Food Stamp, Employment and Training Program, funded by the federal government. In addition, County Work should be required, but only in combination with other employment assistance. A minimum forty-hour week participation requirement is addressed stating recipients must be employed at the end of the program. The program is redesigned by the Department of SRS, which examined the policies and experience of other state programs, including



the Utah Emergency Work Program used for drafting the bill. It operates at less than ten percent of the Utah's WIN Program.

Senator Keating moved the statement of intent. The motion passed.

Amendment and Vote:

Senator Manning made a motion to amend the milage. The motion failed.

Amendment and Vote:

Senator Aklestad moved to add the Governor's Amendment on SB 128. The five Republican Senators voted Yes, and the four Democratic Senator voted No. The motion passed.

Recommendation and Vote.

Senator Manning moved DO PASS AS AMENDED. Senator Aklestad stated the reconsideration is right. Senator Aklestad stated he does not know how one can flip flop from one fiscal note to another, one type of terminology to another, and come out with the right bill. The motion passed, with Senator Aklestad voting NO.

ADJOURNMENT

The meeting adjourned at 3:01 p.m. and reconvened at 5:28 p.m.

DISPOSITION OF SENATE BILL 348

Discussion:

Senator Keating asked who pays the bond premiums. A bond is like an insurance policy. Someone has to pay because it is an insurance policy against lost. The premiums are paid into a pool, like insurance. Senator Pipinich stated the tavern owner files the bond and pays the premiums.

Senator Pipinich stated the bond is needed. The bond is approximately \$2,000, but the people who own the taverns come and go, sometimes after just a week. Many bartenders and clean up people are out wages, whether they are members of the owner's family or not. Sometimes the bar businesses do not last a month, yet the family members still need wages.

Senator Lynch stated the bond is equal to at least double the amount of the projected monthly wage.

Recommendation and Vote:

Senator Nathe moved a DO PASS recommendation.

Senator Lynch stated many of the bars are owned in partnership. SB 348 states both partners and immediate family will be excluded. Senator Pipinich talked about a tavern in his district that broke up because the families did not get along. When there are partnerships, there are troubles.

A roll call vote was taken. Senators Keating, Hofman, Devlin, Nathe, and Aklestad voted YES, and Senators Lynch, Pipinich, Manning, and Blaylock voted NO. The motion passed.

DISPOSITION OF SENATE BILL 384

Amendment and Vote:

Senator Lynch moved to amend SB 384, as agreed upon by chief sponsor Senator Halligan. The amendment would allow the insurance company to charge a claimant, or an insurance company in a worker's Compensation Case, limiting lawyers wages on both sides. The going rate will be \$75 an hour, not to exceed \$15,000. Tom Gomez will provide the proper language. The motion carried unanimously.

Senator Devlin moved an amendment to delete line three on page one. The motion carried unanimously. Senator Aklestad said it appears that \$15,000 may be an unrealistic amount, and perhaps both amounts should be raised. Senator Lynch said he believed the SB 384 is blatantly unconstitutional.

Recommendation and Vote:

Senator Devlin moved to accept the DO PASS AS AMENDED recommendation for SB 384. Senator Keating stated the benefits are considered: The 20% of the first \$10,000 is \$2,000; then 15% of the \$20,000 is \$5,000; and then ten percent on the balance. Everything is limited, regardless of money amount, to not exceed \$15,000. This does not seem like a lot of money. Senator Hofman asked how much work must be done per case. Senator Keating said it was according to the number of briefs filed. Senator Hofman questioned if the cases were anything like a case in which an attorney can spend \$100,000 trying to develop a case of an inferior product, like a problem truck. Senator Aklestad stated the bill reads, on page 5 line 24 and 25, that the

bill applies to all contracts between the claimant and the attorney. Senator Pipinich stated the case can go on for a long time before being agreed.

A roll call vote was taken. Senators Keating, Devlin, Nathe, and Aklestad voted NO, and Senators Hofman, Lynch, Pipinich, Manning and Blaylock voted YES. Senator Lynch will carry the adverse committee report. The motion passed.

#### DISPOSITION OF SENATE BILL 152

##### Discussion:

SB 152 covers only 2/3rds of the state employees. Senator Keating asked if there is another pay plan. Senator Aklestad stated Representative Cobb has another plan. Senator Keating said he did not like the idea of giving some, but not all state employees, a pay raise. The subcommittee is fighting this concept, trying to give board raises to everyone, while bringing up a few that have very "low downs" wages.

##### Amendment and Vote:

Senator Devlin moved the Story Amendment. Senator Story wants to have a hold of the bill, so SB 152 can get back in the Senate and the pay fund can be considered.

A roll call vote was taken. Senators Keating, Hofman, Devlin, Nathe, and Aklestad voted YES, and Senators Lynch, Pipinich, Manning and Blaylock voted NO. The amendment passed.

##### Recommendation and Vote:

Senator Keating moved DO PASS AS AMENDED on SB 152. A Roll Call Vote was taken. Senators Keating, Hofman, Lynch, Pipinich, Nathe, Manning, and Blaylock voted Yes. Senators Devlin and Aklestad voted NO. The motion passed.

#### DISPOSITION OF SENATE BILL 163

##### Discussion:

Senator Lynch moved to reconsider the committee's action of SB 163. Senator Keating asked if Senator Lynch could get funding for the Butte family through the Poor Fund or County Funds. Senator Lynch stated he asked for reconsideration of SB 163. Senator Aklestad stated the committee took final action. Senator Devlin asked if the fiscal note has changed. No. Senator Keating asked if the committee does not reconsider the action, does SB 163 stay tabled. Yes.

Senator Lynch said SB 163 is in committee. Senator Lynch said he asked how to get SB 163 back in committee, and was told the bill was already in committee. Senator Lynch stated he did not think a reconsideration motion was necessary. Senator Aklestad stated the committee has the final disposition, and it would be his interpretation the committee has to reverse the decision. The committee has a final vote. Senator Aklestad asked Senator Blaylock if he agreed. Senator Blaylock stated, if we assume Senator Aklestad is right and the bill needs reconsideration, we should give Senator Lynch the courtesy of letting Senator Lynch get SB 163 back on the table so he can explain his amendment.

Amendments and Votes:

Senator Lynch moved to accept the amendment. A vote was taken, and the motion to accept Senator's Lynch amendment passed.

Recommendation and Vote:

Senator Lynch stated the amendment will provide an nonambulatory kind of DD reimbursement at a maximum rate of \$.45, not to accede \$2,500 per year. The most desperately DD people, who need the transportation help, are the wheel chair bound. The assumption on the fiscal note estimates 151 individuals will need services. The nonambulatory amendment will reduce the estimate to 10 percent, approximately 15 people. The bill states "where services are not available." If there are any other means to get the individual to their destination, those means must be taken. The fiscal note considers five days a week, fifty-two weeks a year, and the services do not run continuously for fifty-two weeks a year. Senator Lynch asked the committee to pass bill so that Finance and Claims can consider the actual funding. Senator Devlin stated he does not believe the expenditures will be as low as Senator Lynch predicts. Senator Lynch stated the fiscal note includes 151 individual, both ambulatory and nonambulatory. Considering only the wheelchair DD individuals, the funds will be considerably less. Senator Devlin asked if it was Senator Lynch's intention to move the bill directly to Finance and Claims. Senator Lynch will discuss the matter with Senator Story, and if Senator Story wants a debate before second reading, he will make the motion at that time.

Senator Keating stated he is dealing with the DD funding in the subcommittee appropriation for the past month. Senator Keating stated there are 409 DD individuals who do not receive any services. We are trying to provide for these

individuals. When this is opened up to wheel chair individuals who are eligible and are receiving help in some area, you are opening up a whole new area of cost to the DD Program for people who are being served now to some extent. When a new program is added or a new method of providing benefits to a segment of the DD population that are already receiving help, but families are making sacrifices in every area to get their DD individuals to whenever they can get help. Senator Keating stated he is adamantly opposed to starting a new program to provide benefits to some who are already receiving benefits because of their eligibility, when they are those who are receiving nothing.

Senator Lynch asked why the DD individuals are receiving nothing. Senator Keating stated there is not enough money, and they are at the upper limits of the age group. The services are not available to these individuals because the state of Montana cannot pay for the services. Senator Keating told Senator Lynch that he will provide additional information.

Senator Aklestad asked if Senator Lynch put a cap on the bill. The top amount is \$2,500, and any other costs would have to be paid by the family. The motion carried, with Senator Keating voting NO.

Senator Lynch moved SB 163, asking for a DO PASS AS AMENDED consideration. A roll call vote was taken. Senators Lynch, Pipinich, Nathe, Manning, and Blaylock voted Yes. Senators Keating, Hofman, Devlin, and Aklestad voted No. The DO PASS AS AMENDED motion passed.

#### ADJOURNMENT

Adjournment At: The meeting was adjourned at 6:12 p.m.

  
\_\_\_\_\_  
Senator Gary C. Aklestad, Chairman

GCA/mfe

Minutes.214

ROLL CALL

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: Feb 14

	PRESENT	ABSENT	EXCUSED
SENATOR TOM KEATING	✓		
SENATOR SAM HOFMAN	✓		
SENATOR J.D. LYNCH	✓		
SENATOR GERRY DEVLIN	✓		
SENATOR BOB PIPINICH	✓		
SENATOR DENNIS NATHE	✓		
SENATOR RICHARD MANNING	x		
SENATOR CHET BLAYLOCK	✓		
SENATOR GARY AKLESTAD	✓		

SENATE STANDING COMMITTEE REPORT

February 16, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 372 (first reading copy -- white), respectfully report that SB 372 be amended and as so amended do pass:

1. Page 3, line 12.

Following: "are"

Strike: "encouraged"

Insert: "required"

2. Page 3, line 15.

Following: "court"

Insert: ", but they are prevented from raising issues that were not mediated"

3. Page 5, line 20.

Following: "but"

Strike: "should"

Insert: "must"

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_  
Gary C. Aklestad, Chairman

*Y.C.*  
*2/16/89*  
*3 p.m.*

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 100 (third reading copy -- blue), respectfully report that SB 100 be amended and as so amended do pass:

1. Page 2, line 17.

Following: "r"

Insert: ":"

2. Page 2, line 18.

Following: line 17

Insert: "(i) the employee's deliberate violation or disregard of standards of behavior that the employer has a right to expect of his employee; or"

3. Page 2, line 21.

Following: "~~(ii)~~"

Insert: "(ii)"

AND AS AMENDED DO PASS

Signed:   
Gary C. Aklestad, Chairman

41.0.  
3/15/89  
3:10  
B.P.



SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 278 (first reading copy -- white), respectfully report that SB 278 be amended and as so amended do pass:

1. Page 1, line 15.

Following: "intent"

Strike: "is required for"

Insert: "accompanies"

2. Page 1, line 19.

Following: line 18

Insert: " The fund is a private, nonprofit legal entity. The members of the board of directors must be elected by members of the fund, except for the initial appointments, which must be made by the governor."

3. Page 1, line 21.

Following: "the"

Insert: "initial"

4. Page 6, line 17.

Following: "member"

Strike: "for claims insured"

5. Page 9, line 1.

Following: "requirement."

Strike: "Within"

Insert: "Biannually or within"

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_

Gary C. Aklestad, Chairman

*G.C.A.*  
*2/15/89*  
*2:10 p.m.*

SENATE STANDING COMMITTEE REPORT

February 16, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 311 (first reading copy -- white), respectfully report that SB 311 be amended and as so amended do pass:

1. Page 2, line 25.  
Following: "services"  
Insert: ", as defined by the department"
2. Page 3, line 5.  
Following: "from"  
Strike: "the department"  
Insert: "a self-sufficiency trust"
3. Page 3, line 20.  
Following: "services"  
Insert: ", as defined by the department"
4. Page 4, line 21.  
Following: "of"  
Strike: "money from"  
Insert: "supplemental services as a result of"
5. Page 4, lines 22 and 23.  
Following: "provided" on line 22  
Strike: "with" on line 22 through "money" on line 23  
Insert: "by the trust"

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_  
Gary C. Aklestad, Chairman

*Handwritten:*  
G.C.  
2/16/89  
3:53  
P.V.

SENATE STANDING COMMITTEE REPORT

February 15, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 235 (first reading copy -- white), respectfully report that SB 235 be amended and as so amended do pass:

1. Page 2, line 1.

Following: "program"

Insert: "governed by the Employee Retirement Income Security Act"

2. Page 2, line 12.

Following: "(2)"

Insert: "(a)"

3. Page 2, line 17.

Following: line 16

Insert: "(b) The fringe benefit fund, plan, or program described in subsection (1) must have at least one hourly employee who is a beneficiary of the fund, plan, or program on the committee that serves as the plan administrator or trustee of the fund, plan, or program."

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_

Gary C. Aklestad, Chairman

SENATE STANDING COMMITTEE REPORT

page 1 of 2  
February 15, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 128 (first reading copy -- white), respectfully report that SB 128 be amended and as so amended do pass:

1. Page 1, line 11.

Following: line 10

Insert: "

STATEMENT OF INTENT

It is the intent of the legislature, in enacting this bill, that the department of social and rehabilitation services revamp the current general relief work program provided for in 53-3-304 to make it a total, work-oriented program designed to help recipients of general relief obtain regular, sustainable employment.

The bill is intended to correct program deficiencies found in an audit requested by the joint interim subcommittee on welfare. The audit, which was conducted by the office of the legislative auditor, revealed that the current program is not achieving the purpose for which it was intended. The audit showed that:

(1) the current program does not enable general relief recipients to obtain permanent employment;

(2) the program only moderately increases the percentage of recipients who find employment;

(3) the program does not significantly reduce the general relief caseload; and

(4) overall, the program does not result in net savings to the state when reductions in welfare costs are compared to the costs of administering the program.

Thus, the legislature intends to provide for a revitalized work program for recipients of general relief. As reconceived, the program must include:

(1) intensive job search activity and prompt placements for recipients who are job ready, rather than remedial education, job training, or other activities that, although beneficial, are not necessary for recipients to find employment;

(2) remedial education and job skills training, but only if it is necessary for the recipient to become employed. Whenever possible, it is intended that services be provided through existing, local adult basic education programs and programs administered under the Job Training Partnership Act.

(3) active daily involvement of recipients in a combination of employment-related activities in order to enhance self-motivation and to increase job placement. Job search is an essential requirement that should be conducted as part of the food stamp employment and training program funded by the federal

government. In addition, county workfare should be required, but only in combination with other employment assistance, such as job search, job readiness training, remedial education, job training, and job placement.

(4) a minimum 40-hour per week requirement for participation in program activities;

(5) a clear expectation that recipients must be employed at the end of the program. This expectation should be reinforced daily by program operators and should be communicated to each recipient upon enrollment in the program.

(6) participation in activities authorized under [section 10, Senate Bill No. 101] in lieu of participation in job search, training, and work activities otherwise required in 53-3-304;

(7) follow-up and monitoring of program performance; and

(8) prohibition of political activities under the program.

In redesigning the program, the department of social and rehabilitation services shall examine the policies and experience of work programs in other states, including the Utah emergency work program, which is a program that has operated at less than 10% of the cost of the Utah work incentive (WIN) program."

2. Page 6, line 18.

Following: line 17

Insert: "NEW SECTION. Section 2. Coordination requirements -- consolidation of programs authorized. (1) The governor shall assure that program activities under 53-3-304 are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in 53-3-304 with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services.

(3) Where adult basic education programs exist, remedial education services provided for in 53-3-304(3) must be coordinated, through contracts or cooperative agreements, with state or local agencies having responsibility for programs administered under the Adult Education Act, Public Law 100-297."

Renumber: subsequent sections

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_  
Gary C. Aklestad, Chairman

Statement of Intent adopted.

SENATE STANDING COMMITTEE REPORT

February 14, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 348 (first reading copy -- white), respectfully report that SB 348 do pass.

DO PASS

Signed:   
Gary C. Aklestad, Chairman

*Handwritten notes:*  
G.C.  
2/15/89  
3:10 P.M.

SENATE STANDING COMMITTEE REPORT

page 1 of 3  
February 17, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 384 (first reading copy -- white), respectfully report that SB 384 be amended and as so amended do not pass:

1. Title, line 3.

Strike: "BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY"

2. Title, line 6.

Following: "CLAIMANT"

Insert: ", INSURER, OR OTHER PARTY"

3. Page 1, line 15.

Following: "claimant"

Insert: ", insurer,"

4. Page 1, line 21.

Following: "claimant"

Insert: ", insurer, or other party to the claim"

5. Page 1, line 22.

Following: "claimant"

Insert: ", insurer, or other party to the claim"

6. Page 1, line 24.

Following: "the"

Strike: "claimant"

Insert: "client"

7. Page 1, line 25.

Following: "by"

Strike: "the claimant and"

Following: "attorney"

Insert: "and the client"

8. Page 2, line 4.

Following: "claimant"

Insert: ", insurer, or other party to the claim"

9. Page 2, line 5.

Following: "settlement,"

Insert: "denial,"

10. Page 2, line 10.

Following: "gained"

Insert: "or was denied"

11. Page 2, line 21.  
Following: "if"  
Insert: "the claim is"

12. Page 3, line 5.  
Following: "recovery"  
Insert: "or risk of liability"

13. Page 3, line 11.  
Following: "claimant"  
Insert: ", insurer, or other party to the claim"

14. Page 4, line 20.  
Following: "claimant"  
Insert: ", insurer, or other party to the claim in order"

15. Page 4, line 24.  
Following: "between"  
Strike: "a claimant and"

16. Page 4, line 25.  
Following: "attorney"  
Insert: "and his client"

17. Page 5, line 1.  
Following: "the"  
Strike: "claimant"  
Insert: "client"

18. Page 5, line 17.  
Following: "between"  
Strike: "claimant"  
Insert: "a client"  
Following: "and"  
Insert: "his"

19. Page 5, line 19.  
Following: "between"  
Strike: "the claimant"  
Insert: "a client"

20. Page 5, line 24.  
Following: line 23  
Strike: "claimant"  
Insert: "client"



21. Page 5, line 25.  
Following: "a"  
Strike: "claimant"  
Insert: "client"

AND AS AMENDED DO NOT PASS

Signed:   
Gary C. Aklestad, Chairman

J.C.  
2/11/89  
8:30  
A.M.

SENATE STANDING COMMITTEE REPORT

February 16, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 152 (first reading copy -- white), respectfully report that SB 152 be amended and as so amended do pass:

1. Title, line 5.

Following: "EMPLOYEES"

Insert: "FOR THE BIENNIUM ENDING JUNE 30, 1991"

2. Page 2, line 4.

Following: "year"

Strike: "1989"

Insert: "1992"

3. Page 5, line 1.

Following: "The"

Strike: "current"

Following: "employee"

Strike: "shall"

Insert: "for the biennium ending June 30, 1991, may"

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_  
Gary C. Aklestad, Chairman

*J.C.  
2/16/89  
3:53 p.m.*

SENATE STANDING COMMITTEE REPORT

February 16, 1989

MR. PRESIDENT:

We, your committee on Labor and Employment Relations, having had under consideration SB 163 (second reading copy -- yellow), respectfully report that SB 163 be amended and as so amended do pass:

1. Title, line 4.

Following: "PROVIDE"

Insert: "NONAMBULATORY"

2. Page 2, line 5.

Following: "a"

Insert: "nonambulatory"

3. Page 2, line 12.

Following: "client."

Insert: "Notwithstanding the actual expenses of transportation, no reimbursement provided to any client under this subsection may exceed \$2,500 per year."

AND AS AMENDED DO PASS

Signed: \_\_\_\_\_

Gary C. Aklestad, Chairman

*J.C.*  
*2/16/89*  
*3:53*  
*p.m.*



SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1 page 1 of 1

DATE February 14, 1989

BILL NO. SB 348

JAMES W. MURRY  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

Testimony of Don Judge before the Senate Labor and Employment Relations Committee on Senate Bill 348, February 14, 1989.

---

Mr. Chairman and members of the Committee, for the record, I am Don Judge of the Montana State AFL-CIO, and am here today to oppose Senate Bill 348 which would exempt members of an employer's immediate family from coverage under the Restaurant, Bar and Tavern Wage Protection Act.

This Act contains an important bonding provision which guarantees that employees are paid their wages and that the state receives unemployment insurance and workers' compensation taxes in the event the operation of the business ceases. Family members deserve this protection as much as anyone else. While they are employed by the business, why should they be required to give up this protection? We can not understand why anyone would want to deny family members wage protection, especially in what has proved to be a volatile business.

The protections offered by the Restaurant, Bar and Tavern Wage Protection Act have proven important for workers time and again. Cashing of the bonds required by this act have shown a marked increase over the past few years. Only one bond was cashed to pay wages and taxes in fiscal years 1986 and 1987. In 1988, six bonds were redeemed for this purpose and three have already been cashed in this fiscal year. The restaurant and tavern business is obviously suffering from an increased rate of failure and these protections are more important now than ever before. They are equally important for everyone, including family members.

For these reasons, we urge an adverse committee report on Senate Bill 348.

SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 5 page 1 of 1  
DATE February 14, 1989  
BILL NO. SB 372

Sponsor amendments to SB 372

First amendment---to Section 2 of the bill  
page 3, line 11-12:

after ", the parties are..."  
delete "encouraged"  
and replace with "required"

Second amendment---to Section 2 of the bill:  
page 3, line 15:

after "...before the court"  
add ", but they are prevented from raising issues that were  
not mediated."

Third amendment---to Section 5 of the bill:  
page 5, line 20:

after "...judge but"  
delete "...should"  
and replace with "shall"

fn-sb372amd.mts

DEPARTMENT OF LABOR AND INDUSTRY

EMPLOYMENT RELATIONS DIVISION



STAN STEPHENS  
~~GOVERNOR~~ GOVERNOR

P.O. BOX 1728

STATE OF MONTANA

(406) 444-5600

HELENA, MONTANA 59624

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 3 page 1 of 7

DATE February 14, 1989

BILL NO. SB 372

Testimony on SB-372

By Bob Jensen

Administrator, Employment Relations Division  
Department of Labor and Industry

The Department of Labor and Industry supports the passage of Senate Bill 372 as amended. We feel this bill will strengthen and further encourage use of a mediation process to resolve Workers' Compensation disputes.

Mr. Chairman, Members of the Committee I have a handout which graphically shows the current status of the Workers' Compensation Mediation program. The first page shows the disposal of the first 646 cases we dealt with in mediation. Pages 2 & 3 relate to a 1988 Montana Supreme Court Decision holding that it was unconstitutional to attempt to resolve pre-July 1, 1987 injury cases through the mediation process. Prior to the November 1988 Decision our Mediation unit was receiving from sixty to seventy-five petitions per month with a corresponding reduction in petitions that were filed with the Workers' Compensation Court. After that Decision we began to receive a reduced number of petitions per month as cases were proceeding directly to the Workers' Compensation Court.

The first page of the handout shows that we have been resolving approximately 67% of cases filed with us. The 24%

represent the number that proceed to the Workers' Compensation Court for resolution.

For purposes of Senate Bill 372 I would like to speak for a moment to the 3% of cases dismissed. One of the criticisms of the mediation process is that more petitions should be dismissed. The amended language on lines 16 thru 21 on page 2 of Senate Bill 372 address this concern. We dismiss petitions for one of two reasons. First, the early resolution settlement stage of the 1987 legislation has not been met. You may recall that as part of the reform legislation a three part dispute resolution process was established:

1. early settlement
2. mediation
3. Workers' Compensation Court

The first step, early settlement, was intended to encourage the parties, the claimant and the insurer, to exchange offers and begin communication early to see if claims can be resolved. We can dismiss a petition at the mediation level if we feel that the early settlement step was not attempted in good faith.

The second reason we dismiss petitions is for lack of jurisdiction. We are somewhat reluctant to dismiss a petition for lack of jurisdiction if the parties feel they have a chance of resolving any dispute in mediation. But under the enabling legislation a petition could be dismissed only upon motion of a party. Senate Bill 372 provides that the mediator upon his or her own motion may dismiss the petition. A decision dismissing a petition has to be in writing and must state in detail the

grounds for dismissal. As with the reform legislation mediators decision to dismiss a petition may be reviewed by the Workers' Compensation Court.

The other major change in Senate Bill 372 pertains to lines 9 thru 15 on page 3. In this purpose statement is a provision that the mediation process is to be used to resolve cases on an informal basis with minimal cost to the parties and the parties are encouraged to fully present their cases at the mediation level. However, if a case proceeds to the Workers' Compensation Court the parties are not precluded from presenting additional evidence before the court.

We do need two amendments in this Section to maintain integrity in the mediation process. (First Amendment) (Second Amendment)

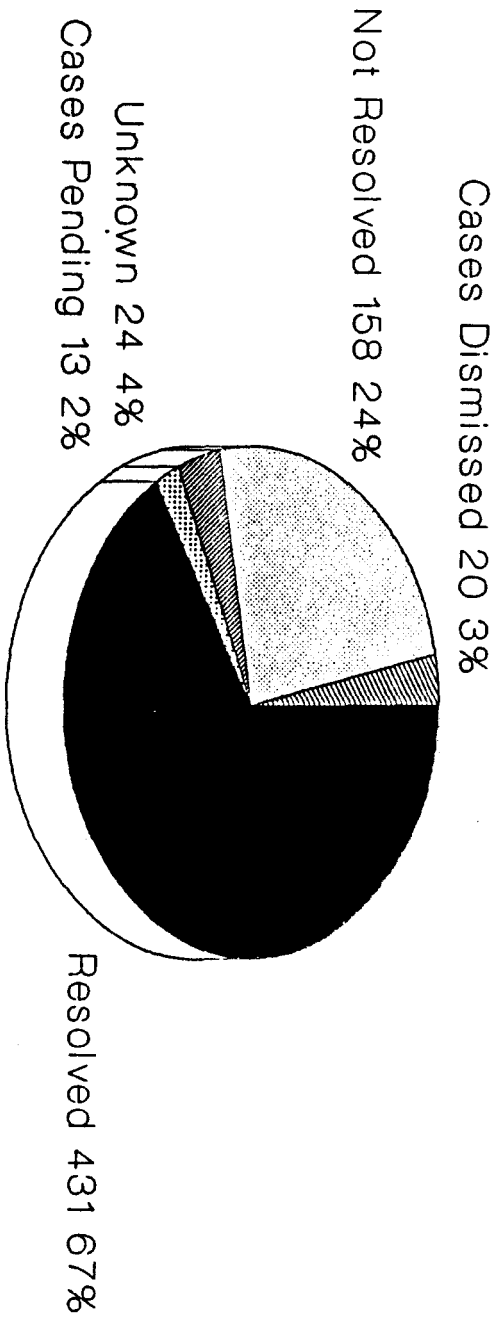
Perhaps significant language in this purpose statement is that requires mediation be used to resolve cases on an informal basis with minimum cost to the parties. On pages 3 and 5 corrections have been made changing the word evidence to argument. This further implies that the mediation process should be informal without the inclusion of such words as evidence which normally we use in a contested case type hearing.

We feel one further amendment is necessary, page 5, line 20. (Third Amendment)

We feel, this bill as amended, would make the Workers' Compensation Mediation process more effective and we urge your passage of this bill.



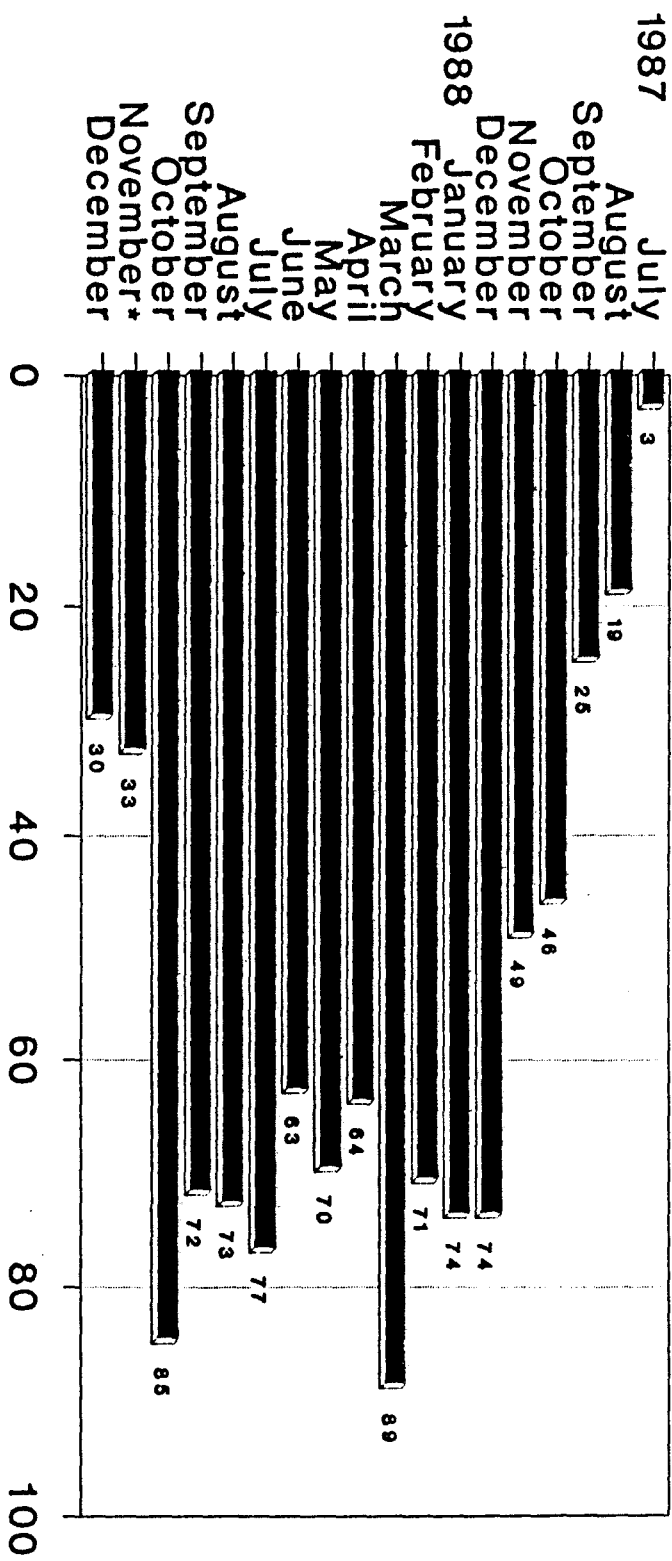
# DOLI Employment Relations Division Workers' Compensation Mediation Unit Case Status



All Cases, SFY 1988  
Total Cases: 646

DOLI, ERD, Figure A

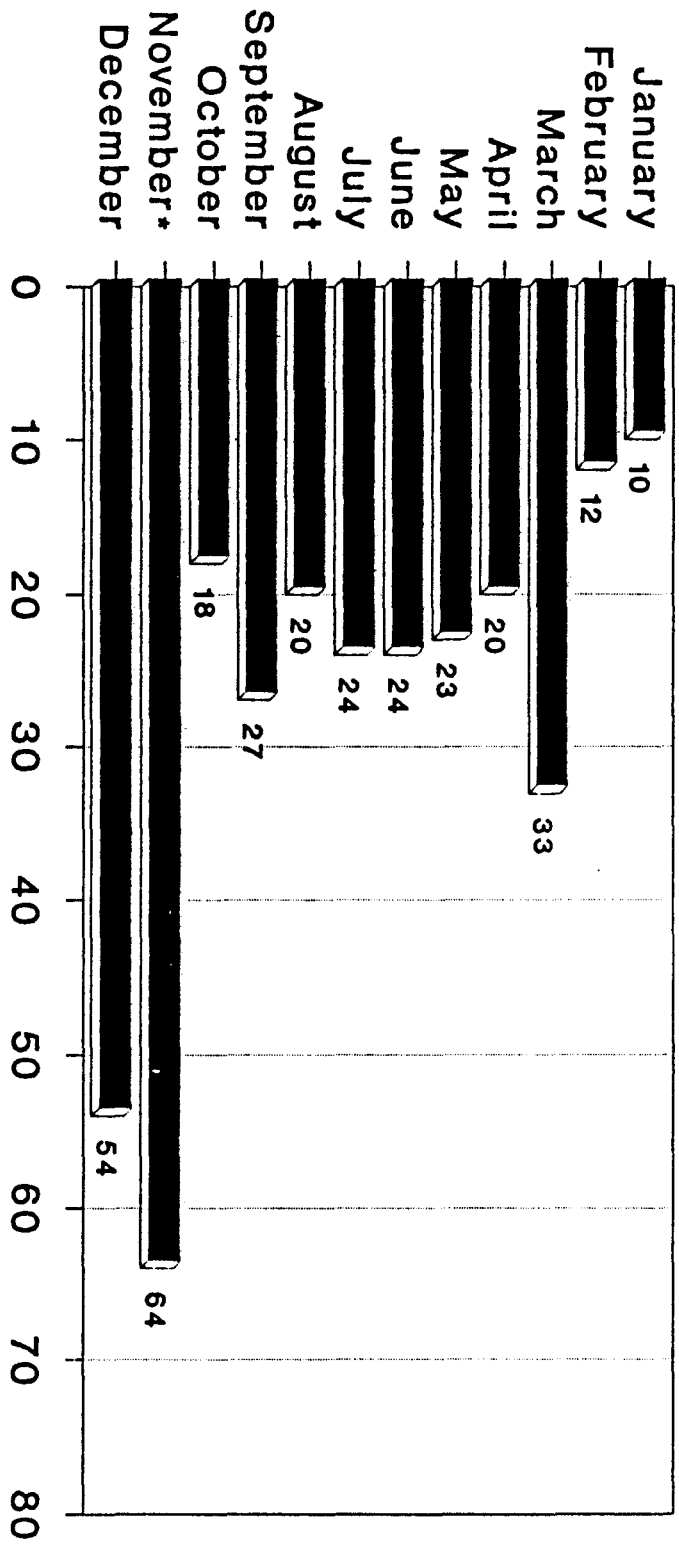
# DOLI Employment Relations Division Workers' Compensation Mediation Unit Cases Received For Mediation, 1987-1988



\*Carmichael Case Decision  
Announced In November, 1988

DOLI, ERD, Figure B

# DOLI Employment Relations Division 329 Cases Filed With The Workers' Compensation Court in 1988



\*Carmichael Case Decision  
Announced In November, 1988

DOLI, ERD, Figure C

DIVISION TESTIMONY  
SB 278

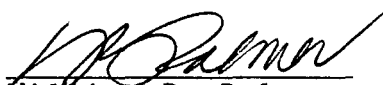
Create a SELF-INSURERS Guarantee Fund

This legislation will establish a means by which Plan I self insurers will bind themselves in order to guarantee payment to injured workers in the event a Fund member is unable to meet its workers' compensation obligations.

This bill is not a substitute for current law governing self insurers. Only those employers who meet the current financial requirements are allowed to self insure. Hopefully, there will never be a need to use the Fund. However, as we have seen, self insurers occasionally become insolvent and unable to meet their workers' compensation obligations.

The provisions of this bill generally meet the model legislation provisions to establish a guarantee fund by the National Council of Self-Insurers and the International Association of Industrial Accident Boards & Commissions.

The Division and Department of Labor support his bill.

  
William R. Palmer  
Interim Administrator  
Division of Workers' Compensation  
2/14/89

Feb 14, 1989

SB 278

TESTIMONY ON SB278, FEBRUARY 14, 1989 AT 1 PM,  
ROOM 413-4

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

MY NAME IS MIKE WELSH; I RESIDE AT 418 1/2 DEARBORN AVENUE IN HELENA. I AM AN INDEPENDENT, LICENSED INSURANCE ADJUSTER SPECIALIZING IN WORKERS' COMPENSATION. PRIOR TO STARTING MY ADJUSTING BUSINESS IN NOVEMBER OF 1987, I WAS THE POLICY COMPLIANCE SUPERVISOR AT THE DIVISION OF WORKERS' COMPENSATION.

I FULLY SUPPORT SENATE BILL 278 BECAUSE IT IS ESSENTIAL THAT A MECHANISM BE IN PLACE FOR MONTANA'S WORKERS' COMPENSATION CLAIMANTS WHICH GUARANTEES PROMPT AND EFFICIENT PAYMENT OF BENEFITS WHEN A SELF-INSURER BECOMES INSOLVENT. THE GREAT WESTERN SUGAR "HORROR STORY" MUST NOT BE REPEATED IN MONTANA.

AS AMENDED  
I BELIEVE SB278<sup>AS AMENDED</sup> IS THE PROPER VEHICLE FOR ESTABLISHING A MONTANA SELF-INSURERS GUARANTY FUND.

THANK YOU.

DEPARTMENT OF LABOR & INDUSTRY  
DIVISION OF WORKERS' COMPENSATION

MARGARET "PEG" CONDON BLDG.  
5 SO. LAST CHANCE GULCH

TED SCHWINDEN, GOVERNOR

STATE OF MONTANA

HELENA, MONTANA 59601

December 19, 1988

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 5 page 1 of 2

DATE February 14, 1989

BILL NO. SB 384

Senator John Harp  
134 Park Avenue  
Kalispell, MT 59901

Dear Senator Harp:

At your request, the Division compiled the attached schedule of workers' compensation settlements and the attorneys involved. The summaries for fiscal years 1987 and 1988 list the attorney in order of the total value of settlements negotiated. As you can see from the totals, the number and dollar amount of the settlements increased substantially in Fiscal 1988. The 41% increase from \$37 million to \$52 million reflects an acceleration of demands for settlements by the claimants' attorneys as well as an increase in the dollar value per claim. Literally, the total value of the settlements in Fiscal 1988 equates to a million dollars in settlements per week.

In addition, I asked the Compliance Bureau to review settlement petitions in order to develop a reliable estimate of the proportion attorney fees amounted to the settlements.

I believe the sample is statistically valid in that the staff reviewed and collected data from every fourth settlement under plans No. 1 and No. 2 (25% sample). In Fiscal 1987, attorney fees constituted 23.24% of all of the settlements in the sample; and in Fiscal 1988, 22.4%. I believe the decline, although slight, reflects the lower attorney fee allowances authorized under the new attorney fee rule. It should be noted that the sample of Fiscal 1986 cases completed prior to the 1987 Legislature, indicated that attorney fees were closer to 25%.

The schedules consolidate, by attorney, the number and dollar amount of settlements reached for plans No. 1 and 2 (the self-insurers and private insurers), plan No. 3 (the State Compensation Insurance Fund), and combines both for the totals.

The Division has, in draft form, a change to the statute, to establish attorney fees by law rather than by rule. The amended fee

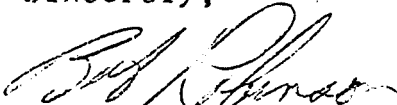
December 19, 1988

Page Two  
Senator John Harp

rule is continuously challenged by the claimant's bar. We are anticipating another court challenge to the current rules, which will be the second legal action on the rules since the 1987 Legislature adjourned.

It is our feeling that statutory limits would be better and more effective than limits placed by rule. We believe the next challenge will test the Division's ability to establish limitations, and we suspect that the Supreme Court may decide that attorney fees are under the court's jurisdiction. If that occurs, I'm afraid we'll have no limits at all. If you would be interested in discussing legislation, I would be glad to visit with you about it.

Sincerely,



ROBERT J. ROBINSON  
Administrator

RJR/bac

cc: Senator Matt Himsl  
Representative Clyde Smith

ATTORNEY 1988 Represented Settlements	NUMBER PLANS 1&2	AMT SETTLED	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Bothe, J.	88	2,554,251.48	86	2,010,613.99	174	4,564,865.47
Lewis, T.	25	924,995.86	36	1,760,455.51	61	2,685,451.37
Lauridsen, D.	33	790,890.08	35	779,982.97	68	1,570,873.05
Grosfield, N.	10	361,842.85	38	1,046,328.29	48	1,408,071.14
Prezeau, M.	15	682,677.09	21	617,081.80	36	1,299,758.89
Datsopoulos, M.	25	469,412.83	27	685,601.71	52	1,155,014.54
Everett, B.	13	351,067.62	23	690,129.79	36	1,041,197.40
Beck, M.	14	642,313.50	24	375,270.29	38	1,017,583.79
Whelan, J.	6	182,652.23	28	771,385.22	34	954,037.45
Harrington, J.	18	404,042.25	21	530,720.49	39	934,762.74
Keller, G.	17	738,341.00	1	2077.50	18	740,418.50
Overfelt, C.	4	85,434.30	15	627,727.30	19	713,161.60
Requier, J.	4	158,164.00	11	552,993.65	15	711,157.65
Lynaugh, I.	12	342,147.48	23	323,597.20	35	665,744.68
Sheehy, P.	16	437,545.72	12	211,766.71	28	649,312.43
Picotte, B.	7	207,539.40	19	375,711.39	26	583,250.79
Halverson, V.	19	325,092.73	16	250,872.10	35	575,964.83
Skaggs, R.	10	355,224.00	13	212,589.74	23	567,813.74
Trieweller, T.	4	240,238.00	7	318,128.21	11	558,366.21
Vidal, J.	9	222,510.15	18	334,222.62	27	556,732.77
Keefe, N.	22	280,852.99	20	273,474.91	42	554,327.90
Kamper, G.	4	44,385.97	22	438,758.99	26	483,144.96
Heberling, J.	7	303,051.87	4	171,237.00	11	474,288.87
McKeon, J.	4	38,150.00	11	419,039.40	15	457,189.40
Skorheim, R.	2	83,500.00	10	371,612.25	12	455,112.25
Bulman, T.	13	244,208.49	16	183,122.02	29	427,330.51
Starin, M.	4	160,654.19	10	252,540.15	14	413,194.34
Hartford, L.	9	242,983.65	9	166,889.37	18	409,873.02
Marks, S.	10	328,014.00	3	71,917.30	13	399,931.30
McGarvey, A.	9	237,525.00	7	152,641.92	16	390,166.92
Skjelset, D.	5	149,013.00	8	237,050.97	13	386,063.97
Picotte, C.	2	22,500.43	11	360,772.90	13	383,273.33
Sullivan, R.	5	182,784.08	8	195,354.71	13	378,138.79
Guenther, M.	6	251,516.96	5	125,183.67	11	376,700.63
Daily, J.	3	106,000.00	8	269,588.39	11	375,588.39
Roberts, B.	3	82,500.00	9	280,998.80	12	363,498.80
Jackson, R.	3	164,640.00	6	190,474.04	9	355,114.04
Summerfeld, D.	3	122,050.06	12	230,636.23	20	352,686.29
Nichter, F.	6	227,498.63	6	115,307.90	12	342,806.53
Kelcheher, R.	11	221,242.73	12	121,520.47	23	342,763.20
Pfyer, R.	6	139,750.00	12	187,723.37	18	327,473.37
Whiston, J.	4	139,000.00	6	183,481.50	10	322,481.50
Smith, C.	5	177,500.00	4	132,850.00	9	310,350.00
Jarussi, B.	8	99,547.54	9	209,694.78	17	309,242.32
McKeon, L.	7	76,964.00	9	305,749.48	17	305,749.48
Ferguson, C.	9	273,196.70	20	227,115.51	27	304,079.51
Overfelt, G.	8	197,071.05	3	26,350.00	12	299,556.70
Woodward, V.	4	35,650.00	3	99,361.63	11	296,432.68
Keegan, T.	4	191,250.00	4	258,979.53	8	294,629.53
Rest, G.	4	114,451.50	3	100,764.00	7	292,014.00
Sand, M.	9	114,451.50	7	169,315.09	16	283,966.59
Huxaby, L.	1	52,000.00	8	225,526.50	9	277,526.50



ATTORNEY.	NUMBER PLANS	AMT SETTLED	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Plath, R.	8	106,928.75	10	166,907.83	18	273,836.58
Burgess, F.	5	221,061.19	5	49,809.65	10	270,870.84
Foot, K.	8	177,581.19	4	86,508.49	12	264,089.68
Grenfell, K.	5	134,209.97	7	129,502.65	12	263,712.62
Skakles, G.			12	257,710.56	12	257,710.56
Roy, P.	3	59,400.00	5	187,915.00	8	247,315.00
Palmer, R.	1	15,000.00	9	216,957.38	10	231,957.38
Eiselein, M.	6	121,299.23	5	108,656.50	11	229,955.73
Marble, D.	5	112,000.00	8	104,959.38	13	216,959.38
Stahner, H.C.	4	96,517.09	9	120,058.80	13	216,575.89
Connell, M.	4	173,607.80	1	30,455.04	5	204,062.84
McGarvey, D.	4	157,490.00	4	37,817.68	8	195,307.68
Lind, D.			8	194,793.60	8	194,793.60
Yoder, J.	7	81,676.25	8	108,022.53	15	189,698.78
Dowling, T.			6	184,975.67	6	184,975.67
Edmiston, J.	4	162,333.50	2	22,361.41	6	184,694.91
Astle, D.	1	43,500.00	2	141,020.00	3	184,520.00
McChesney, H.	4	152,875.00	2	29,375.00	6	182,250.00
Boggs, B.	4	54,991.50	4	126,202.93	8	181,194.43
Stovak, J.D.	5	150,450.00	3	27,655.31	8	178,105.31
Larribee, N.			3	173,970.00	3	173,970.00
Martin, R.	4	94,500.00	5	74,411.73	9	168,911.73
Finn, E.	9	115,273.75	8	52,588.03	17	167,861.78
Hennessey, W.	2	125,000.00	4	42,404.27	6	167,404.27
Doubek, J.	5	166,933.00			5	166,933.00
Reaudette, E.	2	85,000.00			5	164,757.40
Fitzgerald, W.	3	89,888.37	2	73,551.00	5	163,439.37
Cok, M.	1	10,000.00	6	151,733.67	7	161,733.67
Todd, G.	6	127,193.00	4	33,545.37	10	160,738.37
Worm, D.	3	132,334.93	5	27,004.34	8	159,339.27
Gabriel, R.	1	45,000.00	5	112,234.00	6	157,234.00
Petaja, C.	3	114,512.75	3	40,039.04	6	154,551.79
Goldman, J.	2	88,662.50	3	65,038.08	5	153,700.58
Bottomly, J.	3	76,700.00	5	73,991.04	8	150,691.04
Harris, D.	2	120,000.00	1	27,942.76	3	147,942.76
Moore, J.	3	31,667.19	9	114,607.60	12	146,274.79
Bach, K.	1	19,725.00	7	122,424.54	8	142,149.54
Goldman, B.	3	98,500.00	3	40,209.03	6	138,709.03
VanKiper, J.			3	136,991.75	3	136,991.75
Wolfe, G.	2	114,500.00	2	21,625.00	4	136,125.00
Hanson, T.	2	40,375.00	3	90,152.00	5	130,527.00
Lerner, A.	2	82,000.00	4	46,600.00	6	128,600.00
Davton, R.	2	43,835.00	5	84,348.81	7	128,183.81
Eakin, I.			5	123,724.41	5	123,724.41
Mahan, J.	1	20,930.00	3	102,125.00	4	123,055.00
Bottomly, R.	2	31,900.00	4	90,277.17	6	122,177.17
Thueson, E.	3	80,500.00	2	35,845.00	5	116,345.00
Myers, M.	2	73,572.00	2	41,158.00	4	114,730.00
Work, F.	3	113,092.44			3	113,092.44
Arndorfer, B.	1	5,000.00	6	107,795.03	7	112,795.03
Dahood, W.	3	110,400.00			3	110,400.00
McKeon, M.	2	26,700.00	6	83,691.88	8	110,391.88
Hingle, C.	2	110,312.50	2		2	110,312.50
Brown, L.R.	1	25,000.00	2	83,919.86	3	108,919.86

ATTORNEY	NUMBER PLANS 1&2	AMT SETTLED	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Pohl, S.	2	40,000.00	4	65,990.60	6	105,990.60
Jones, C. /	1	3,000.00	1	105,782.00	1	105,782.00
Schraudner, L.	2	90,375.00	4	97,351.45	3	100,351.45
Duchworth, E.	4	42,664.10	7	57,518.58	6	99,876.79
Cogg, R.	3	58,500.00	2	40,452.50	5	98,952.50
Moses, M.	6	66,500.00	8	30,832.60	8	97,332.60
Utlick, A.	1	13,136.00	7	83,813.58	8	96,949.58
Crowe, G.	2	73,049.00	2	23,536.75	4	96,585.75
Young, K.	2	23,603.35	5	92,593.50	5	92,593.50
Olsen, R.	2	89,524.76	5	66,809.75	7	90,413.10
James, R.	2	15,129.40	4	89,073.93	2	89,524.76
Manley, J.	1	88,000.00	1	73,250.00	4	89,073.93
Murphy, T.	2	20,510.00	2	67,150.30	2	88,379.40
Anderson, L.	1	79,727.00	1	83,965.00	2	88,000.00
Hollow, J.	2	40,000.00	2	4,155.00	3	87,660.30
Dempsey, R.	1	53,961.21	1	43,702.43	1	83,965.00
Mackey, S.	3	73,580.00	2	26,307.50	3	83,882.00
Rice, J.	1	1,566.00	1	3,149.00	2	83,702.43
Schofield, D.	1	26,049.60	1	74,750.00	4	80,268.71
Mackenzie, S.	2	68,500.00	2	50,000.00	5	76,729.00
Matthews, D.	2	33,575.00	2	75,644.00	2	76,316.00
Volinkaty, R.	2	68,500.00	2	6,765.50	2	75,644.00
Winston, J.	2	33,575.00	2	39,800.00	4	75,265.50
Hunt, J.	3	71,877.26	3	71,877.26	4	73,375.00
McNeil, L.	2	71,614.59	2	71,614.59	3	71,877.26
Douglas, W.	1	71,500.00	1	71,500.00	2	71,614.59
Meloy, M.	1	71,500.00	1	71,500.00	1	71,500.00
Srennar, J.	1	71,087.12	1	71,087.12	1	71,500.00
Geiszler, T.	1	69,250.00	1	69,250.00	1	71,087.12
Ashley, J.	1	68,000.00	1	69,250.00	1	69,250.00
Halverson, J.	2	67,652.00	1	69,250.00	1	69,250.00
Morse, M.	3	67,273.28	3	67,652.00	2	68,000.00
Milodragovich, M.	2	58,647.50	2	67,273.28	3	67,652.00
Neilson, C.	3	4,991.98	3	8,098.57	2	67,273.28
Melcher, R.	1	65,000.00	2	60,326.25	6	66,746.07
Brosius, J.	1	47,500.00	2	64,159.00	3	65,318.23
Cromley, B.	1	63,025.00	2	15,651.70	2	65,000.00
Vainio, K.	1	47,500.00	2	63,000.00	1	65,000.00
Sands, J.	2	36,500.00	1	61,500.00	2	64,159.00
Dooling, T.	2	6,435.00	1	25,000.00	2	63,351.70
Malee, T.	2	6,435.00	1	54,775.00	2	63,025.00
Bauer, D.	2	36,500.00	4	60,750.00	1	63,000.00
Garnaas, H.	1	36,500.00	1	24,088.50	1	61,500.00
Belke, B.	2	51,329.50	4	8,736.89	3	61,500.00
Elliston, J.	1	60,000.00	1	57,525.00	5	61,210.00
Schuyler, C.	1	59,800.00	1	57,525.00	1	60,750.00
Moran, L.	1	58,000.00	3	56,990.50	1	60,588.50
Ugrin, N.	1	58,000.00	1	56,990.50	3	60,066.38
Seaman, G.	1	58,000.00	1	56,990.50	1	60,000.00
Staples, M.	1	56,990.50	1	56,990.50	1	59,800.00
Connors, J.	1	56,990.50	1	56,990.50	1	58,000.00
Fain, R.	1	56,990.50	1	56,990.50	3	57,525.00

ATTORNEY	NUMBER PLANS 1&2	AMT SETTLED	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Smith, M.	1	15,000.00	1	41,821.16	2	56,821.16
Christopherson, I.			1	56,000.00	1	56,000.00
Bridenstine, K.			1	55,500.00	1	55,500.00
Roll, J.	2	18,150.00	2	55,373.50	4	55,373.50
Kerr, L.	1	55,000.00		37,200.00	1	55,000.00
Drake, C.			1	55,000.00	1	55,000.00
Mehr, H.	1	8,808.90	1	46,000.00	2	54,808.90
Warren, P.			1	54,750.00	1	54,750.00
Corrette, R.			2	53,087.50	2	53,087.50
Hove, M.	1	53,000.00			1	53,000.00
Hammer, T.			2	52,975.00	2	52,975.00
Schwartz, D.			1	52,400.00	1	52,400.00
Greef, J.			1	35,750.00	1	35,750.00
Holland, R.	1	16,577.00	1	8,874.00	2	50,874.00
Harman, S.	1	42,000.00			1	42,000.00
Boland, T.	2	50,572.24			2	50,572.24
Roland, T.	1	23,643.75			1	23,643.75
Knuchel, K.	1	50,000.00	1	26,399.14	2	50,000.00
Briese, J.	1	50,000.00			1	50,000.00
Hirst, W.	1	50,000.00			1	50,000.00
Keane, W.	1	50,000.00			1	50,000.00
Wilson, R.	1	50,000.00			1	50,000.00
Cotter, M.	1	49,833.66			1	49,833.66
Houtz, J.			1	49,813.68	1	49,813.68
Kozakiewicz, V.			3	49,706.50	3	49,706.50
Ramler, R.	2	47,000.00	1	1,875.00	3	48,875.00
Janson, T.			1	47,640.00	1	47,640.00
Tulley, J.			1	47,473.00	1	47,473.00
Randono, R.	1	43,950.00	1	3,307.38	2	47,257.38
Torkelson, L.	2	42,000.00	2	4,643.52	4	46,643.52
Lynch, J.	1	30,000.00	1	16,445.00	2	46,445.00
Gustafson, G.			1	45,739.00	1	45,739.00
Donovan, D.			1	45,390.00	1	45,390.00
Hennessy, J.	1	19,725.00	2	25,500.00	3	45,225.00
Crowley, W.	1	45,000.00			1	45,000.00
Atkins, J.	2	44,500.00			2	44,500.00
Hedman, D.	2	43,960.00			2	43,960.00
Biaz, T.	2	10,000.00	1	33,901.36	3	43,901.36
Whalen, M.	1	33,500.00	2	8,650.00	3	42,150.00
Daue, E.	1	41,995.76			1	41,995.76
Keller, F.			1	41,665.00	1	41,665.00
Anderson, B.	3	41,300.00			3	41,300.00
Savage, R.			1	41,087.20	1	41,087.20
Farnsworth, B.			6	40,819.13	6	40,819.13
McLeon, T.	1	40,000.00			1	40,000.00
Rice, R.	1	40,000.00			1	40,000.00
Curtis, K.	1	38,932.00			1	38,932.00
O'Brien, W.			1	38,450.00	1	38,450.00
Graves, J.	2	37,915.00			2	37,915.00
Peterson, R.			2	37,811.36	2	37,811.36
Oaas, T.	2	37,810.00			2	37,810.00
Baiz, T.			2	37,225.00	2	37,225.00
Molloy, D.	1	36,625.00	1	36,625.00	2	36,625.00
McBregor, D.	1	35,750.00			1	35,750.00
Davis, M.	2	35,447.80			2	35,447.80

ATTORNEY	NUMBER PLANS 1&2	AMT SETTLED PLAN 3	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Prindle, P.	3	35,322.33				35,322.33
Mars, P.	1	34,000.00				34,000.00
Joyce, T.	1	24,667.50	2	8,694.25		33,361.75
Miller, B.			2	32,895.00		32,895.00
Vernay, D.	2	31,465.75	3	31,465.75		31,465.75
Rechhold, J.			3	31,441.64		31,441.64
Braksma, C.	1	30,000.00	1	30,000.00		30,000.00
Hileman, W.	4	29,804.90				30,000.00
Macek, J.			1	29,300.00		29,804.90
Jepf, L.						29,300.00
Rocksund, E.	1	29,300.00	1	29,300.00		29,300.00
McKitttrick, T.	2	28,930.00	2	28,930.00		28,930.00
Baillie, W.			1	28,600.00		28,750.00
Dzivi, R.	1	28,000.00	1	27,700.00		28,600.00
Wilson, K.			1	27,700.00		28,000.00
Cannon, R.			1	27,689.46		27,700.00
Alterowitz, M.			2	27,112.50		27,689.46
Beck, A.	1	5,125.20	2	21,508.31		27,112.50
McBee, R.	1	25,025.00	1	25,950.75		26,633.51
Cummings, E.	1	25,000.00	1	25,025.00		25,950.75
Gray, R.	1	25,000.00	1	23,053.96		25,000.00
Jones, B.			1	22,600.00		25,000.00
Evans, L.			1	22,500.00		23,053.96
Weingartner, J.	1	22,500.00	1	22,600.00		22,600.00
Sherman, L.	1	22,082.00	1			22,500.00
Strause, H.	1	22,000.00	1			22,082.00
Brown, S.			1	21,779.41		22,000.00
George, M.			2	21,779.41		22,000.00
Bowen, C.	1	18,372.48	1	2,447.25		21,779.41
Morales, J.	1	11,000.00	1	9,500.00		20,819.73
Heilig, D.	1	20,000.00	1			20,500.00
Wallace, L.			2	19,550.00		20,000.00
McCann, P.	1	4,897.25	3	14,459.35		20,000.00
Patten, J.			1	19,203.10		19,550.00
MacDonald, R.	1	19,000.00				19,356.60
Drake, G.	1	18,212.00				19,203.10
Smith, R.	1	11,568.00	1	6,575.00		19,000.00
Parish, R.	1	18,137.81	1	8,094.56		18,212.00
Cotner, D.	1	10,000.00	2	17,148.91		18,143.00
Taylor, J.			1	16,115.00		18,137.81
Lynch, J.			1	15,000.00		18,094.56
Wold, D.	1	15,000.00				17,148.91
Bartlett, J.	2	14,890.00				16,115.00
Hunter, H.	1	14,650.00				15,000.00
Krueger, K.			1	14,650.00		14,890.00
Kritzfeldt, W.			2	11,462.50		14,650.00
Kenz, J.	1	2,600.00	1	14,650.00		14,650.00
McKae, K.	1	14,061.66	2	13,940.00		14,062.50
Loring, J.			2	13,850.00		14,061.66
O'Hare, T.			1	13,508.00		13,940.00
Meyer, L.			2	13,500.00		13,850.00
LaFountain, F.	1	13,500.00				13,508.00
Cate, J.	1	13,399.50				13,500.00
Todd, R.			1	13,380.48		13,399.50

ATTORNEY	NUMBER PLANS 1&2	AMT SETTLED	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Rodriguez, J.	1		1	12,631.76	1	12,631.76
Marsillo, L.	1		1	12,350.18	1	12,350.18
Edwards, A.	1		1	11,975.89	1	11,975.89
Knob, N.	1	1,800.00	1	10,000.00	2	11,800.00
Bailey, P.	1	11,292.75			1	11,292.75
Ellingson, J.			1	10,987.50	1	10,987.50
Shaffer, D.			1	10,800.00	1	10,800.00
Fredricks, C.			1	10,667.00	1	10,667.00
Zadick, G.	1	9,025.78	1	1,000.00	2	10,025.78
Cole, L.	1	10,000.00			1	10,000.00
Kelly, W.	1	10,000.00			1	10,000.00
Marra, T.			1	9,867.00	1	9,867.00
Budewitz, T.	1	9,114.92			1	9,114.92
Holston, R.			1	8,500.00	1	8,500.00
Massman, H.	1		1	8,000.00	1	8,000.00
Woodward, J.	1		1	8,000.00	1	8,000.00
Marie, V.	1		1	7,984.80	1	7,984.80
Simonton, R.	1	7,649.64			1	7,649.64
Smith, D.			1	7,566.25	1	7,566.25
Hennessey, M.			1	7,500.00	1	7,500.00
Conklin, B.			1	7,475.00	1	7,475.00
Haynes, J.			2	7,475.00	2	7,475.00
Wilson, D.	1	7,340.71			1	7,340.71
Burns, W.			1	7,325.00	1	7,325.00
Thompson, S.			1	7,325.00	1	7,325.00
Stevens, M.			1	7,150.00	1	7,150.00
Gregory, T.			1	6,999.00	1	6,999.00
Aherin D.			1	6,997.50	1	6,997.50
Hocks, F.			1	6,925.00	1	6,925.00
Toole, H.			1	6,727.50	1	6,727.50
Scheestedt, T.			2	6,283.05	2	6,283.05
Smoyer, A.			1	6,200.00	1	6,200.00
Ashley, M.			1	6,095.64	1	6,095.64
Hansen, M.			1	5,817.00	1	5,817.00
Maltese, P.			1	5,426.00	1	5,426.00
Scott, P.			2	5,224.30	2	5,224.30
Boren, R.	1	5,000.00			1	5,000.00
Munro, G.	1	5,000.00			1	5,000.00
O'Brien, K.	1	5,000.00			1	5,000.00
Stanton, H.	1	5,000.00			1	5,000.00
Kolesar, B.						
Fischa, C.						
Frederick, J.	1	4,645.16			1	4,645.16
Summerfeld, D.			1	4,500.00	1	4,500.00
Kelleher, J.	1	4,468.75			1	4,468.75
Shea, D.	1	3,400.00			1	3,400.00
Paskell, G.			1	933.30	2	933.30
Boucher, D.			1	4,295.90	1	4,295.90
Mayers, M.			1	4,266.80	1	4,266.80
Michelotti, R.			1	3,590.00	1	3,590.00
Kidder, H.			1	3,575.00	1	3,575.00
Larsen, C.			1	3,550.83	1	3,550.83
Hennessey, D.	1	3,452.46			1	3,452.46
Peterson, D.			1	3,413.75	1	3,413.75

MEMBER NAME	NUMBER PLANS 1&2	AMT SETTLED	NUMBER PLAN 3	AMT SETTLED	ALL PLANS	TOTAL SETTLEMENTS
Anderson, J.	1		1	3,288.13	1	3,288.13
Ficotte, J.	1	3,000.00	1	3,287.50	1	3,287.50
Karstetter, J.	1		1	2,944.64	1	3,000.00
Leahy, J.	1		1	2,820.80	1	2,944.64
McCarthy, P.	1	2,000.00	1	2,000.16	1	2,820.80
Donnell, J.	1		1	1,800.00	1	2,000.16
Yerger, R.	1		1	1,540.00	1	2,000.00
Prosser, G.	1		1	1,500.00	1	1,800.00
Poland, T.	1		1	1,430.00	1	1,540.00
Merger, W.	1		1	1,400.00	1	1,500.00
Hernon, J.	1		1	1,297.38	1	1,430.00
Seiffert, I.	1		1	1,249.86	1	1,400.00
Framelli, M.	1		1	1,000.00	1	1,297.38
Harris, A.	1	816.01	1	475.00	1	1,249.86
Fisher, C.	1	453.25	1		1	1,000.00
White, K.	1		1		1	816.01
						475.00
						453.25
TOTAL	882	\$23,781,288.53	1,230	\$28,309,985.76	2112	\$52,091,274.29



DIVISION OF WORKERS' COMPENSATION  
 5 SOUTH LAST CHANCE GULCH  
 HELENA, MONTANA 59601  
 (406) 444-6530

**ATTORNEY  
 RETAINER  
 AGREEMENT**

MAIL ROOM DATE

SENATE LABOR & EMPLOYMENT  
 EXHIBIT NO. 7 page 1 of 1  
 DATE February 14, 1989  
 BILL NO. SB 384

**INSTRUCTIONS:** Complete the form and return all copies to Division for approval.

Claim No. \_\_\_\_\_

Attorney: \_\_\_\_\_ Claimant: \_\_\_\_\_  
 \_\_\_\_\_ Address: \_\_\_\_\_  
 Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_ Date of Accident: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Employer: \_\_\_\_\_

The above-named claimant hereby employs the above-named attorney and the attorney agrees to represent claimant in his claim for workers' compensation or occupational disease benefits arising out of an industrial accident or occupational disease suffered by the claimant on or about the above-noted date while employed by the above-noted employer, and claimant hereby requests that the Division of Workers' Compensation enter the attorney as attorney of record, direct all future correspondence to said attorney and furnish said attorney all pertinent documents in claimant's file upon request.

Check A or B as applicable:

A. Where the initial compensability of the claim is not in dispute, no fee shall be charged upon temporary total disability benefits paid during the healing period or upon medical benefits. If the insurer has denied liability, the attorney fee shall apply to all monies, including medical benefits, obtained for the claimant through the efforts of the attorney.

Claimant and attorney agree to a fee schedule as follows:

For cases that have been settled without an order of the workers' compensation judge or the Supreme Court, twenty percent (20%) of the amount of additional compensation payments the claimant receives due to the efforts of the attorney.

For cases that go to a hearing before the Workers' Compensation Judge or the Supreme Court, twenty-five percent (25%) of the amount of additional compensation payments the claimant receives from an order of the Workers' Compensation Judge or the Supreme Court.

The following benefits shall not be considered as a basis for calculation of attorney fees:

- (1) The amount of medical and hospital benefits received by the claimant, unless the workers' compensation insurer has denied all liability, including medical and hospital benefits, or unless the insurer has denied the payment of certain medical and hospital costs and the attorney has been successful in obtaining such benefits for the claimant.
- (2) Benefits received by the claimant with the assistance of the attorney in filling out initial claim forms only.
- (3) Any undisputed portion of impairment benefits received by the claimant based on an impairment rating.
- (4) Benefits initiated or offered by the insurer when such initiation or offer is supported by documentation in the claimant's file and has not been the subject of a dispute with the claimant.
- (5) Any other benefits not obtained due to the actual, reasonable and necessary efforts of the attorney.

B. Claimant and attorney agree that claimant shall pay for services rendered by attorney on behalf of claimant at the rate of \$\_\_\_\_\_ per hour (not more than \$75.00 per hour); provided that the total fee charged shall not exceed the percentages set forth above in subsection "A."

The claimant agrees to pay or reimburse all costs incurred by the attorney in investigating and prosecuting the claim.

Claimant does hereby authorize the attorney to act on his behalf exercising all powers authorized by the laws of the State of Montana relating to the attorney-client relationship. It is understood by the claimant that the attorney may select co-counsel as the attorney believes necessary and expeditious in handling the claim, and that any payment received by co-counsel shall be made by sharing the above-referenced fee between the attorney and the co-counsel.

In the event a dispute arises between any claimant and the claimant's attorney relative to attorney's fees in a workers' compensation claim, upon request of either the claimant or the attorney, or upon notice of any party of a violation of ARM 24.29.3801, the Administrator or his designee, shall review the matter and issue his order resolving the dispute pursuant to procedures set forth in ARM 24.29.201, et seq.

Claimant acknowledges a copy of this agreement and agrees that a copy be filed with the Division of Workers' Compensation.

DATED: \_\_\_\_\_

LAW FIRM: \_\_\_\_\_

CLIENT: \_\_\_\_\_

By: \_\_\_\_\_

**LOWER PORTION TO BE COMPLETED BY DIVISION ONLY**

This Agreement is hereby:

APPROVED

NOT APPROVED

INITIALS \_\_\_\_\_ Date \_\_\_\_\_



SENATE LABOR & EMPLOYMENT  
EXHIBIT NO. 8 Page 1 of 1  
DATE Feb 14, 1989  
BILL NO. SB 384

JAMES W. MURRY  
EXECUTIVE SECRETARY

110 WEST 13TH STREET  
P.O. BOX 1176  
HELENA, MONTANA 59624

(406) 442-1708

Testimony of Don Judge before the Senate Labor and Employment Relations Committee on Senate Bill 384, February 14, 1989.

-----

Mr. Chairman and members of the Committee, for the record, I am Don Judge of the Montana State AFL-CIO, and we are here today to oppose Senate Bill 384 which would limit attorney's fees in workers' compensation cases.

The 1987 session of the Montana Legislature made it more difficult for injured workers to secure competent legal counsel because of the changes made in permanent/partial disability benefits and lump-sum payments. Because of these changes and the very real possibility that these cases may become long and drawn-out, many attorneys have been reluctant to take workers' compensation cases. Attorneys' fees are already regulated by the Workers' Compensation Division (39-71-613 MCA and 39-71-614 MCA), a change which was instituted in 1975 which the Montana State AFL-CIO supported and continues to support.

Senate Bill 384 would make it even more difficult for injured workers to secure competent legal counsel. We are not here today to advocate greater incomes for lawyers. We are here today to tell you that often times, injured workers need legal assistance and it is a disservice to those injured workers to build more roadblocks to a fair and equitable settlement for their injuries.

When facing the barrage of legal talent employed by insurance companies, a worker alone needs the assistance which competent legal counsel can provide. The system is simply not fair if he or she does not have access to that legal aid. The workers' compensation laws are complex and often not easily understood by injured workers. They are not in a position to defend themselves in the process. Senate Bill 384 has no provision regulating the compensation received by lawyers working for the insurance companies. The restrictions on legal fees for attorneys working for injured workers is unwarranted.

Most of the legislation which we have seen to date dealing with workers' compensation has focused on de-regulating this process. We have opposed many of the changes which we feel have left workers unprotected. This bill, on the other hand, would add regulation to the process where it is not needed.

For these reasons, we urge you to defeat Senate Bill 384.





# MONTANA DEFENSE TRIAL LAWYERS, INC.

36 SOUTH LAST CHANCE GULCH. SUITE A □ HELENA, MONTANA 59601 □ 406/443-1160

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 9 page 1 of 2

DATE February 14, 1989

BILL NO. SB 384

February 14, 1989

## TESTIMONY

### Senate Bill 384

Senator Gary Akelstad and Committee Members  
Senate Labor and Employment Relations Committee  
State Capitol  
Helena, Montana

Dear Senator Akelstad and Committee Members:

The Montana Defense Trial Lawyers Association Board has received, considered and discussed the provisions of SB 384. We respectfully stand in opposition to the bill.

The Montana Defense Trial Lawyers Association believes that the legislature should regulate and limit the fees paid to claimant's counsel in workers' compensation claims. At the present time, 39-71-613 and 614, MCA, especially in conjunction with new administrative regulations in place, most appropriately regulates attorney's fees in such claims. As a matter of fact, the 1987 legislature significantly amended such statutes at the request of the Division of Workers' Compensation. The consideration and debate of such amendments in the last session was comprehensive. Further reform is not necessary.

The proposed bill seeks to provide the Division Administrator absolute discretion to modify, after the fact, the contract entered into between the claimant and his attorney. Since the Administrator already has the right to dictate the form and contents of such contract and approve it before it becomes effective anyway, this additional power is unnecessary and serves only to create more bureaucracy and the potential for legal challenge. In fact, we have serious reservations concerning the constitutionality of the bill as proposed.

Our association believes that unnecessary attorney involvement in workers' compensation should be curtailed. We believe, though, that less, not more, bureaucracy, will foster that goal. We further believe that the statutory and regulatory strengthening of the mediation process would serve the desired end.

Senatory Gary Akelstad and Committee Members  
February 14, 1989  
Page 2

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 9 page 2 of 2  
DATE February 14, 1989  
BILL NO. SB 384

In summary, we believe that the legislature has already most appropriately enacted strict attorney's fee statutes, that such statutes and the new regulations they fostered insure appropriate control of attorney's fees and that the SB 384 is unnecessary and ill advised. Passage of SB 384 will create more unnecessary bureaucracy and invite litigation since it inappropriately seeks to infringe upon the right of contract.

We appreciate the opportunity to provide input on the bill and respectfully urge you to vote against SB 384.

Very truly yours,

By

Bradley J. Luck  
Vice President  
Montana Defense Trial  
Lawyers Association, Inc.

Amendments to Senate Bill No. 278  
First Reading Copy  
For the Committee on Labor

Prepared by Mary McCue  
February 5, 1989

1. Page 1, line 15.

Strike: "is required for"

Insert: "accompanies"

2. Page 1, following line 18.

Insert: "The fund is a private, nonprofit legal entity. The members of the board of directors must be elected by members of the fund, except for the initial appointments which will be made by the governor."

3. Page 1, line 21.

Following: "the"

Insert: "initial"

4. Page 6, line 17.

Following: "member"

Strike: "for claims insured"

5. Page 9, line 1.

Following: "requirement."

Strike: "Within"

Insert: "Biannually or within"

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11 page 1 of 15

DATE 2-14-89

BILL NO. SB311

February 7, 1988

Dear Senator:

Thursday, February 9, you will be considering SB 311 in the Labor committee.

This background information on the Self-Sufficiency Trust should answer many of your questions about the enabling legislation and application of the concept. To further provide information on this bill, arrangements have been made for Mr. Paul Medlin, Sr. Vice President of the National Foundation for the Handicapped to attend Thursday's hearing, and be available for your questions.

I hope you will find this information useful.

Sincerely,



Alicia Pichette



SELF-SUFFICIENCY TRUST SUMMARY

The Self-Sufficiency Trust (C) is a comprehensive life-care planning option designed to meet the supplemental service needs of people with disabilities now and in the future.

More than a pooled income trust, the Self-Sufficiency Trust is an innovative private sector service financing mechanism which allows parents and families to plan a secure future for their disabled dependent without the fear of loss of governmental benefits or invasion of their trust principal.

The Self-Sufficiency Trust provides a mutually beneficial public/private working relationship between families of disabled individuals, the state, and the community-based human service network. Enacted into state law, the Self-Sufficiency Trust becomes a stable financing mechanism which operates through individualized programs (Life-Care Plans) to arrange for supplemental services from existing provider networks. The existing service delivery system is supplemented and thus expanded ---all for the need-specific benefit of individuals with disabilities.

The Self-Sufficiency Trust evolved from the research and support of the National Foundation for the Handicapped under the direction of Mr. James DeOre, with partial funding from the Illinois Department of Mental Health and Developmental Disabilities. In 1986, the Illinois Legislature by unanimous vote established the first Self-Sufficiency Trust in the country [Illinois Revised Statutes Chapter 91 1/2, Sections 5-118 and 5-119]. Maine followed in the spring of 1987 (HP 331-L.D. 430). In both cases, the Self-Sufficiency Trust was seen as a major development in non-traditional estate and future care-planning which would replace the usual "catch 22" problems faced by families with a viable and comprehensive means to impact the present and plan for the future of the individual with disabilities.

HOW DOES THE TRUST WORK?

- \* Two wholly separate pooled-income trust funds exist as part of the SST structure. Each of the two funds has a public sector or State Trust Fund by virtue of the public law enacted by each state.
- \* A volunteer Board of Trustees is appointed from the private sector (parents and professionals) to manage and control the Private Trust Fund. The parent or family member who establishes a trust is called the Grantor, and his/her dependent is the Trust Beneficiary. The Grantor or his designee serves as Co-Trustee and shares in trust disbursement decisions.

- \* The Private Trust Fund accepts, holds, and invests the "pooled" assets of each family participating in the SST. Although assets are comingled, all returns on investments are credited proportionately to each "private trust". Interest earnings on Private Trust Fund assets are transferred at the direction of the Trustees and the parents or guardian, who serve as Co-Trustee, to the counterpart State Trust Fund which immediately disburses the assets for the supplemental goods or services to be provided the Trust Beneficiary. The state's Mental Health Department may be designated to hold the State Trust Fund and these funds are generally disbursed by the state treasurer. Technically, funds disbursed from the State Trust Fund become "state" monies and are not viewed as earned or unearned income to the disabled Trust Beneficiary, therefore not affecting public entitlement eligibility under Supplementary Security Income (SSI) or Medicaid.
  - \* A segment of the trust fund controlled by the Board of Trustees is the Charitable Trust Fund. This fund is a repository to accept residual and donated assets earmarked for low-income and indigent persons with disabilities who are unable to participate in the Private Trust. This important part of the Self-Sufficiency Trust model is supported by:
    - 1) Assets left to the Charitable Trust Fund by grantors of private trusts at the death of the disabled beneficiary;
    - 2) Contributions from private donors, bequests, corporations or foundations;
- Earnings on the principal of the Charitable Trust Fund can be transferred to the State Trust Fund allowing participation of low-income and indigent disabled individuals in the concept.
- \* A Life-Care Plan is developed for each Trust Beneficiary which embodies the wishes of the parent (Grantor) and defines the scope and nature of supplemental services to be provided the disabled individual. Trained Self-Sufficiency Trust counselors provide the direction for parents to develop a realistic and need-specific plan.
  - \* The Self-Sufficiency Trust computerized data base assesses each Trust Beneficiary's present functional abilities and service needs, projects future care requirements and correlates present and future costs based on existing residential per diem schedules. This process provides each family with a realistic projection of the principal necessary to provide a flow of interest income sufficient to fund the individual supplemental service Life-Care Plan.

This data collection system is also very important to the States.

- 1) Via the SST intake process, disabled persons of all ages who are not currently identified within the provider system may now be accounted for and identified by disability (type, severity), age, residential and day-mode program needs.
  - 2) The data generated will allow each state to more accurately plan for state services based on valid need. Appropriations may be sought using real statistics.
- \* The universal concern of parents and families with disabled dependents, "who will care for my dependent when I am gone?", has been addressed by the Self-Sufficiency Trust. Personalized advocacy and successor guardianship services are an integral part of the Trust operation ensuring consistency and quality of care. In Illinois, PACT, Inc., a private and independent guardianship agency is under contract by the Board of Trustees to broker and monitor the supplemental services and ongoing care of Self-Sufficiency Trust Beneficiaries.

In total, the Self-Sufficiency Trust offers permanency and flexibility to adapt to changing governmental policies, estate planning and management expertise, security against loss of eligibility for public entitlement benefits, and peace of mind that concerned and knowledgeable professionals will ensure the quality personalized care that will be provided for your disabled dependent now and/or in the future.

#### HOW DOES PARTICIPATION AFFECT PUBLIC BENEFITS?

The Health Care Financing Authority (H.C.F.A.) of the Department of Health and Human Services, Washington, D.C. has ruled that in most cases Self-Sufficiency Trust principal and interest will not count in determining Medicaid eligibility.

Region V of the Social Security Administration has determined that, based on current regulations, the SST assets will not count as resources in determining eligibility under the Supplemental Security Income (SSI) program.

These two federally-funded entitlement programs are the primary sources of support to the disabled population.

#### TOTAL LIFE-CARE PLANNING OPTIONS

The Self-Sufficiency Trust creates incentives for a family to begin financial and care planning for their dependent who is disabled.



**A Self-Sufficiency Trust permits families to:**

1. Enhance services with family resources.
2. Help secure the quality of care they desire.
3. Help maintain continued quality of lifestyle after the family itself can no longer do so.
4. Enhance access to housing.

The Self-Sufficiency Trust enables the family to contribute assets -- savings, investments, real estate, insurance, etc. -- for the benefit of their relative who is disabled and others who have similar disabilities.

**ADVOCACY CARE**

Lifelong care and the quality of that care is a primary concern for all families with relatives who are disabled. Families naturally desire the assurance that their disabled relative receives all the services to which he or she is entitled. Families also want to improve the lifestyle of the disabled person by providing extras to meet individual personal needs, leisure-time activities, training, clinical services, and transportation.

Self-Sufficiency Trust participation can provide a disabled dependent enhanced care and a personal advocate, even after the death of a parent or guardian.

In Illinois, PACT, Inc. an experienced private surrogate family model organization which provides personal case management and guardianship services, is under contract to provide advocacy and successor guardianship service to Trust Beneficiaries when these services are requested by the Grantor. Families can contract with the Self-Sufficiency Trust and PACT, Inc. as a personal advocate and advisor to broker and monitor supplemental services and assure that programs are being properly provided to their relative with a disability.

**RESIDENTIAL NEEDS**

Another key component of the Self-Sufficiency Trust is that families can create housing alternatives through private efforts.

This may enable a family to overcome long waiting lists for existing facilities and permits location near the family's home.

Through this program, families not only help make a residential facility available, but also determine the quality of that residence.

Parents could provide the capital needed for purchasing a house. Where necessary, affiliates of the National Foundation for the Handicapped would negotiate with the appropriate state agency to determine the Trust portion and the state portion of funding the cost of care within existing state licensure and rate methodology guidelines. Contracts would also be negotiated with existing provider agencies to provide management for the residence.

#### STATEWIDE DATABASE

The Trust will collect information about individuals with disabilities and their current and future needs. This information will be compiled in the Disabled Population Profile System © and presented in a confidential manner to the Department of Mental Health and Developmental Disabilities, to allow the state to plan effectively for future needs.

In addition, a computer program has been developed which uses federal functional disability criteria to perform need-specific assessment of present and future residential configurations and their costs. Families may use this data in preparing an estate plan sufficient to generate the necessary annual income needed to purchase the supplemental services desired for the Trust participant.

#### FINANCING

Families can finance their participation in the Trust by making a transfer of cash or other assets, either immediately, over time as various services are initiated, or through a will. Life insurance provides another means for families to fund the program and to participate in the Trust.

#### SUMMARY

Program funding for people with disabilities becomes more difficult to obtain each year. This uncertainty threatens the stability of the state's provider network and concerns the families of individuals with disabilities.

Unmet housing needs for a significant portion of the disabled population is a widespread dilemma. Longer lifespans of people with disabilities and the aging of responsible family members increases anxieties concerning long-term care and future housing needs.

The Self-Sufficiency Trust creates a stream of money which may be channeled through the state to help provide for the needs of people with disabilities.

Finally the Self-Sufficiency Trust provides families of the disabled a strong voice and potentially powerful role in the present and future decisions which impact their disabled family members. Planning today for a secure tomorrow is within the reach of most families with disabled dependents through the Self-Sufficiency Trust.

FOR MORE INFORMATION:

For families and guardians seeking additional information:

Headquarters: The Self-Sufficiency Trust of Illinois  
340 W. Butterfield Road, Suite 3C  
Elmhurst, IL 60126  
312/941-3498

Chicago Office: PACT, Inc.  
166 W. Washington, Suite 300  
Chicago, IL 60202  
312/641-6363  
312/641-6524 (TDD)

For providers and state officials throughout the United States:

Paul L. Medlin  
Senior Vice-President  
Corporate Development  
National Foundation for the Handicapped  
340 W. Butterfield Road  
Elmhurst, IL 60126  
(312) 832-9700

"Self-Sufficiency Trust"

Copyright 1986 1987 1988 National Foundation for the Handicapped

"Disabled Population Profile System"

Copyright 1988 Charter Management Group, Ltd.



THE SELF-SUFFICIENCY TRUST

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11 *page 10 of 15*

DATE 2-14-89

BILL NO. SB 311

What is the Self-Sufficiency Trust?

As a private sector initiative, the National Foundation for the Handicapped and James H. DeOre developed the Self-Sufficiency Trust concept. This concept permits individuals with disabilities and their families potential access to, and the potential capability for developing services and programs to supplement current state and federal benefits.

This plan was also conceived to assist states, hard-pressed due to limited resources, with a potential means for developing a new income stream for expansion of badly needed services.

What disabled groups are covered by the Self-Sufficiency Trust?

The Self-Sufficiency Trust serves the developmentally disabled, the chronically mentally ill and the physically handicapped.

Why was the Self-Sufficiency Trust copyrighted?

The National Foundation realized there was a possibility for individuals and groups to use the concept without fully appreciating the requirements involved. To avoid any problems associated with this type of activity, and due to the significance and seriousness of the public trust invested in this concept, the National Foundation has chosen to copyright the materials which describe the development, the installation, the servicing, as well as the operations of the Trust. The National Foundation for the Handicapped charges each state \$1,000 per year, once it has an established and operating Self-Sufficiency Trust. This fee is used by the National Foundation for the Handicapped for charitable purposes.

What is the role of the National Foundation in developing the Self-Sufficiency Trust?

The National Foundation for the Handicapped provides each state with the technical assistance for developing its Self-Sufficiency Trust. In addition, the National Foundation for the Handicapped can provide to each Trust grants and/or low-interest loans for cash flow purposes. For example, in the State of Illinois, the National Foundation for the Handicapped made a grant to establish staff for the Self-Sufficiency Trust.

What steps are involved in establishing the Self-Sufficiency Trust?

The actual mechanisms for establishing a Self-Sufficiency Trust may vary from state to state according to state law. Through the legislative process of enacting a state law in each state, the basis for the Self-Sufficiency Trust is established.

Under the model legislation, a private charitable 501(c)(3) organization establishes the Self-Sufficiency Trust, and appoints a board of directors. This board is comprised of members of the private and public sector. The Trust document provides the structure and guidelines for its operations.

The National Foundation for the Handicapped, through an agreement with the charitable 501(c)(3) organization, provides for the initial organization of the Trust. Subsequently, the National Foundation for the Handicapped enters into a contractual relationship to provide technical assistance, training and service to the Trust in each state.

What are the regulatory requirements in each state for the Self-Sufficiency Trust?

The regulatory requirements will vary from state to state. Each state must go through a review of its law and trust structure by the Social Security Administration, by the Health Care Financing Administration (HCFA) and any other regulatory bodies within the state that will be affected by implementation of the Self-Sufficiency Trust.

How long does it take to develop a Self-Sufficiency Trust in a state?

There are three stages of the Self-Sufficiency Trust Project: development, installation and maintenance.

In the development stage, the organizational structure is created by state law, the trust documents are executed and the Trust Board of Trustees are appointed.

The second stage, the installation stage, includes education of parents, providers and professionals, training staff, setting up of operations and appropriate interviewing of families.

The third stage includes operation, maintenance and service of the Trust.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 11 page 12 of 15

DATE 2-14-89

BILL NO. SB 311

What are some of the services of the Trust?

The Trust can provide the opportunity for families to plan for the future care and funding of services for the disabled population.

For the state, the Trust can function as a state-wide case management organization, endeavoring to locate services for families at no charge for this service. Secondly, the Trust develops for each state information on persons who are not currently in services, particularly in the area of special education. Through its database Disabled Population Profile System, the Trust links clinical service needs of each individual with a disability with potential state reimbursement services in the future. Dollar amounts identified for these services can then be used by the state legislature and administration as a precise planning tool, so that estimates for future costs can be made for budgeting purposes.

Third is the actual negotiation for service provision by the Trust. These may be in the areas of respite care, housing, day treatment services, guardianship and advocacy care.

What about provisions for low-income families?

The Trust has specifically designed a program to meet the needs of low-income families. First, low-income families are encouraged to financially participate in the Trust, specifically through life insurance policies, where the Trust may help to match a family's participation.

Secondly, for those low-income families where financial participation is not possible, individuals are identified to the state by the Trust as needing services.

Third, funds generated by families who are in the Trust, must also provide services for low-income families with individuals with disabilities.

Fourth, a percentage of a family's contribution to the Trust will be retained upon termination of their contract and transferred to the Charitable Fund to make grants for low-income families. At the death of the individual with a disability, 50% of the principal is distributed to the Charitable Fund to make grants for low-income families. The remaining 50% flows back to the heirs of the donor.

And fifth, by bringing new resources into the system, the state has the opportunity of expanding services for low-income families.

What are the fees to families?

There are no direct fees to families active in the Trust. In Illinois the Trust currently anticipates a 1.4% cost for operations, which will be retained by the Trust for its earnings. This compares to an average Trust cost of 1.5% to 2.0% throughout Illinois.

Can the Trust help with the current growing housing shortage for the disabled?

The Trust database will facilitate in the identification of needed housing and potential residents allowing the state, providers, and parents to develop new housing with small group homes, condominiums, and integrated apartment environments. Also, the Trust database will identify parents who could join together to purchase a home for their disabled relatives who have similar needs.

In both these instances, a local provider would participate as necessary and appropriate in providing needed care and securing required licenses.

Parents of young children with disabilities may want to use this second concept of capital purchasing for investment purposes to achieve future care and service objectives for their son or daughter.

Can the Trust financially participate in the operating costs of the house?

Trust dollars may only be used to provide rehabilitation, training for employment, special assistance in the workplace, necessary help with personal care and other special help in coping with handicaps.

What are some additional advantages of the Self-Sufficiency Trust?

One advantage of the Self-Sufficiency Trust is that it functions on behalf of the family. This benefit of broadened advocacy on behalf of the family is of particular advantage to the individual with a disability once the parent or guardian has passed away.

Families who have relatives at various provider organizations may consider leaving their money to those organizations to continue care or services after the parent or guardian has passed away.



Unfortunately, many providers have limited service capability, and because of health needs or for other reasons, the individual with a disability may not actually live out his or her life within the pervue of a certain provider. The trust in encouraging parent planning may facilitate the provision of quality care even if the individual with a disability leaves a provider.

One of the primary programs needed by adult, mentally or physically disabled individuals is the training for continued education, employment or special work places so the individual can enjoy a more full and productive life.

Programs such as sheltered workshops, job and career training programs and supportive employment programs are utilized by individuals with disabilities to access employment and productivity. The Self-Sufficiency Trust provides the family with the opportunity to plan for and financially participate in these services and through the Trust provider mechanism, to ensure their availability and accessibility.

One of the most critical aspects of service includes the need for emergency in-home care. Often the serious illness of a spouse and/or sudden trauma in a family situation creates a substantial burden on the other parent. He or she is not only confronted with the problem relating to the spouse, but must also cope with the individual with a disability living at home. Through the Trust, families can make provisions and plan for such emergency respite care to preclude the burden of accessing this care at an unexpected time, and to realize the peace of mind that such care makes available.

For additional information call (312) 941-3498.

#### SELF-SUFFICIENCY TRUST

1986 All rights reserved by James H. DeOre and  
The National Foundation for the Handicapped  
1850 K Street N.W., Suite 500,  
Washington, D.C. 20006, (202) 778-8117  
340 W. Butterfield Road  
Elmhurst, IL 60126 (312) 832-9700

Transcript Manual #3  
Revised 5-20-88

SELF-SUFFICIENCY TRUST

PRIVATE SECTOR

- \* Governed by a Volunteer Board of Trustees
  - Selected for individual commitment to and understanding of the needs of PEOPLE with DISABILITIES and THEIR FAMILIES.
  - Appointed by the National Foundation for the Handicapped.
- \*\* The Board of Trustees:
  - Set policy for the operating of the Private and Charitable Trust Funds.
  - Select and contract with Corporate Fiduciary Agent (Bank) to invest and manage all trust assets.
  - Select and contract with a Social Service Agent to complete all necessary intake processes, including the development of each Life-Care Plan.
  - Approve each Life-Care Plan and vote on participation of each family Trust/Life-Care Plan.
  - Use discretionary trustee powers in cooperation with the Special Trustee to modify or approve expenditures within the guidelines of each Life-Care Plan.
- \*\*\* The Board of Trustees must comply with the TRUST and TRUSTEES ACT of Illinois (Ill. Rev. Stat. Ch. 17, Par. 1651-1690).

PUBLIC SECTOR

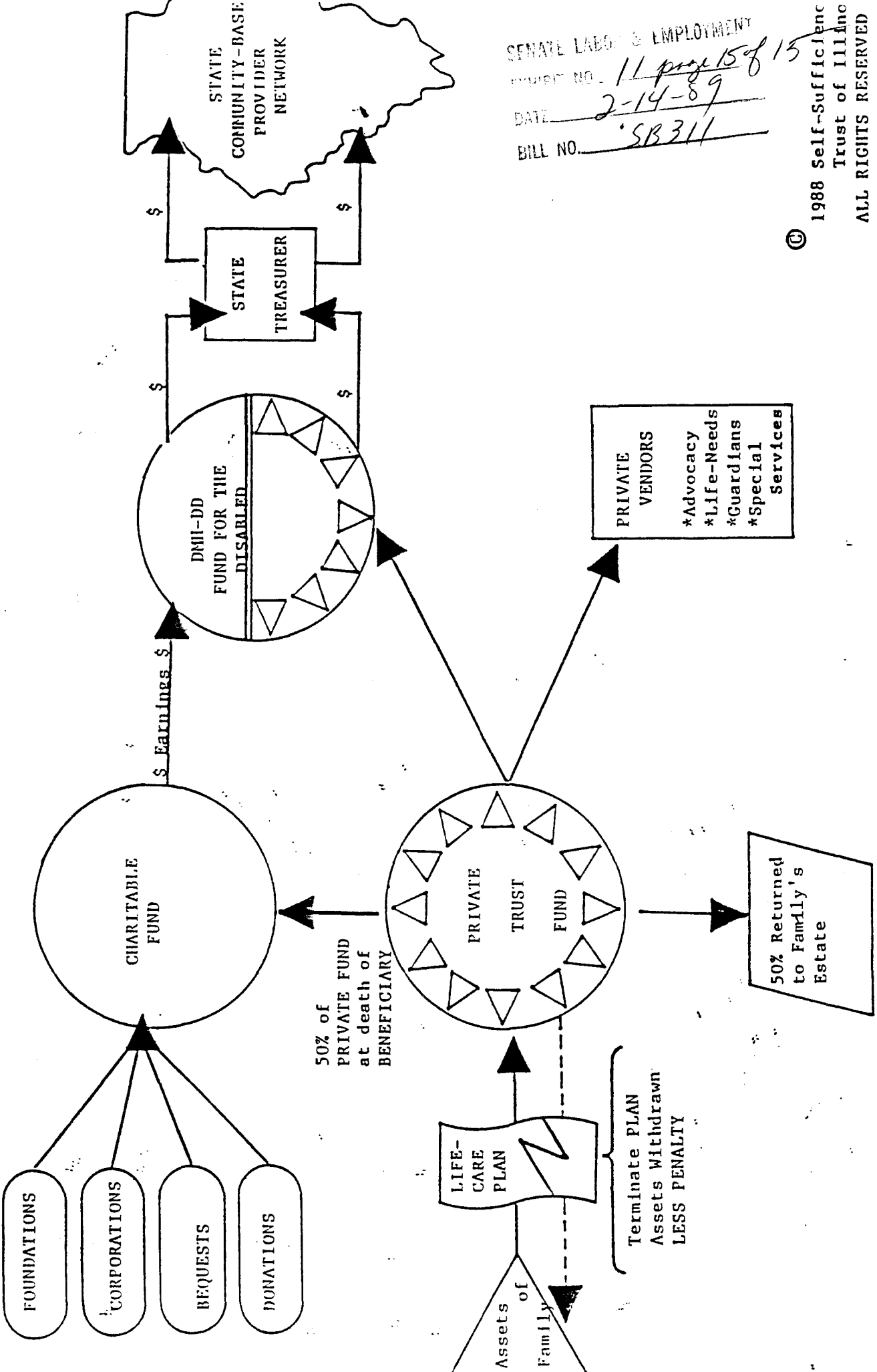
- \* 1986 passed into law of Public Act 84-1373 creating a mechanism to receive private trust assets to expand, enhance and supplement services for disabled eligible for services under the Illinois Department of Mental Health and Developmental Disabilities.
  - Established Chapter 91 1/2 Sections 5-110 and 5-119 of the "Mental-Health and Developmental Disabilities Code".
  - Empowers the State Treasurer as ex-officio and custodian of the public sector fund.
  - Provides for the Comptroller to direct payments from each account within the "fund" upon receipt of certified vouchers approved by the Director of DMH-DD.
  - Requires DMH-DD to adopt rules and regulations for the administration of the public sector "fund".
  - Monies shall be spent pursuant to existing department rules governing expenditures for services and based upon the individual trust agreements (Life-Care Plan) for each eligible Beneficiary.
  - If Director determines monies cannot be expended pursuant to department rules or services available, funds and accrued interest will be returned to the beneficiary's Private Trust Fund.
- \*\* The receipt of monies from the Self-Sufficiency Trust (Private Fund) will not in any way reduce, impair or diminish the benefits each beneficiary would otherwise be entitled to under law.
- \*\*\* Establishes a "Fund" for the Disabled to accept monies from any source which, subject to appropriations, will be used for services to low income disabled eligible for DMH-DD services.

SELF-SUFFICIENCY TRUST

Supplemental Service Funding Process

PUBLIC SECTOR

PRIVATE SECTOR



SENATE LABOR & EMPLOYMENT  
 REPORT NO. 11 page 15 of 15  
 DATE 2-14-89  
 BILL NO. SB311

© 1988 Self-Sufficiency Trust of Illinois  
 ALL RIGHTS RESERVED

Amend Senate Bill No. 311  
(Senator Ethel Harding)

1. Amend page 2, line 25.

Following: "services"  
Insert: "as defined by the department."

2. Amend page 3, line 5.

Following: "from"  
Strike: "the department"  
Insert: "a self-sufficiency trust"

3. Amend page 3, line 20.

Following: "services"  
Insert: "as defined by the department."

4. Amend page 4, line 21.

Strike: "money"  
Insert: "supplemental services as a result of"

- End -

Amendments to Senate Bill No. 235  
First Reading Copy

Requested by Senator Chet Blaylock  
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez, Staff Researcher  
February 14, 1989

1. Page 2, line 1.  
Following: "program"  
Insert: "governed by the Employee Retirement, Income, and Securities Act"
2. Page 2, line 12.  
Following: "(2)"  
Insert: "(a)"
3. Page 2, line 17.  
Following: line 16  
Insert: "(b) The fringe benefit fund, plan, or program described in subsection (1) must have at least one hourly employee who is a beneficiary of such fund, plan, or program on the committee that serves as the plan administrator or trustee of such fund, plan, or program."

Amendments to Senate Bill No. 128  
First Reading Copy

Requested by Senator Richard Manning  
For the Senate Committee on Labor and Employment Relations

Prepared by Tom Gomez, Staff Researcher  
February 14, 1989

1. Page 1, line 11.

Following: line 10

Insert: "

STATEMENT OF INTENT

It is the intent of the legislature, in enacting this bill, that the department of social and rehabilitation services revamp the current general relief work program provided for in 53-3-304 to make it a total, work-oriented program designed to help recipients of general relief obtain regular, sustainable employment.

The bill is intended to correct program deficiencies found in an audit requested by the joint interim subcommittee on welfare. The audit, which was conducted by the office of the legislative auditor, revealed that the current program is not achieving the purpose for which it was intended. The audit showed that:

(1) the current program does not enable general relief recipients to obtain permanent employment;

(2) the program only moderately increases the percentage of recipients who find employment;

(3) the program does not significantly reduce the general relief caseload; and

(4) overall, the program does not result in net savings to the state when reductions in welfare costs are compared to the costs of administering the program.

Thus, the legislature intends to provide for a revitalized work program for recipients of general relief. As reconceived, the program must include:

(1) intensive job search activity and prompt placements for recipients who are job ready, rather than remedial education, job training, or other activities that, although beneficial, are not necessary for recipients to find employment;

(2) remedial education and job skills training, but only if it is necessary for the recipient to become employed. Whenever possible, it is intended that services be provided through existing, local adult basic education programs and programs administered under the Job Training Partnership Act.

(3) active daily involvement of recipients in a combination of employment-related activities in order to enhance self-motivation and to increase job placement. Job search is an essential requirement that should be conducted as part of the food stamp employment and training program funded by the federal government. In addition, county workfare should be required, but

only in combination with other employment assistance, such as job search, job readiness training, remedial education, job training, and job placement.

(4) a minimum 40-hour per week requirement for participation in program activities;

(5) a clear expectation that recipients must be employed at the end of the program. This expectation should be reinforced daily by program operators and should be communicated to each recipient upon enrollment in the program.

(6) participation in activities authorized under [section 10, Senate Bill No. 101] in lieu of participation in job search, training, and work activities otherwise required in 53-3-304;

(7) follow-up and monitoring of program performance; and

(8) prohibition of political activities under the program.

In redesigning the program, the department of social and rehabilitation services shall examine the policies and experience of work programs in other states, including the Utah emergency work program, which is a program that has operated at less than 10% of the cost of the Utah work incentive (WIN) program."

2. Page 6, line 18.

Following: line 17

Insert: "NEW SECTION. Section 2. Coordination requirements -- consolidation of programs authorized. (1) The governor shall assure that program activities under 53-3-304 are coordinated with programs administered under the federal Job Training Partnership Act and any other relevant employment, training, education, or work program in this state.

(2) The governor may consolidate the program established in 53-3-304 with other programs in order to maximize coordination of program activities as required in subsection (1) and to prevent overlapping and duplication of services.

(3) Where adult basic education programs exist, remedial education services provided for in 53-3-304(3) must be coordinated, through contracts or cooperative agreements, with state or local agencies having responsibility for programs administered under the Adult Education Act, Public Law 100-297."

Renumber: subsequent sections

LABOR COMMITTEE

VISITORS' REGISTER

51st LEGISLATIVE SESSION

DATE: February 14, 1989

LEAVE PREPARED STATEMENTS WITH SECRETARY! PLEASE!!!

PRINT: NAME	REPRESENTING Address	Check One	
		Support	Oppos
BEN EVERETT	MTCLA 113 E THIRD ANACONDA, MT		SB 384
Allen Chronister	STATE BAR		SB 384
Shay Wood	mt Self Insurer Assoc	278-372	
Lee Kinnearmen	MT Defense Trial Helena		SB 384
Robert R. Ellard	Governor Office -	278	
Bob Durkee	MTA	348	
Diana Feriter	DWC	278	
Frank Shaw	DWC		
Warren Moe	Browning Kaluzga, Perry & Hovan		
	PN		
Spud McLeod	Public	163	
Jo Ann [unclear]	Public	163	
Mike Welsh	Self - Helena	278	
MIKE MICONE	DEPT. OF LABOR & INDUSTRY	278 372	
Don Judge	MT STATE AFL-CIO		SB 348 SB 384
STAN KALUZGA	MT MUNICIPAL IND. AUTH	278	
Norm Grosfield	Self - Helena		384
Janice S. VanRiper	Self - Helena		384



ROLL CALL VOTE

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE February 14, 1989 BILL NO: SB 235 TIME: \_\_\_\_\_

Do Pass As Amended passed

VOTE:	YES	NO
SENATOR TOM KEATING	X	
SENATOR SAM HOFMAN	X	
SENATOR J.D. LYNCH		X
SENATOR GERRY DEVLIN	X	
SENATOR BOB PIPINICH		X
SENATOR DENNIS NATHE	X	
SENATOR RICHARD MANNING		X
SENATOR CHET BLAYLOCK	X	
SENATOR GARY AKLESTAD	X	

6 3

ROLL CALL VOTE

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: Feb 14 BILL NO: 348 TIME: \_\_\_\_\_

DO PASS

passed

VOTE:	YES	NO
SENATOR TOM KEATING	X	
SENATOR SAM HOFMAN	X	
SENATOR J.D. LYNCH		X
SENATOR GERRY DEVLIN	X	
SENATOR BOB PIPINICH		X
SENATOR DENNIS NATHE	X	
SENATOR RICHARD MANNING		X
SENATOR CHET BLAYLOCK		X
SENATOR GARY AKLESTAD	X	

*The Motion Passed*

5

4

ROLL CALL VOTE

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: February 14, 1989 BILL NO: SB 384 TIME: \_\_\_\_\_  
DO Pass As Amended

VOTE:	YES	NO
SENATOR TOM KEATING		X
SENATOR SAM HOFMAN	X	
SENATOR J.D. LYNCH	X	
SENATOR GERRY DEVLIN		X
SENATOR BOB PIPINICH	X	
SENATOR DENNIS NATHE		X
SENATOR RICHARD MANNING	X	
SENATOR CHET BLAYLOCK	X	
SENATOR GARY AKLESTAD		X

5 4

*The Motion Passed*

ROLL CALL VOTE

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: Feb. 14, 1989 BILL NO: SB 152 TIME: \_\_\_\_\_

AS Amended Story Amendment

VOTE:	YES	NO
SENATOR TOM KEATING	X	
SENATOR SAM HOFMAN	X	
SENATOR J.D. LYNCH		X
SENATOR GERRY DEVLIN	X	
SENATOR BOB PIPINICH		X
SENATOR DENNIS NATHE	X	
SENATOR RICHARD MANNING		X
SENATOR CHET BLAYLOCK		X
SENATOR GARY AKLESTAD	X	

*Action Passed*

5

4

ROLL CALL VOTE

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: Feb. 14, 1989 BILL NO: SB 152 TIME: \_\_\_\_\_

*Do Pass as Amended*

VOTE:	YES	NO
SENATOR TOM KEATING	X	
SENATOR SAM HOFMAN	X	
SENATOR J.D. LYNCH	X	
SENATOR GERRY DEVLIN		X
SENATOR BOB PIPINICH	X	
SENATOR DENNIS NATHE	X	
SENATOR RICHARD MANNING	X	
SENATOR CHET BLAYLOCK	X	
SENATOR GARY AKLESTAD		X

7

2

ROLL CALL VOTE

LABOR COMMITTEE

51st LEGISLATIVE SESSION

DATE: Feb 14 1989 BILL NO: SB 163 TIME: \_\_\_\_\_

Do Pass As Amended

VOTE:	YES	NO
SENATOR TOM KEATING		X
SENATOR SAM HOFMAN		X
SENATOR J.D. LYNCH	X	
SENATOR GERRY DEVLIN		X
SENATOR BOB PIPINICH	X	
SENATOR DENNIS NATHE	X	
SENATOR RICHARD MANNING	X	
SENATOR CHET BLAYLOCK	X	
SENATOR GARY AKLESTAD		X

5

4

*Motion Passed*