

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**SELECT COMMITTEE ON WORKERS' COMPENSATION**

**Call to Order:** By **CHAIRMAN CHASE HIBBARD**, on March 8, 1993, at 3:10 p.m.

**ROLL CALL**

**Members Present:**

Rep. Chase Hibbard, Chairman (R)  
Rep. Jerry Driscoll, Vice Chairman (D)  
Rep. Steve Benedict (R)  
Rep. Ernest Bergsagel (R)  
Rep. Vicki Cocchiarella (D)  
Rep. David Ewer (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Susan Fox, Legislative Council  
Evy Hendrickson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: SB 394  
Executive Action: HB 456, HB 504, HB 628, SB 258

**HEARING ON SB 394**

**Opening Statement by Sponsor:**

**SEN. JOHN HARP**, Senate District 4, Kalispell, said SB 394 is a bill that would enact into law the amount of money an attorney can receive under workers' compensation. The language in this bill is currently in the rules at the Department of Labor. He then referred to the bill section by section. He said basically what the bill does is limit the attorney's fee to 20% in a workers' compensation case when there is no hearing, and to 25% when the case is heard by the workers' compensation judge or goes to court. This establishes a cap for an attorney's fee not to exceed \$7,500 per claim and reduces the percentage the attorney can receive from 20% or 25% to 15%.

**SEN. HARP** said it used to be between an employer and employee to work out a system for workers' comp settlement and eventually the purpose is to eliminate the need for attorneys. He said it appears the settlements have somewhat stabilized because in 1991

it was \$7.1 million for claimants; in 1992 it was \$7.2 million.

Proponents' Testimony:

Harlee Thompson, representing the Coalition of Workers' Compensation System Improvement (CWCSI) testified in support of SB 394. EXHIBIT 1

Jon Hamilton, an employee of Intermountain Truss, Helena and a paid member of CWCSI, urged a do pass on this bill. EXHIBIT 2

Carrie Phipps, a worker from Helena, submitted her written testimony in support of SB 394. EXHIBIT 3

Steve Turkiewicz, Montana Auto Dealers Association, said they support this bill for the reasons stated previously.

Charles Brooks, Executive Vice President of the Montana Retail Association, Montana Tire Dealers and Montana Hardware Implement Association, stated their support of SB 394.

Keith Olsen, Executive Director of the Montana Logging Association, said the workers' compensation rate in the logging industry is currently \$48.00 per \$100.00 of payroll; however, another piece of legislation has been proposed which could increase that rate to \$60.00 by July 1st and \$75.00 six months after that. Mr. Olsen said the logging industry competes along the border with Idaho for timber sales and logging contracts on federal lands. He said the rate for logging in Idaho is \$28.00. EXHIBIT 4

Riley Johnson, representing the National Federation of Independent Businesses, (NFIB), said they support this bill and reiterated the previous testimony.

Opponents' Testimony:

Russell Hill, representing the Montana Trial Lawyers Association, (MTLA) gave his written testimony opposing SB 394. EXHIBIT 5

Jan VanRiper, attorney representing claimants in the workers' comp system, said she opposed the bill and supported the amendments should the bill pass. She said that insurance companies must be made legally accountable through management reporting. Ms. VanRiper said there is limited access to attorneys for injured workers and she is concerned what this bill would do to that access.

Thomas Bulman, attorney who represents claimants, said it should be no surprise why a claimant, who approaches the negotiation table in a very complicated area of law, receives greater benefits when represented by an attorney. He said when he

represents a client he is the expert, knows what the contract is and knows what the case law is and, therefore, gets more for his client. Mr. Bulman said over the past ten years it has become apparent that each legislative session, the fees earned by the specialists in this area are used to stir the legislature to further action. He said his reaction to reducing the attorney's fee to 15% is arbitrary; there is no justification for what amounts to a 25% cut except they believe it's time for attorneys to do their share. He believes it should be 17.5%; and if fees are further reduced along with the other changes, that will only add instability to the legal services market for claimants.

Mr. Bulman said the more the law is changed, the more complicated it gets. The State Fund has its own legal department but they hire outside attorneys whenever a case is litigated. He said the only time a claimant calls an attorney is when they have exhausted every other remedy. If this proposed legislation passes, more people will call his office and the dynamics will change drastically.

Darrell Holzer, representing the Montana State AFL-CIO, said they are not a proponent for claimant attorneys to make more money but their concern is the unfair disadvantage to which the injured worker could be subjected. Mr. Holzer said there needs to be some assurance that the injured worker is not going to be placed in an unfair situation.

Bill Egan, representing the Montana Conference of Electrical Workers, said the idea of restricting one party in a grievance is unfair and there should be some amendments to the bill to make it more equitable. He said if the attorney fees are going to be restricted on the basis of representation on one side, they should be the same on the other side. Mr. Egan said the very thing that drives the cost increase in workers' comp is the premiums and the ability for private carriers to cover.

#### Questions From Committee Members and Responses:

REP. COCCHIARELLA asked Jon Hamilton if a person is driving a truck and it blows up and the person decides to sue the company because the truck is defective, whether it's fair that his attorney's fees are limited but the company that owns the truck can pay whatever they want to their attorney. Mr. Hamilton said no.

REP. COCCHIARELLA asked SEN. HARP if he agreed with her proposed amendment stating that a defendant's attorney should also be limited. SEN. HARP said in the 1991 session he had a bill that did exactly that but it got tied up in the House Labor Committee. He said he has tried to offer this both ways in the past six years.

REP. COCCHIARELLA asked Mr. Olsen if it's fair to limit a

worker's attorney but not limit the employer's attorney. Mr. Olsen said it would be difficult for him to say it isn't fair. He said on the other hand, he is wondering how that benefits the overall cost of workers' comp.

REP. BENEDICT asked Mr. Holzer if a private insurer, or the State Fund staff attorney who deals with these things not on a case-by-case basis but as part of employment, gets paid a certain number of dollars in the course of a year, how would what they get paid per case be limited. If they work 100 cases a year, and they get paid a maximum of \$7,500, that would be \$750,000 a year, and there probably aren't too many attorneys who make \$750,000 a year. How would it limit the defense attorneys? Mr. Holzer said he hadn't thought that out, and it's not in his field. What he finds interesting about that proposal is it does seem to be an honest attempt to make both sides equal.

REP. BENEDICT asked the same question of Ms. VanRiper. She said any state attorney averages well under \$7,500 per case and one option would be to look at how many cases they handle per year. One area of concern is a state attorney assigned to a large complicated case can spend an unlimited number of hours and money, where a claimant's attorney is ultimately limited.

REP. EWER asked Mr. Murphy how much the Fund spends to defend its interests in cases involving plaintiffs' attorneys? Mr. Murphy said the annual cost for private attorneys they hired for FY92 was around \$340,000. He said the budget for the entire legal department is roughly \$400,000. REP. EWER asked what the Fund pays, on an average hourly basis, to outside counsel. Mr. Murphy said it varies. They negotiate with various firms and it could be from \$80.00 per hour to \$110.00.

REP. COCCHIARELLA asked George Wood how much they pay per hour for counsel. Mr. Wood said about \$85.00 per hour, but sometimes that varies because some attorneys are on retainer and there is no separate fee.

REP. EWER asked Nancy Butler how attorneys receive their money, whether it's from the insurer in any way other than through the workers' comp judge. Ms. Butler said a claimant's attorney can get paid two ways. One is an arrangement with the client, which is what this bill primary deals with, and sets the limits that a client must pay the attorney for the benefits received. If an attorney says he has spent 100 hours at \$100.00 per hour and the judge agreed that was reasonable, that's what the attorney would receive. Ms. Butler said the claimant would not have to pay his share - it would be taken out of the award.

REP. EWER asked if it was correct that, if money is going to be obtained by a claimant's attorney, if the plaintiff's attorney and the claimant have agreed that it will come out of the claimant's settlement and the State Fund will not pay the attorney, the only way the attorney gets paid by the insurance

company is if it is ordered by the judge. Ms. Butler said that is correct. REP. EWER asked if the injured worker would have to give something to the attorney. Ms. Butler said he would have to pay for his own attorney to the extent that he received a settlement through the attorney's efforts.

Closing by Sponsor:

SEN. HARP said it was interesting to note that the trial lawyers say that all of the problems are addressed as far as potential litigation because of the changes in the law in 1987. He asked if the committee recalled Judge Reardon's decision earlier this year dealing with stress. This issue is now before the Supreme Court. If we lose the stress case, the potential for litigation to the new fund is estimated between 7% and 8% of the State Fund which could amount to millions of dollars of additional exposure.

SEN. HARP said this bill will allow the injured worker to put additional dollars in his pocket to the tune of over \$1.6 million if you take the same settlement figures of over \$7 million this past year. He said at the same time they are limiting attorneys by reducing the percentage they receive, and they believe this to be a fair proposal.

EXECUTIVE ACTION ON HB 628

Motion: REP. COCCHIARELLA MOVED HB 628 DO PASS.

Discussion: CHAIRMAN HIBBARD said there are basically two parts to this bill. The first part deals with managed care, and the second part deals with requiring State Fund premium rates to focus with rates established by the NCCI. He said going to NCCI and requiring dividends is a similar type approach to what is under HB 13 at this point.

REP. BENEDICT said he agreed with CHAIRMAN HIBBARD and said the testimony on this bill indicated it's a bill that attorneys would love to get their hands on because it is so ambiguous.

Motion/Vote: REP. COCCHIARELLA MADE A SUBSTITUTE MOTION TO POSTPONE ACTION ON THIS BILL UNTIL WEDNESDAY. Motion carried unanimously. EXHIBIT 6

EXECUTIVE ACTION ON HB 456

Motion: REP. BENEDICT moved adoption of the amendments.

Discussion: REP. BENEDICT said the amendments are housekeeping amendments and nobody noticed when the bill was drafted that we

had failed to address the claims that were brought on July 1st. They also say a negotiation or agreement entered into pursuant to Section 2, and this section is not subject to the privatization plan requirements in title 2, chapter 8.

**Vote:** Question was called. Motion carried unanimously. EXHIBIT 7

**Motion:** REP. BENEDICT moved the amendment to strike 60 days and insert 120 days.

**Discussion:** REP. BENEDICT said the focus of the select committee the last two years was to work on this aspect and let the Governor's task force work on recommendations or changes in the structure. He said this is a statement of where people in the state want us to go with workers' compensation. He said he would like to see this bill pass.

REP. EWER said he does not support this idea and this bill is not the answer. He has a problem with the insurance company even though this is supposed to be a generic bill. He said we are not doing the Governor a favor by giving him this kind of authority.

REP. BENEDICT said he has another amendment that might take care of some of the concerns. He referred to page 4, line 5 of the bill and said this would limit the Governor's ability too much in terms of finding alternatives besides what we call the Zurich Proposal. He said his amendment would give the Governor 120 days from the effective date to determine what exactly he wants to do. This would give him more flexibility and latitude to decide there may be other alternatives.

**Vote:** REP. COCCHIARELLA called for the question. Motion carried unanimously. EXHIBIT 8

**Motion:** REP. BENEDICT MOVED HB 456 DO PASS AS AMENDED.

**Discussion:** REP. BENEDICT said that Jacqueline Lenmark sent a letter out in August asking if anybody was interested in working with the Fund and received responses from four companies that had different thoughts about how to work with the Fund. Ms. Lenmark located a company that was willing to not only indemnify the fund and the \$400 million, but also take over claims administration.

REP. COCCHIARELLA asked if there had been any other offers from any other company. She said she has come to realize, and hopes the public does also, that the legislature has been in the middle of this pot stirring things up all along. She said management of the Fund has been changed so frequently in the past there is no consistency to what is going on.

REP. COCCHIARELLA said we have allowed the Fund to operate independently of any other insurance company. We are telling the Governor that we like the idea of an insurance company operating

as an insurance company but on the other hand, we won't let our very own insurance company operate that way. She said she opposes this bill because we are speaking from both sides of our mouth if we pass this bill. We are willing to do for someone outside what we are not capable of dealing with in the Fund. She said we should give our own insurance company the opportunity to do things right.

REP. EWER asked the position of the Governor's office on this bill. REP. BENEDICT said he had talked to them and they want this bill for a number of reasons. One, they want to look at the Zurich proposal and to be able to implement pieces of the puzzle. Perhaps they could use parts of the Zurich proposal in claims administration. This bill would give the authority to make some changes in the fund.

REP. BERGSAGEL said REP. COCCHIARELLA has made the biggest argument for us to get out of the business. If the legislature was not involved, maybe we could have an effective workers' comp system.

CHAIRMAN HIBBARD said this simply gives the Governor the authority, and a vote of confidence from the legislature, that this is an option we would like to see him pursue. At the same time we are taking measures to address the management of the State Fund. We have been demanding from the State Fund but not giving them the resources to perform up to the demands.

REP. BENEDICT said he intends to take the bill to the House floor to see what the response is. He said people who are afraid to let this bill out of committee are going to be surprised at the response it will receive.

REP. COCCHIARELLA said she would like to address the comment that REP. BENEDICT made and said she has no fear and is glad he is going to have this debate on the floor. She said her decision is based on logic and reason and not on fear from pressure from anyone.

**Vote:** REP. BENEDICT called for the question. Motion failed 3 to 3. EXHIBIT 9

#### EXECUTIVE ACTION ON HB 504

**Motion:** REP. BENEDICT MOVED HB 504 DO PASS.

**Discussion:** REP. BENEDICT distributed amendments and reviewed them section by section. EXHIBIT 10 He said they have been working with the legislative auditor and they said we could probably do this on a .5% payroll tax on both the employer and the employee. He said the .5% will actually trigger down in the last several years of the proposal.

**Scott Seacat, Legislative Auditor,** said what is called the trigger tax was initially worked out for **REP. ROYAL JOHNSON.**

**EXHIBIT 11** He said the concept is simple; they projected the liability payments in a format that has been seen throughout the session. They took the liability payments and inflated them by 10%. The trigger tax was started high enough to hopefully trigger down. He said the 10% can be thought of in terms of an unfavorable ruling on the stress case. For example, the projections for that with respect to the old fund are about 7%. They did the standard cash flow and then made the following assumption; anytime the Fund's cash is greater than \$25 million, the tax will trigger down. Anytime the Fund has to borrow more than \$50 million, the tax will trigger up to .05. He said the trigger would go from .5 as a starting point to .55 or .45, depending upon whether it is triggering up or down. He said this is very similar to that put on the UI trust fund when that went bankrupt. He said the cash flow presumes that in each year we pay off the prior year as borrowed. He said at the end of the 10-year tax it would go down to .35. This is a tax on employers and employees.

**REP. BENEDICT** said they had consulted with the Department of Revenue on the amendments as they had some problems with the implementation of the tax. They worked through those with the department and satisfied their concerns. The amendments do include both the .5 payroll tax and the amendments requested by the Department of Revenue in order to implement the tax.

**CHAIRMAN HIBBARD** asked if he could assume, with the triggering mechanism, that the confusion which might occur because of a tax that may change from time to time, has been addressed. **REP. BENEDICT** replied yes.

**Charlotte Maharg,** representing the Department of Revenue, said their concern lies with the fact that sole providers pay their own wage as working partners, and she was not aware of a problem with the triggering.

**REP. BENEDICT** said if the State Fund determines there is going to be a change in the payroll tax they are required to notify the Department of Revenue by April 1st.

**REP. COCCHIARELLA** said she was concerned about the amount that's triggered. She asked if there is a basis why .55 or .25. **Mr. Seacat** said the logic was to start the tax high enough so hopefully it will never have to trigger up and if, in fact, the borrowing exceeds \$50 million which is in excess of what the projected borrowing is, it will not be on a wild basis. They tried to smooth it so it would very nicely trigger down and that is why they used the .05.

**REP. BENEDICT** said there is a cap in this bill where it cannot go above .75 and according to the Legislative Auditor, there is enough protection built in so it should not go above .75. If,



for some reason, it does get away from us, it would trigger up in any one year to .05 and it would take four or five years to trigger up to .75.

REP. BERGSAGEL asked why we are appropriating monies to the State Auditor. Mr. Seacat said there is a House Bill sponsored by the audit committee and the finance committee that moves the PPP system to the Department of Administration. He said if that bill does pass, this appropriation should move from the State Auditor to the Department of Administration.

CHAIRMAN HIBBARD asked REP. BENEDICT to state the amendment.

Motion/Vote: REP. BENEDICT moved the amendments to HB 504. He said this is a coordinating clause with a bill currently in the system which says the State Auditor's office would no longer be responsible for this and it would revert back to the Department of Administration.

Discussion: REP. COCCHIARELLA asked if he assumed by 2003, the payroll tax would be gone. REP. BENEDICT said yes.

CHAIRMAN HIBBARD asked from whom they anticipated borrowing the money. Mr. Fine said it is anticipated that the borrowing would be from the new fund and it would be handled through the Board of Investments the way borrowing is presently being handled in FY93.

REP. EWER said in contemplating borrowing from the new fund, and we are trying to separate the new fund from the old fund and trying to keep as much fiscal integrity in the new fund as possible, he is concerned about a mechanism where we are relying on the new fund to extend credit to the old fund.

Mr. Seacat said the proposal does not necessarily contemplate borrowing from the new fund. He said the existing law allows the Board of Investments to make the determination as to where to borrow the money, whatever is most cost effective to the old fund. He said there is nothing in this bill, or in current law, that would prohibit selling \$50 million of bonds to cover this. He said he is not advocating that in respect to workers' compensation.

Vote: REP. DRISCOLL called for the question. Voice vote was taken. Motion carried unanimously.

REP. DRISCOLL said these amendments tax the employer one-half percent. There is \$7.9 billion in nonfarm wages and salary income in the state and this would put that against the \$7.9 billion. He said presently we are only taxing and covering employment that is about \$4 million so this would include everyone and probably would bring in approximately \$38 million a year at one-half percent. He said this repeals the tax on the employee and puts it on all employers in the state.

REP. BENEDICT said the Department of Revenue had some problems with federal employees and asked Charlotte Maharg from the Department of Revenue what the problems were in trying to reconcile covered payroll with the people who are not considered covered payroll. Ms. Maharg said she believed that federal employees and military federal employees, along with interstate railroad workers, would be included. She said there may be a legal problem in requiring them to pay the wage tax. She said they could go to the individual income tax filings to determine if they filed as a sole proprietor. She said administratively it would be very difficult to locate them.

REP. DRISCOLL asked what the problem is with the railroad and said they pay income taxes now. Ms. Maharg said when she was doing research for this bill there was a problem in covering interstate railroad workers. She said she would look into it further.

REP. DRISCOLL said there is a ruling from the department concerning interstate railroad workers and what portion of their income is taxable under Montana law. It would be the same wages subject to the state income tax that would be subject to this tax. REP. DRISCOLL said with an interstate railroad worker, part of his income is earned in Montana, part of it in Idaho, maybe some in North Dakota, and they pay Montana income taxes on the portion of their income that is attributable to Montana. The railroad can identify those very easily on their W2's. He said they are only taxing the portion attributed to Montana employment.

Ms. Maharg said she would have to have their attorneys look into that question.

CHAIRMAN HIBBARD asked Ms. Maharg if the current .28% payroll tax is assessed against railroads. Ms. Maharg said she doesn't believe it is. He asked why it is not. Ms. Maharg said she believes it's the Interstate Commerce Act.

Mr. Murphy said if the question is whether the railroads are paying part of the payroll tax now, the answer is no, the reason being that the payroll tax is directed to be based on the payroll reported for workers' compensation purposes. He said the railroads are not part of the Montana workers' compensation system; they have their own and they have not been assessed.

CHAIRMAN HIBBARD asked if there are any other employers in Montana who are covered elsewhere but who are assessed. Mr. Murphy said the federal civilian force and the military and employers who did not have to provide coverage on themselves.

REP. DRISCOLL said the four R's tax says you have to tax railroads as you tax other businesses in your state. In the property tax portion, you cannot make it more or less attractive to them than anyone else; so if business pays 9%, then the

Department of Revenue takes an average and they get 7.5% tax on railroads. The four R's tax says you can't treat them worse than other businesses. Currently, they don't have to pay.

**CHAIRMAN HIBBARD** said he appreciates what **REP. DRISCOLL** is trying to do but he said he is uncomfortable with it until he fully understands it; therefore, he cannot support this right now.

**REP. BENEDICT** said he is concerned about trying to get from \$4.9 billion in covered payroll to \$7 billion, and all we are going to do it on is railroads because it won't be done on military, federal employees, or contractors that are sole proprietors that we can't find - how much more will we raise if we just do it on railroads? **REP. DRISCOLL** said maybe \$3 million. He asked how much is in federal wage and salary income in Montana. **Mr. Seacat** said to go from \$4 billion to in excess of \$7 billion, about \$300 million of that is railroad payroll so, multiplied by 1% is \$300 million. He said the rest is federal payroll and sole proprietors.

**REP. COCCHIARELLA** said under **REP. BENEDICT'S** bill aren't there employees who work for these people who have to pay the payroll tax like people who work in insurance agencies, etc. **REP. BENEDICT** said the employer would also have to pay because if he has employees, then he is covered under this. For the purposes of this tax, the sole proprietor shall pay only the employers' payroll tax on the proprietors' own employment. He said they are going after the employer too unless he is his own employee; then he would only be taxed once. He said there was a great deal of time spent in the joint select committee talking about this issue and whether it should be an employer/employee payroll tax. It came out of the committee with the unanimous recommendation to recommend drafting legislation that would impose an employer/employee payroll tax.

**REP. COCCHIARELLA** said that goes against the purpose of why we can't sue as employees anymore so this would protect employers from us. Why should we pay to protect them? **REP. BENEDICT** said this is an obligation of the state. He said under the new fund the exclusive remedy is in effect because that is an employer/employee relationship and is covered under workers' compensation. He said the old fund is a debt of the state and we are trying to figure out how to come up with a way to cover the unfunded liability which is an obligation of the state of Montana, and the fairest way to do it was with the employer and employees in Montana.

**CHAIRMAN HIBBARD** said the committee is in executive session on this bill and this has been debated for two years in the interim, thoroughly discussed by the joint select committee and this was the joint select committee's recommendation to do it in this fashion. He said every alternative was looked at in that committee.

REP. DRISCOLL said it was a state debt caused by what we have done in the past. We are imposing this 2.8 on people who had no part in it; but some of the people who may have had a part in it and are now out of it, the so-called non-covered employment, they should pay if it is a state debt. He said all this does is include everyone and people who may or may not have had a part in it are going to be taxed too.

REP. EWER said we are debating what can be established and what the facts are. We have all kinds of resources to determine the facts so maybe we should get those facts by next Wednesday. REP. BENEDICT said he went to the Legislative Auditor because he wanted to find out who is not paying the payroll tax and they came up with people they could get between \$700 and \$1.3 billion and the rest could not be found. REP. DRISCOLL asked why they couldn't get everybody except military and civilian federal employment. He said Indians on the reservations should not be in the \$7.9 billion and federal military also should not be in but federal civilians pay income tax.

CHAIRMAN HIBBARD called on Ms. Maharg and asked if she could determine by Wednesday, based on the \$7.9 billion non-farm wages, what may be available to tax in a payroll tax so we know what the true facts are. Ms. Maharg said she would research the problem and get a response back to the committee.

CHAIRMAN HIBBARD said action would be put off on REP. DRISCOLL'S amendments EXHIBIT 12 until Wednesday and he asked what REP. BENEDICT wished to do with this bill. REP. BENEDICT said he would like to hold it until Wednesday.

CHAIRMAN HIBBARD said the committee will postpone, without objection, executive action on HB 504 until Wednesday.

#### EXECUTIVE ACTION ON SB 258

Motion: REP. BENEDICT moved the amendment.

Discussion: CHAIRMAN HIBBARD said the State Fund attorneys were in attendance to address this.

Mr. Lawrence Hubbard, representing the State Fund, said he testified on SB 258 with a proposal that the second sentence of Section 6 be reinserted. He said there were some concerns expressed by the code commissioner whether that would achieve what is required under the bill to be in compliance with the Supreme Court ruling. He met with Greg Petesch, Code Commissioner, and they discussed potential ways to resolve the conflict. They agreed with the amendments beginning on line 15, "if the insurer is entitled to subrogation under this section the insurer may subrogate," etc. He said Mr. Petesch said that would solve the concerns of the code commissioner. Mr. Hubbard said

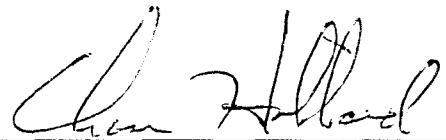
that SEN. HARP was concerned with the proposed amendment by the State Fund.

Vote: Voice vote. Motion carried unanimously.

Motion: REP. BENEDICT MOVED SB 258 DO PASS AS AMENDED. Motion carried unanimously. EXHIBIT 14

ADJOURNMENT

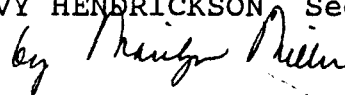
Adjournment: 5:50 p.m.



REP. CHASE HIBBARD, Chairman



EVY HENDRICKSON, Secretary



CH/ev

HOUSE OF REPRESENTATIVES  
 53RD LEGISLATURE - 1993  
SELECT COMMITTEE ON WORKERS COMPENSATION

ROLL CALL

DATE 3-8-93

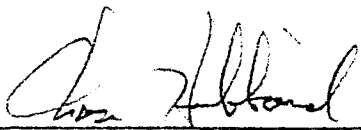
NAME	PRESENT	ABSENT	EXCUSED
CHASE HIBBARD, CHAIRMAN	✓		
JERRY DRISCOLL, VICE CHAIRMAN	✓		<del>S</del>
STEVE BENEDICT	✓		
ERNEST BERGSAGEL	✓		
VICKI COCCHIARELLA	✓		
DAVID EWER	✓		

HOUSE SELECT COMMITTEE REPORT

March 10, 1993

Page 1 of 1

Mr. Speaker: We, the select committee on Workers' Compensation report that Senate Bill 258 (<sup>third</sup> ~~third~~-reading copy -- blue) <sup>blue</sup> ~~be~~ concluded in as amended . BRT

Signed:   
Chase Hibbard , Chair

And, that such amendments read:

Carried by: Rep. Ewer

1. Page 3, line 18.

Following: "~~damages.~~"

Insert: "If the insurer is entitled to subrogation under this section, the insurer may subrogate against the entire settlement or award of a third-party claim brought by the claimant or the claimant's personal representative without regard to the nature of the damages."

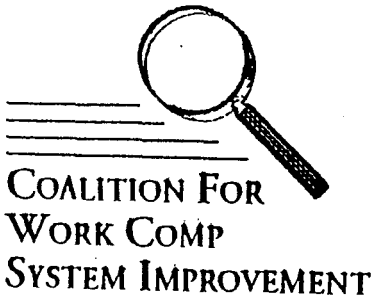
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Committee Vote:  
Yes 1, No 0.

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*[Handwritten notes and initials in the bottom right corner]*

EXHIBIT 1  
DATE 3/8/93  
#B SB 394



SB 394  
Regulation of Attorney's Fees

Recommend:  
Do Pass

Mr. Chairman, Members of the Committee:

I am Harlee Thompson from the Coalition of Work Comp System Improvement.

I have appeared before you as a proponent on several bills dealing with work comp issues. Some of these bills have in one way or another made cuts in benefits to almost everyone involved in the work comp system. We all realize that cuts must be made in every aspect of the system to help reduce or at least maintain the present level of premiums we currently pay.

SB 394 addresses one more area that needs to be capped and limits be installed if we are ever to get this mess under control. The attorneys of the state of Montana have long been one of the largest receivers of work comp benefits through the fees that they have been charging. SB 394 installs limits and puts a cap on the fees that can be assessed. Everyone has had to bite the bullet, now the attorneys must do so.

The Coalition of Work Comp System Improvement urges a do pass on SB 394.



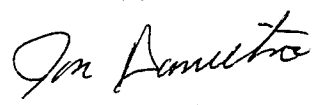
EXHIBIT 2  
DATE 3/8/93  
HB SB394

Jon Hamilton  
5601 Alabama Dr.  
Helena, MT 59601

To: Chase Hibbard

This letter is to urge a do pass vote on SB394 with no amendments. I appreciate your support of this bill.

In Support



Jon Hamilton  
458-5380

EXHIBIT 2  
DATE 3/8/93  
SB 394

SB 394  
Regulation of Attorney's Fees

Recommend:  
Do Pass

Mr. Chairman, Members of the Committee:

I am Jon Hamilton an employee of Intermountain Truss here in Helena and a paid member of the Coalition for Work Comp System Improvement (CWCSI).

In the past every time the work comp system got in trouble the first thing the legislature did was to cut benefits for the injured employee. SB 394 is an attempt to leave more benefits with the injured employee and requires the attorneys to share in some of the cuts necessary to save the work comp system. I urge a do pass vote on SB 394.

EXHIBIT 3  
DATE 3/8/93  
~~HS~~ SB 394

SB 394  
Regulation of Attorney's Fees

Recommend:  
Do Pass

Mr. Chairman, Members of the Committee:

I am Kerry Phipps a worker here in Helena.

I am here representing my self and other co-workers. We are aware what kind of a mess the work comp system is in and we feel it is about time the attorneys have to tighten their belts, as we have, to save the work comp system.

I have also brought signed statements from my co-workers showing their support in the passage of SB 394.

We urge a do pass vote for SB 394.

Please note: The original of this document is stored at the Historical Society at 225 North Roberts St., Helena, MT 59620-1201. The phone number is 444-2694.

The original contains letters from the following individuals:

Robert Turner - East Helena  
Steve Leitzke - Helena  
Edward Moore - Helena  
Mark Pare - Helena  
Bob Reed - Helena  
Erik Jensen - Helena  
Larry Thompson - Helena  
Bobby Montoya - Helena  
Pat Lindstrom - Helena  
Clifford Casey - Helena  
LaVirl Miller - Helena  
Kerry Phipps - Helena  
Jason Lynch - Helena  
Christopher Toole - Helena  
Mark Grandy - Helena

EXHIBIT 4  
DATE 3/8/93  
HB SB 394

NAME KEITH OLSON  
ADDRESS PO Box 1716 - Kalispell  
HOME PHONE 752-3168 WORK PHONE 443-2200  
REPRESENTING MT. LOGGING ASSN.  
APPEARING ON WHICH PROPOSAL? SB 394  
DO YOU: SUPPORT  OPPOSE  AMEND

COMMENTS:

Work comp system was designed for the benefit of Montana's employers/employees. It is now financially insolvent because too many "other" interests have their fingers in the pot. As the cost of work comp escalates, employers are less likely and less able to compensate employees fairly, or to employ workers at all. Furthermore, in industries like logging which has a common border with Idaho, Montana contractors are at a competitive disadvantage when bidding on federal timber sales and contracts. All Montanians need to make some sacrifices in order to get MT's work comp system under control... even the legal community.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXHIBIT 5  
DATE 3/8/93  
HB SB 394

# Montana Trial Lawyers ASSOCIATION

**Directors:**

Wade Dahood  
Director Emeritus  
Monte D. Beck  
Thomas J. Beers  
Michael D. Cok  
Michael W. Cotter  
Karl J. Englund  
Robert S. Fain, Jr.  
Victor R. Halverson, Jr.  
Gene R. Jarussi  
Peter M. Meloy  
John M. Morrison  
Gregory S. Munro  
David R. Paoli  
Paul M. Warren  
Michael E. Wheat

Executive Office  
#1 Last Chance Gulch  
Helena, Montana 59601  
Tel: 443-3124

March 8, 1993

**Officers:**

Thomas J. Beers  
President  
Monte D. Beck  
President-Elect  
Gregory S. Munro  
Vice President  
Michael E. Wheat  
Secretary-Treasurer  
William A. Rossbach  
Governor  
Paul M. Warren  
Governor

Rep. Chase Hibbard, Chair  
House Select Committee on Workers Compensation  
Room 325, State Capitol  
Helena, MT 59620

RE: SB 394

Mr. Chair, Members of the Committee:

Thank you for this opportunity to express MTLA's opposition to SB 394, which further regulates certain attorney fees in workers compensation cases. MTLA opposes SB 394 for numerous reasons:

1. The attorney fees of claimants in workers compensation cases are already regulated, by administrative rules--unlike the fees paid by insurers to defense attorneys.
2. Since 1987, not a penny of the fees paid to claimants' attorneys comes from the pockets of employers, insurers, or Montana taxpayers. All such fees are paid entirely by claimants themselves. In contrast, every penny of the increasing fees paid to defense attorneys comes from employers (who pay premiums directly) or Montana taxpayers (who subsidize State Fund operations). Regrettably, workers compensation insurers are not even required to report the amounts which they spend on attorney fees, and no comparison between claimant and defense fees is possible.
3. Reports of claimants' attorney fees paid in workers compensation settlements include only those disputed cases in which a claimant obtained some recovery. However, since most claimants cannot afford to pay hourly attorney fees, most claimant attorneys (again unlike defense attorneys) agree to contingency fees and collect nothing at all if their client loses.
4. According to the most recent Department of Labor report of settlements:

\* Despite an increase of more than 20 percent in the number of settlements, total claimant attorney fees remained virtually unchanged from the previous year;

\* The average settlement amount decreased from approximately \$37,400 in 1991 to \$31,700 in 1992, continuing a five-year decline which has seen total settlements decrease by 30 percent since 1988;

\* The average claimant attorney fee per settlement decreased from approximately \$7,480 in 1991 to \$6,180 in 1992, continuing a five-year decline which has seen total attorney fees decline by nearly 40 percent since 1988;

\* The number of attorneys involved in settlements declined 10 percent between 1991 and 1992, a clear indication that fewer attorneys are willing to accept new (especially post-1991) workers compensation cases.

5. This Legislature is also considering, and will likely approve, fundamental changes in workers compensation laws that are already terribly complex. For example, several bills propose limiting workers compensation benefits (both indemnity and medical) to the proportion of an injury directly attributable to the workplace accident. Allocating the causes of injuries in this manner, and introducing the issue of non-work-related causes such as age and lifestyle, will either increase litigation or profoundly disadvantage injured workers who cannot obtain legal representation.

6. Section 1, subsection (3), by limiting a claimant attorney's fees to 15 percent of "any benefits obtained, through the attorney's efforts, up to the date on which the claim is accepted by the insurer" (page 2, lines 3-5), dramatically disadvantages claimant attorneys.

**Example:** An insurer initially denies compensability. The injured worker retains an attorney on a contingency-fee basis. The attorney researches the case for weeks, challenges the insurer, and prepares for hearing. At the last moment, the insurer admits compensability and agrees to pay the claimant full benefits--20 percent of which are past due and 80 percent of which will become due in the future. The claimant attorney can only calculate fees on the basis of the 20 percent of benefits which are past due.

MTLA requests the committee to adopt the accompanying amendment to subsection (3).

7. Section 1, subsection (6), by requiring even hourly fees to "be paid out of workers' compensation funds received by the claimant" (page 3, lines 13-14), effectively prohibits a claimant attorney from collecting hourly fees in unsuccessful cases and from collecting any fee whatsoever in advance. MTLA requests the committee adopt the accompanying amendment to subsection (6).

Thank you for considering these comments. If I can provide additional information or assistance, please contact me.

Respectfully,



Russell B. Hill, Executive Director

EXHIBIT 5  
DATE 3/8/93  
SB 214

EXHIBIT 6  
DATE 3/8/93  
HB 628

HOUSE OF REPRESENTATIVES  
53RD LEGISLATURE - 1993  
SELECT COMMITTEE ON WORKERS COMPENSATION

ROLL CALL VOTE

DATE 3-8-93 BILL NO. H.B. 628 NUMBER \_\_\_\_\_

MOTION: Vicki Cocchiarella's Proposal

*withdraw*

*motion postponed action til Wed - (motion passes)*

NAME	AYE	NO
CHASE HIBBARD, CHAIRMAN		
JERRY DRISCOLL, VICE CHAIRMAN		
STEVE BENEDICT		
ERNEST BERGSAGEL		
VICKI COCCHIARELLA		
DAVID EWER		

EXHIBIT 7  
 DATE 3/8/93  
 HB 456

HOUSE OF REPRESENTATIVES  
 53RD LEGISLATURE - 1993  
SELECT COMMITTEE ON WORKERS COMPENSATION

ROLL CALL VOTE

DATE 3-8-93 BILL NO. 456 NUMBER \_\_\_\_\_  
 MOTION: Benedit <sup>Memo</sup> No pass w/ amendments

NAME	AYE	NO
CHASE HIBBARD, CHAIRMAN	✓	
JERRY DRISCOLL, VICE CHAIRMAN	✓	
STEVE BENEDICT	✓	
ERNEST BERGSAGEL	✓	
VICKI COCCHIARELLA	✓	
DAVID EWER	✓	



HOUSE OF REPRESENTATIVES  
 53RD LEGISLATURE - 1993  
SELECT COMMITTEE ON WORKERS COMPENSATION

ROLL CALL VOTE

DATE 3-8-93 BILL NO. HB 456 NUMBER

MOTION: Roll call question - All in favor  
amendments passed.

NAME	AYE	NO
CHASE HIBBARD, CHAIRMAN	✓	
JERRY DRISCOLL, VICE CHAIRMAN	✓	
STEVE BENEDICT	✓	
ERNEST BERGSAGEL	✓	
VICKI COCCHIARELLA	✓	
DAVID EWER	✓	

EXHIBIT 9  
DATE 3/8/93  
HB 456

HOUSE OF REPRESENTATIVES  
53RD LEGISLATURE - 1993  
SELECT COMMITTEE ON WORKERS COMPENSATION

*New Amendments -*

ROLL CALL VOTE

DATE 3-8-93 BILL NO. 456 NUMBER 4

MOTION: → Do pass

*(Failed)*

NAME	AYE	NO
CHASE HIBBARD, CHAIRMAN	✓	
JERRY DRISCOLL, VICE CHAIRMAN		✓
STEVE BENEDICT	✓	
ERNEST BERGSAGEL	✓	
VICKI COCCHIARELLA		✓
DAVID EWER		✓

Amendments to House Bill No. 504  
First Reading Copy

Requested by Representative Benedict  
For the Committee on Workers' Compensation

Prepared by Bart Campbell  
February 13, 1993

1. Title, line 7.  
Following: "TAX"  
Strike: "TO 1 PERCENT"  
Following: "IMPOSING"  
Strike: "A 1 PERCENT"  
Insert: "AN"
2. Title, line 9.  
Following: ";"  
Insert: "PROVIDING APPROPRIATIONS;"
3. Title, line 10.  
Following: "SECTIONS"  
Insert: "15-30-207, 39-71-406,"
4. Page 5, line 7.  
Strike: "1%"  
Insert: "0.28%, plus the additional amount of payroll tax provided in [section 5],"
5. Page 5, line 11.  
Strike: "1%"  
Insert: "0.28%, plus the additional amount of payroll tax provided in [section 5],"
6. Page 5, lines 17 and 18.  
Following: "a sole proprietor"  
Strike: the remainder of lines 17 and 18 in their entirety  
Insert: "or a working partner of a partnership who elects coverage under 39-71-401 shall pay only the employer's portion of the payroll tax on the sole proprietor's or working partner's own employment. A corporate officer who is also an employee of the corporation and is engaged in a covered employment, as provided in 39-71-401, shall pay only the employer's portion of the payroll tax on the corporate officer's own employment. All other employees of a corporation, sole proprietorship, or partnership shall pay the wage tax as required in this section."
7. Page 6, following line 16.  
Insert: "(e) An employee does not have any right of action against an employer for any money deducted and withheld from the employee's wages and paid to the state in compliance or intended compliance with this section.  
(f) The employer is liable to the state for any amount of wage taxes, plus interest and penalty, when the employer fails to

employee's wages or fails to remit to the state as required by this section."

deposited as

through 5. On line 3 through "department" on line 5 including for employees' wage taxes at the same

to be borrowed lowering fiscal must be increased current tax rate. cash balance for tax rate on the from the current

including line 21.

and 0.75%, and 0.75%.

Section 5. Payment of unfunded liability for from accidents occurring before July 1, 1990. In 1993, the state fund shall pay for the and paying claims for injuries resulting occurred before July 1, 1990, not covered by source, by borrowing from the board of time to time, the amount that the state fund budget director certifies, as provided in 39- needed to pay for administering and paying the during year.

cash flow section and shall April 1 of the section."

At the end of each year, prior to the start of the year, the state fund shall forward to the budget department pertaining to the amount that the state fund is required to pay for the cost of paying claims for the injuries provided for in section 5 that for fiscal year 1994, the information borrowed by the state fund must be forwarded to the budget department no later than 45 days prior to the start of the year.

needed to read:

- (1) Every year, file with each employee in such department requires, including the showing the total amount withheld and withheld through 15-30-209 and

In addition, the state fund shall forward to the budget department the schedule of projected liability payments which the amount to be borrowed is based. The amount shall include but is not limited to total projected loans and bond debt payments, revenue from sales tax and employee wage tax provided for in section 5 of fiscal year end cash, and the projected amount for the year 2003.

compliance with penalties of section 5 on return is

On or after July 1, 1993, on each employer a workers' compensation tax and on each employee a workers' compensation tax as provided in 39-71-2503. For fiscal year 1993, the amount of the workers' compensation payroll tax is an amount equal to 0.5% of the amount of the payroll tax in the preceding calendar quarter for all employees as provided by 39-71-401. For fiscal year 1994, the amount of the workers' compensation payroll tax is an amount equal to 0.5% of the employee's compensation in the preceding calendar quarter for all employments as provided by 39-71-401.

provided by law, the amount required by section 5 of \$5 for each failure to file section 5 of each year department upon a penalty may be assessed." "

On or after July 1, 1993, on each employer a workers' compensation payroll tax determined by this section and on each employee a workers' compensation payroll tax provided for in section 5.

15-30-207

On or after July 1, 1993, on each employer a workers' compensation payroll tax that is in excess of the amount provided for in 39-71-2503 and the employee wage tax as provided in section 5 of fiscal year 2003.

needed to read: part of premium a deduct or obtain

On or after July 1, 1993, on each employer a workers' compensation payroll tax and the employee wage tax as provided in section 5.

any part of any premium required to be paid by this chapter from the wages or earnings of his workers, and the making or attempt to make any such deduction is a misdemeanor. The employee wage tax under 39-71-2503 is not a premium for the purpose of this section."

{Internal References to 39-71-406:  
39-72-402}

Renumber: subsequent sections

12. Page 10, following line 3.

Insert: "

NEW SECTION. Section 10. Appropriations. (1) There is appropriated \$65,000 from the workers' compensation payroll tax account to the state auditor for fiscal year 1993.

(2) There is appropriated \$47,190 from the workers' compensation payroll tax account to the department of revenue for fiscal year 1993.

NEW SECTION. Section 11. {standard} Codification instruction. [Section 5] is intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [section 5]."

Renumber: subsequent sections

13. Page 10, line 5.

Following: "tax"

Insert: "and the increase in the employer payroll tax"

Strike: "section 4"

Insert: "sections 4 and 5"

14. Page 10, lines 5 and 6.

Strike: "commences" on line 5 through "1993" on line 6

Insert: "commence on July 1, 1993"

EXHIBIT 11  
 DATE 3-28-93  
 HB 524

PAYROLL INFLATOR OF 5% USED  
 AS REQUESTED BY LEGISLATORS

93L-22C  
 11:33 AM  
 02/10/93

OFFICE OF THE LEGISLATIVE AUDITOR  
 SCHEDULE OF PROJECTED LIABILITY PAYMENTS AND CASH NEEDS

THIS SPREADSHEET PREPARED WITH  
 THE FOLLOWING ASSUMPTIONS:

FISCAL YEAR	TOTAL PROJECTED LIABILITY PAYMENTS	BOND DEBT PAYMENTS	TOTAL EXPENSE	EMPLOYEE PAYROLL TAX	EMPLOYER PAYROLL TAX	PROJECTED END OF YEAR CASH	PROJECTED INTEREST EARNINGS	PAYROLL TAX IN-->
1994	\$56,396,158	\$11,319,361	\$67,715,519	\$26,909,283	\$26,909,283	(\$41,284,125)	(\$1,019,206)	0.5000%
1995	\$47,461,746	\$11,318,181	\$58,779,927	\$28,254,747	\$28,254,747	(\$44,682,833)	(\$1,128,273)	0.5000%
1996	\$41,632,203	\$11,320,631	\$52,952,834	\$29,667,484	\$29,667,484	(\$39,298,744)	(\$998,046)	0.5000%
1997	\$37,355,999	\$11,317,544	\$48,673,543	\$31,150,858	\$31,150,858	(\$26,345,620)	(\$675,049)	0.5000%
1998	\$33,212,381	\$11,318,244	\$44,530,625	\$32,708,401	\$32,708,401	(\$5,614,722)	(\$155,279)	0.5000%
1999	\$30,299,309	\$11,317,694	\$41,617,003	\$34,343,821	\$34,343,821	\$21,995,089	\$539,172	0.4500%
2000	\$27,538,261	\$11,319,984	\$38,858,245	\$36,061,012	\$36,061,012	\$56,671,256	\$1,412,329	0.4000%
2001	\$25,122,227	\$11,318,859	\$36,441,086	\$34,077,657	\$34,077,657	\$90,658,492	\$2,273,009	0.3500%
2002	\$22,069,098	\$11,321,394	\$33,390,492	\$31,805,813	\$31,805,813	\$123,996,927	\$3,117,301	
2003	\$50,756,671	\$132,326,715	\$183,083,386	\$29,221,590	\$29,221,590	(\$580,654)	\$62,624	
2004								COVERED PAYROLL \$4,881,502;500
2005								COST OF CAPITAL--> 5.0000%
2006								PAYROLL INFLATION RATE--> 5.0000%
2007								BEGINNING CASH BALANCE--> (\$26,367,966)

=====  
 \$371,844,052 \$234,199,607 \$606,042,659 \$314,200,666 \$314,200,666  
 =====

THIS SPREADSHEET CALCULATED THE  
 FOLLOWING FINANCIAL RELATED DATA:  
 TOTAL EXPENSE \$606,042,659  
 YEAR PAYROLL TAX ENDS 2003

IF CASH IS GREATER THAN \$25,000,000  
 PAYROLL TAX DECREASES BY .05%  
 IF CASH IS LESS THAN (\$50,000,000)  
 PAYROLL TAX INCREASES BY .05%

CLAIMS DEVELOPMENT FACTOR 1.10

Amendments to House Bill No. 504  
First Reading Copy

Requested by Representative Driscoll  
For the Committee on Workers' Compensation

Prepared by Greg Petesch  
February 19, 1993

1. Title, lines 7 and 8.  
Following: the first "PERCENT" on line 7  
Strike: remainder of line 7 through the first "TAX" on line 8  
Following: ";"  
Insert: "EXTENDING THE APPLICABILITY OF THE TAX;"
2. Title, line 10.  
Strike: "39-71-2502,"
3. Page 2, line 13.  
Following: "39-71-2503"  
Strike: remainder of line 13 in its entirety
4. Page 3, line 6.  
Strike: subsection (2) in its entirety  
Renumber: subsequent subsections
5. Page 3, lines 11 and 12.  
Following: "31"  
Strike: remainder of line 11 through "39-71-401" on line 12
6. Page 3, line 19.  
Strike: subsection (8) in its entirety
7. Page 3, line 20 through page 5, line 3.  
Strike: section 3 in its entirety  
Renumber: subsequent sections
8. Page 5, lines 5 and 6.  
Strike: "and wage tax"
9. Page 5, lines 8 and 9.  
Following: "quarter" on line 8  
Strike: remainder of line 8 through "39-71-401" on line 9
10. Page 5, lines 13 through 18.  
Strike: subsection (b) in its entirety  
Renumber: subsequent subsections
11. Page 5, line 19.  
Strike: "These taxes"  
Insert: "The tax"
12. Page 6, lines 13 and 14

Following: "payroll" on line 13.  
Strike: remainder of line 13 through "tax" on line 14

13. Page 6, line 17.  
Strike: "taxes"  
Insert: "tax"

14. Page 6, line 19.  
Strike: "taxes are"  
Insert: "tax is"

15. Page 6, line 20.  
Strike: "and employees"

16. Page 6, line 21.  
Strike: "taxes"  
Insert: "tax"

17. Page 7, lines 3 through 5.  
Following: "quarter" on line 3  
Strike: remainder of line 3 through "department" on line 5

18. Page 7, lines 8 through 10.  
Following: "(1)(a)" on line 8  
Strike: remainder of line 8 through "time" on line 10

19. Page 7, line 11.  
Strike: "Tax payments"  
Insert: "A tax payment"

20. Page 7, line 12.  
Strike: "subsections"  
Insert: "subsection"  
Strike: "and (1)(b)"

21. Page 8, line 20.  
Strike: "taxes"  
Insert: "tax"

22. Page 8, line 21.  
Strike: "employees,"

23. Page 9, line 3.  
Strike: "taxes"  
Insert: "tax"

24. Page 9, line 4.  
Strike: "taxes"  
Insert: "tax"

25. Page 10, lines 4 through 6.  
Strike: section 7 in its entirety  
Renumber: subsequent section



Amendments to Senate Bill No. 258  
Third Reading Copy

For the Committee on Workers' Compensation

Prepared by Susan B. Fox  
March 8, 1993

1. Page 3, line 18.

Following: "~~damages.~~"

Insert: "If the insurer is entitled to subrogation under this section, the insurer may subrogate against the entire settlement or award of a third-party claim brought by the claimant or the claimant's personal representative without regard to the nature of the damages."

*Ag Committee report  
go directly to  
floor - no  
referral*

EXHIBIT 14  
DATE 3/8/93  
HB SB 258

HOUSE OF REPRESENTATIVES  
53RD LEGISLATURE - 1993  
SELECT COMMITTEE ON WORKERS COMPENSATION

ROLL CALL VOTE

DATE 3-8-93 BILL NO. SB 258 NUMBER \_\_\_\_\_  
MOTION: final as amended

NAME	AYE	NO
CHASE HIBBARD, CHAIRMAN	✓	
JERRY DRISCOLL, VICE CHAIRMAN	✓	
STEVE BENEDICT	✓	
ERNEST BERGSAGEL	✓	
VICKI COCCHIARELLA	✓	
DAVID EWER	✓	

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Select Water Comp

COMMITTEE

BILL NO. SB 394

DATE 3-8-93

SPONSOR(S)

SEN. JOHN HARP

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
HARLEE THOMPSON	CWC SI	X	
JON HAMILTON	CWC SI	X	
KERRY PHIPPS	WORKERS OF INTERMOUNTAIN TRUSS	X	
Russell B Hill	Mont Trial Lawyers Assn		✓
R B Hill	MTLA		✓
Riley Johnson	NFTB	X	
Jan Van Riper	self		X
Steve Turkiewicz	MT Auto Dealers Assn	X	
KEITH OLSON	MT Logging Assn	✓	
Carla Toranzo	Montan Stockgrowers Assn	✓	
Wm Scan	MT Conf of Elect Wkrs	Amend	✓
Charles R. Brooks	MT Retiree L Assoc	X	
Regina Benmark	Am Bus. Assoc.	X	
John Allen	CWC SI / MT Wood Prod.	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Select Workers' Comp COMMITTEE BILL NO. \_\_\_\_\_  
DATE 3-8-93 SPONSOR(S) \_\_\_\_\_

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
	<i>Attorney</i>		
	<i>Allen Caldwell</i>	<i>Yes</i>	<i>71</i>
	<i>3060</i>		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

3-8-93

Select Urban Comm COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME THOMAS BULMAN BILL NO. Small Bill 394

ADDRESS 210 E. PINE MISSOULA DATE 3/893

WHOM DO YOU REPRESENT? SELF

SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND X

COMMENTS: WILL TESTIFY