

## MEMORANDUM

TO: Groups Working on SJR 17 Workers' Compensation/Occupational Disease Simplification

FROM: Eddy McClure, LSD Staff Attorney

DATE: September 9, 2003

RE: Agenda for September 29, 2003, Joint Meeting of SJR 17 Groups

Attached is a working agenda for the September 29 joint meeting of groups that have been working independently on SJR 17 regarding simplification and clarification of Workers' Compensation and Occupational Disease.

\* The agenda is intended only to provide some structural framework for presentation and discussion on the issues that can be identified in the language of SJR 17:

1. Simplification and Clarification of Workers' Compensation Statutes and Regulations;
2. Possible Legal & Public Policy Impacts of Employments Exempted from WC; and
3. Simplification and Clarification of Occupational Disease Statutes and Regulations (including court decisions)

At the September 29 meeting, those groups that requested the drafting of SJR 17 or those that I know have been meeting independently on SJR 17 will be given approximately 30-45 minutes (less if needed) to discuss the rationale behind the draft request or group's findings and recommendations regarding any or all of the topics listed above. If your group is NOT specifically listed as a presenter, there will be time for "others" to speak and/or ask questions and participate.

On the agenda, you will note that each speaker is asked to:

- (a) identify or list those changes being recommended;
- (b) provide a rationale for recommending the specific changes;
- (c) recommend how that change would be accomplished (amend statute or rule; repeal statutes or rules, etc); and
- (d) state (if they are aware) whether the changes recommended will directly or indirectly affect benefits.

\*\* Broad statements such as "In OD, we should only address the things that the court ruled on" will not assist participants in identifying those areas in either WC or OD that might be simplified or in arriving at possible solutions to present to the Committee. The groups need to hear what problems you have identified and specifically HOW you would propose to address them.

### **Please Note:**

1. Legislative committees are **NOT** bound or limited by the language in study resolutions. Committees can, and often do, expand studies to include things not specifically mentioned in studies or often ignore language that purport to limit a study to particular issues.

2. The Economic Affairs Committee will hear information and testimony related to SJR 17 throughout the interim...the October 23 meeting is just the beginning of the journey. Staff anticipates that the issues identified above will be divided into sections or by issue and presented with some background to the Economic Affairs Committee at each of its interim meetings. At one of its final meetings and, after listening to numerous reports on WC and OD problems and recommendations, the Committee alone will decide whether it wants to direct staff to draft any Committee legislation concerning WC or OD

simplification for consideration by the 2005 Legislature.

\*So, if your group has not fully formulated all its recommendations concerning all the issues in SJR 17 (i.e. you haven't completed all your analysis or thought about how to address the OD court cases), be assured that the work will continue after the September 29 meeting.

3. If you will have handouts for your group's report, please bring copies or send the information to me via email and I will make copies for the Sept. meeting.

\*\*4. Pat Murdo asked that I inform you that the reports she is preparing for SJR 17 will be available on **September 22** under "Staff Reports" on the Leg. website ([www.leg.mt.gov/css/committees/interim/2003\\_2004/econ\\_affairs/default.asp](http://www.leg.mt.gov/css/committees/interim/2003_2004/econ_affairs/default.asp)) .

If you have questions, please call me at 444-3804 or email me at [emcclure@mt.gov](mailto:emcclure@mt.gov) \_\_\_\_\_