

INFORMATIONAL TESTIMONY
DEPARTMENT OF LABOR & INDUSTRY
DIANA FERRITER
EMPLOYMENT RELATIONS DIVISION

SB481

The department has technical concerns with the proposed language in Section 2(2) of the bill. It's not clear to us if the intent is to prevent duplicate benefit payments over the same period of disability on a medical condition that could be claimed as both an injury and OD; or if the intent is to prevent payment of benefits on medical conditions that could result in subsequent injuries in the future after the first claimed medical condition reaches maximum medical healing.

In the spirit of preventing unintended consequences, we wanted to bring our concerns to the attention of the committee.

We also wanted to point out that Section 21 of the bill is amending Section 39-71-416, MCA, and that section of law was determined to be unconstitutional by the Montana Supreme Court in the Connery v. Liberty Northwest case. The Economic Affairs Committee requested HB126 in this session and HB126 repeals that unconstitutional section of law. We wanted to point that out to this committee.

Thank you and I'm available for questions.

Proposed amendment to: Section 2, pg. 1 - lines 27-30

In the case when the same medical condition may be claimed as an injury and an OD, compensation payable to the claimant, the claimant's beneficiaries, or the claimant's dependents shall be paid on only one claim. Compensation payable shall not be duplicated for the same amount over the same time period.