EXHIBIT 4 BUH
DATE 2-4-09
HB 283

HOUSE BILL NO. 283

INTRODUCED BY D. HIMMELBERGER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WORKERS' COMPENSATION LAWS; PROVIDING FOR VOLUNTARY CERTIFICATION OF WORKERS' COMPENSATION CLAIMS EXAMINERS; REQUIRING A LETTER OF INTENT TO CREATE A NEW EXEMPTION UNDER THE WORKERS' COMPENSATION ACT; ESTABLISHING CRITERIA FOR CERTIFYING CLAIMS EXAMINERS; AMENDING SECTION 2-6-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, section 39-71-105, MCA, states that it is public policy for the workers' compensation system to provide protections for employees that are at "reasonably constant rates" for employers; and

WHEREAS, over time the types of occupations, persons, and businesses that are exempt from the coverage requirements of the Workers' Compensation Act have continually expanded; and

WHEREAS, solvency of the workers' compensation system requires a broad base of coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Letter of intent required to create new exemption.** (1) A bill draft request to create and list an additional exemption under Title 39, chapter 71, must include a letter of intent not exceeding 1,000 words that addresses the criteria in subsection (2).

(2) The letter of intent must contain a good faith effort to provide the following:

(a) an estimate of the number of employees statewide who would become exempt from coverage under the Workers' Compensation Act;

(b) an estimate of the number of employers statewide who would no longer be required to provide workers' compensation coverage to the exempt workers;

(c) an analysis of which entity would become responsible for the costs of injury;

(d) an analysis of the change in potential liability to an employer if an exempt employee is injured;

(e) an estimate of the reduction in total state payroll for the occupation for which the exemption is being requested; and

(f) an explanation of the possible social costs of allowing the exemption.

(3) The legislative fiscal analyst shall provide to the bill draft requester an independent assessment of the letter of intent.

(4) The department of labor and industry shall provide an independent assessment of the letter of intent regarding information that is within the expertise of that department.

(5) For the purposes of this section, a letter of intent is a public record.

(6) A bill draft request submitted without this letter of intent may not be processed for introduction to the legislature.

NEW SECTION. **Section 2. Voluntary certification program for claims examiners -- purpose -- rulemaking -- advisory committee -- continuing education.** (1) Pursuant to the public policy stated in 39-71-105, accurate and prompt claims handling practices are necessary to provide appropriate service to injured workers, employers, and medical providers. In order to further that public policy, the purpose of this section is to authorize the department to establish a voluntary certification program for claims examiners. The department shall administer the voluntary certification program.

(2) The voluntary certification program is intended to improve the handling of workers' compensation claims by:

(a) establishing minimum qualifications and procedures for certifying claims examiners;

(b) requiring continuing education for certified claims examiners;

(c) better educating certified claims examiners about changes in the law; and

(d) providing standards for the qualifications of instructors, courses, and materials.

(3) The department shall adopt rules for the certification of workers' compensation claims examiners, providing for:

(a) minimum qualifications;

(b) examination;

(c) 2-year certification and renewal;

(d) continuing education requirements; and

(e) a waiver of the examination requirement for an individual requesting certification as a claims examiner within the first 12 months after the department has adopted the initial rules under this subsection (3). The waiver is available only to an individual who has been actively engaged in the work of a claims examiner in this state, working on workers' compensation claims for 5 of the 7 years immediately preceding the individual's application