Economic Affairs Interim Committee
Work Plan for the 2009 - 2010 Interim

Prepared by
Pat Murdo, Research Analyst
Legislative Services Division

Revised as Recommended at September 2009 Meeting

Summary

This Work Plan for the 2009-2010 Economic Affairs Interim Committee (EAIC) contains an introduction regarding EAIC duties and a proposed schedule in which to accomplish those duties. The subsequent sections of the Work Plan provide detail for the statutory duties, outline plans for two studies assigned by Legislative Council to the EAIC, and describe additional options that EAIC members have recommended pursuing. EAIC members are asked to review all activities with their associated workloads in mind and a recognition of limited staff resources. A matrix provides options for maximum, medium, and minimal involvement on issues before the EAIC, and a mix of activities is optimal.

EAIC members may choose to revise the Work Plan at any time, taking into consideration budget and timing. Members are asked to adopt a work plan within the first two meetings -- preferably at the first meeting.

I. *Introduction*

In line with the statutory duties of interim committees (detailed in the next section), the Economic Affairs Interim Committee (EAIC or Committee) has responsibility for:

- reviewing rules of certain executive agencies under the EAIC's purview[1];
- monitoring of certain executive agencies' programs and preliminary review of those agencies' draft legislation; and
- studying and reporting to the next Legislature on any issues assigned to the EAIC by the Legislative Council. Legislative Council assigned two studies to the EAIC for this interim: SJR 14, on state laboratory efficiencies, and SJR 30, on workers' compensation.

---

[1]Executive agencies assigned by 5-5-223, MCA, to the Economic Affairs Committee are: the Department of Agriculture, the Department of Commerce, the Department of Labor and Industry, the Department of Livestock, the State Auditor and Insurance Commissioner, and the Governor's Office of Economic Development. Although the State Fund is administratively assigned to the Department of Administration under 2-15-1019, MCA, a Memorandum of Agreement (MOA) was established during the 1999-2000 interim between the Economic Affairs Interim Committee's predecessor, the Business and Labor Interim Committee, and the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee. The agreement was for the Business and Labor Interim Committee to monitor State Fund, in part because the Business and Labor Committee had been assigned an interim study dealing with State Fund. In subsequent interims the Economic Affairs Committee continued to include the State Fund within its monitoring activities. Staff for the State Administration and Veterans' Affairs Interim Committee and the Economic Affairs Interim Committee suggest a similar informal arrangement for the 2009-2010 interim but recognizes that the State Administration and Veterans' Affairs Committee will retain statutory responsibilities for monitoring and agency review.

The EAIC members also may choose to study or hear reports on various subjects of interest to the members. A list of proposed topics is in Appendix A.

In addition to the traditional duties assigned to interim committees, the EAIC presiding officer has the responsibility to name two EAIC members as liaisons to the State Fund and two EAIC members (one from each party and each legislative body), with vice presiding officer concurrence, to the Rail Service Competition Council.

Budget and Meeting Dates

The EAIC budget for the 2009-2010 biennium is $31,685. Of the total, $5,695 is for photocopying costs, supplies, communications, and contracted services. The remainder is for members' travel and per diem costs for meetings (and staff travel/per diem for out of town meetings, if any). The EAIC members at their July 2009 meeting indicated an interest in traveling out-of-town for one or two meetings. Staff calculated the costs for the following possible locations, not including the cost of renting a meeting room and microphones (which can be out of the office supply budget) or per diem for legislators and staff. (The upper range allows for travel days before and after the meeting when appropriate and for overnight stays).

Location	***Cost range for travel, member salaries***[2]
Helena	$2,860 to $3,162
Billings	$4,080 to $5,134
Havre	$5,250 to $6,135
Kalispell	$4,850 to $6,243
Lewistown	$4,679 to $6,133
Missoula	$4,243 to $5,811

The Financial Office's budget projection is for six 1-day meetings and two 2-day meetings, all in Helena for a total of 10 meeting days. The committee may choose to meet out-of-town, use remote meeting technologies like MetNet interactive broadcasts or teleconferencing, or use subcommittees (with fewer people attending meetings). Depending on the work plan chosen by the committee, the expected number of meeting days may be stretched to 11 meeting days but the meeting types may vary. See Appendix B for further budget information and scenarios.

The revised schedule includes the July 8 organizational meeting in Helena, the September 9, 2009, meeting in Helena, and eight or nine days' worth of additional meetings.

General Meeting Topics	Proposed Date
Organizational meeting	July 8, 2009 (Wed.) Helena
SJR 30 background meeting	September 9, 2009 (Wed.) Helena
SJR 30, Member issues	Nov. 17, 2009 (Tues.) Helena
SJR 30, Member issues, SJR 14 background	January 19-20, 2010 (Tues./Wed.)

[2]The amounts reflect costs if all members attend that meeting. In 2007-2008, five of the eight committee members attended an EAIC meeting in Missoula, at a total cost of $2,728.10 for meals, lodging, travel, and salaries for committee members (excluding staff costs). A 2007-2008 EAIC meeting in Bozeman had all eight members present and cost $4,228.03 for committee members' travel, salaries, and meals. The university covered the cost of lodging in Bozeman.

SJR 30, SJR 14, Agency Monitoring	March 9-10, 2010 (Tues/Wed.)
SJR 30, SJR 14, Member Issues	May 5, 2010 (Wed.) Helena
Legislation Review for Studies, Special Topics	July 7, 2010 (Wed.) Helena
Legislation Review, Agency Monitoring	August 19-20 (Thurs./Fri.) or Sept. 8.

As of this biennium, the costs for two EAIC members to serve as liaisons to the Montana State Fund are separately identified in the Legislative Services Division budget. The Committee determined that the liaisons are able to receive funds for pre-meeting activities in addition to board meetings. The Rail Service Competition Council members from EAIC are funded through the Department of Transportation budget.

The study resolutions require that interim committee work, including final reports, recommendations, and any proposals for legislation, be completed by September 15, 2010. In order to get the final report completed before legislation is due to be drafted, staff has suggested making the final meeting in August 2010. An alternate date would be Sept. 8, 2010.

II. *Statutory Obligations and Review of Duties*

> **5-5-215. Duties of interim committees.** (1) Each interim committee shall:
> (a) review administrative rules within its jurisdiction;
> (b) subject to 5-5-217(3), conduct interim studies as assigned;
> (c) monitor the operation of assigned executive branch agencies with specific attention to the following:
> (i) identification of issues likely to require future legislative attention;
> (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
> (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
> (d) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules; and
> (e) accumulate, compile, analyze, and furnish information bearing upon its assignment and relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the adequate completion of its work.
> (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state may require for presentation to the next regular session of the legislature.
> (3) The legislative services division shall keep accurate records of the activities and proceedings of each interim committee.

Duties in statute

A. Rule Review

Under 5-5-215, MCA, an interim committee "shall review administrative rules within its jurisdiction". EAIC legal staff typically reviews rulemaking notices from all the agencies that the

EAIC monitors and provides information to the committee on rules considered to be noncompliant with legislative intent. The EAIC may request that the legal staff provide a synopsis of all rules and not just those that are considered noncompliant. The EAIC also could request the legal staff to pay particular attention to rules affecting constituent concerns, if any. According to the Montana Administrative Procedure Act (MAPA), the committee charged with reviewing agency rules may:

- request agency rulemaking records for ensuring compliance with MAPA;
- submit recommendations regarding the adoption, amendment, or rejection of a rule;
- require that a hearing be conducted;
- participate in proceedings;
- review the conduct of administrative proceedings.

Decision point: EAIC members requested a monthly written synopsis be mailed to members reflecting all proposed rules for agencies under the EAIC purview.

B. Program Monitoring

Pursuant to 5-5-215, MCA, the Committee shall monitor the operation of assigned agencies with specific attention paid to:

- identifying issues likely to require future legislative attention;
- improving existing law; and
- seeking the input of citizens regarding the operation of agencies.

The EAIC monitors the:

- Department of Agriculture
- Department of Commerce
- Department of Labor and Industry
- Department of Livestock
- Office of the State Auditor and Insurance Commissioner
- Governor's Office of Economic Development

In the past five interims, the EAIC has monitored the Montana State Fund under an agreement with the State Administration and Veterans' Affairs Interim Committee (SAVA) under 5-5-202(3) -- see footnote 1. However, this interim after a discussion among staff, there is a concern about the formal transfer of this monitoring task. EAIC will continue to work with the Montana State Fund as part of the SJR 30 study of workers' compensation but formal monitoring, rule review, and legislation review will be handled by SAVA. Staff separately has suggested that Legislative Council review whether carveouts for certain duties more appropriate to certain interim committees be included in statute, regardless of the administrative attachment of an agency.

Decision point:

- Committee chose a moderate level of involvement for agency monitoring (see Matrix below).

C. Draft Legislation Review

Draft legislation review is intended for both an interim committee's suggested legislation and for legislation to be proposed by agencies monitored by the committee. When the interim committee is proposing its own legislation, it is listed under both "requestor" and "requested by". The requestor must be a legislative entity. The "requested by" entity may be a state agency. There is sometimes confusion when a legislative committee is seen as the requestor because that committee is then seen as endorsing the bill, when in fact the requestor is enabling drafting of the legislation and is not taking a stand on the contents of the bill. An interim committee may choose not to request drafting of a particular bill requested by an agency, which means only that the agency has to find a legislator who will introduce the bill (and the committee then generates some perhaps unnecessary ill will). Early review by legislators also allows for outside suggestions that agencies may or may not take under consideration.

Two reasons for review of agency legislation by interim committees are:

- to provide early drafting for agencies, which presumably know in advance which policies they are seeking to amend, remove, or establish; and
- to improve the work flow so that staff can begin drafting legislation before elections and handle agency legislation before the onslaught of newly elected legislators' bill requests.

Because agencies are expected to have submitted their proposals to the Governor's Office by June in the year preceding the legislative session, interim legislative committees can begin as early as June to review the legislation. The EAIC often has reviewed agency legislation at its last meeting of the interim. According to Joint Rule 40-40(5)(a): "Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee." Some agencies provide drafts of their legislation. Others review only the concepts. If the EAIC wants to review actual drafts, the members should give early notice to each of the agencies.

The 2007-2008 Economic Affairs Interim Committee handled the following agency bill requests:

Department of Agriculture	6 (4 bills became law; 1 resolution filed)
Department of Commerce	2 (2 bills became law)
Combined Commerce/Agriculture request	2 (1 bill became law)
Department of Labor and Industry	9 (9 bills became law)
Department of Livestock	3 (3 bills became law)
State Auditor and Insurance Commissioner	13 (8 bills became law, 4 drafts canceled)
Governor's Office of Economic Development	0
State Fund	0
Total:	35 (27 bills became law, 1 resolution filed with the Secretary of State's office, 4 drafts were canceled, 3 bills died in the process)

Decision point: The EAIC agreed to request agencies that are under the EAIC purview to submit legislation requests at the second-to-last meeting as well as at the last meeting of the EAIC in order to give both the EAIC and the relevant agency time to consider the legislation.

D. Maintain Adequate Records of Activities

Minutes of meetings this interim will be shorter than they have been in the past, with details available through the audio recording. Staff relies on communication using both emails and letters. If an EAIC member prefers communication in only one form, then the staff will adjust to match preferences. Information will be posted to the committee website, and legislators may refer constituents or interested parties to the website for information or to sign up for electronic notification regarding EAIC activities. That website is: http://leg.mt.gov/css/Committees/Interim/2009_2010/Economic_Affairs/default.asp.

E. Additional statutory duties

- Licensing Board or Program Review. As part of its monitoring duties related to the Department of Labor and Industry, to which professional and occupational licensing boards are administratively attached, the EAIC is responsible for deciding if any particular licensing board or program is not needed or if the financial solvency of the board or program is questionable. Under 2-8-404, MCA, the EAIC is required to notify the department if the Committee itself wants to review boards or programs for the purpose of sunsetting them or combining them with another board. Among boards that the Committee might want to review for fiscal solvency are:
  - The athletic program, which as of HB 171's gubernatorial amendment retains the professional boxing program; and
  - PAARP, the Private Alternative Adolescent Residential or Outdoor Programs, which has seen a decreasing number of licensees.

- Under 22-3-1002, MCA, the EAIC is required to review the administrative fee negotiated between the Montana Heritage Preservation and Development Commission and the Department of Commerce. In 2008, the administrative fee reportedly had not been negotiated by the time the interim was completed although the Commission provided a report on its activities.

- The creation of the Wood Product Industry Loan Program in the Department of Commerce included a requirement that the Department of Commerce report to the EAIC about the status of the distressed wood products industry loan account.

- The Rail Services Competition Council under 2-15-2511, MCA, is to "report to any standing or interim legislative committee that is assigned to study or has oversight duties for rail service competition issues". Typically, the appointed EAIC members of the Council have updated the EAIC about the Council's activities and the Council has provided a copy of its report to the EAIC.

III. *Study Activities*

The Legislative Council on May 27, 2009, assigned Senate Joint Resolution No. 14, a study of state laboratories to determine potential efficiencies, and Senate Joint Resolution No. 30, a study of workers' compensation, to the Economic Affairs Interim Committee.

SJR 30 received the top ranking in a postsession poll of legislators regarding which studies they preferred to see done, given limited staff resources. SJR 14 ranked at number 14 out of 17 study resolutions approved by the Legislature. The draft work plans for each are described below.

- **SJR 14** -- Introduced by Sen. Cliff Larsen. SJR 14 requests the following tasks:
  1) Review existing state laboratory facilities, including those used for testing related to wildlife, agriculture, livestock, and public health and University-based facilities, such as the veterinary diagnostic lab and the Montana seed lab at Montana State University-Bozeman.
  2) Identify areas of potential overlap or similarity in testing procedures (this could also include similarity in equipment used, along with current use levels of the equipment).
  3) Analyze the pros and cons of consolidation.
  4) Analyze results of consolidation in other states (e.g., Michigan and New Mexico).
  5) Identify potential cost savings of consolidating two or more laboratories.
  6) Identify potential arrangements for effectively sharing laboratory space.

  The following SJR 14 timeline and work plan seek to fulfill those assignments:
  - **July 2009** - Following the EAIC adoption of its scope of work for SJR 14, Hope Stockwell, the legislative analyst responsible for SJR 14, contacted staff at the Department of Livestock's Veterinary Diagnostics Lab, the Department of Fish, Wildlife, and Parks' Wildlife Lab, the Department of Agriculture's Analytical Lab, and the Department of Public Health and Human Services' Public Health and Environmental Labs and requested information for an inventory of lab space, equipment, testing services, fee schedule, personnel, and salary information.
  - **August 2009** - Ms. Stockwell visited the aforementioned labs in Bozeman and Helena.
  - **September 2009** - Responses for inventory due by Sept. 30, followed by analysis of inventory lists.
  - **January 2010** - Analysis of inventory lists to be completed in time for EAIC March meeting.
  - **March 2010** - EAIC to review draft preliminary report and findings, develop recommendations, and request draft legislation, if determined necessary.
  - **May 2010** - EAIC to review preliminary report and legislative draft(s), if any.
  - **July 2010** - EAIC to provide for public comment on draft report and any proposed legislation.
  - **August/September 2010** - (Depending on when final meeting is) EAIC approve final report and assign sponsor for proposed legislation, if any.

In determining the scope of the investigation for SJR 14, the EAIC considered whether its involvement should be:

- A broad study encompassing all potential areas of consolidation or shared efforts, involving all types of agencies and discussions about potential consolidation or shared resources and personnel; or
- A narrow study that reviews one type of issue, such as brucellosis, across agencies and laboratories. A narrow study could serve as a prototype for

further analysis at other times.

Decision point: The EAIC decided to narrow the focus of the SJR 14 study to concerns about achieving efficiencies in conjunction with laboratories operated by the Department of Livestock, the Department of Agriculture, and Department of Fish, Wildlife, and Parks on the Montana State University campus in Bozeman and any relevant overlap with the Department of Public Health and Human Services laboratory in Helena. The study will involve minimal staff time. (See Matrix, below.)

- **SJR 30** -- Introduced by Sen. Ryan Zinke, this resolution is designed to look at cost drivers for premiums and the operation and structure of the Montana State Fund. A proposed schedule for the study, based on whatever meeting dates the EAIC chooses and its level of involvement, includes:
  - ***Prior to first meeting:***
    - Provide background information on past studies and reports on fraud experiences (to be provided by State Fund, self-employed group, and a private insurer).
  - ***First meeting (July 8)***
    - ☐ Provide a workers' compensation 101 class overview.
    - ☐ Hear from the Labor Management Advisory Council about its activities.
    - ☐ Hear from a representative of the National Council on Compensation Insurance regarding comparisons between Montana and other states on types of claims and frequencies, including by occupation.
    - ☐ Determine goals for the study. Is the purpose:
      - Meaningful premium rate reduction?
      - Rates lower than neighboring states (to encourage relocation of businesses that have an ability to relocate)?
      - Changes to existing structures to reflect insurance industry views?
      - Changes in policy from a worker perspective?
      - Changes in policy from an employer perspective?
  - ***Second meeting (Sept. 9)***
    - ☐ Continue determining goals (see above).
    - ☐ Review premium cost drivers, including: medical costs and fee schedules, duration of benefits (both medical and indemnity) and claim closure, return-to-work issues, and safety/reducing the frequency of injuries.
  - ***Third meeting (Nov. 17)***
    - ☐ Review: constituent concerns, including fraud; medical concerns, including defensive medicine and findings from the DOLI survey of practitioners, updates on the medical utilization and treatment guideline efforts, medical review boards and report on practitioner findings).
  - ***Fourth meeting (Jan. - in Helena)***
    - ☐ Review structure and operations of Montana State Fund, including its role as a guaranteed issue plan or insurer of last resort and its guaranteed role as insurer for state agencies' workers' compensation purposes. As part of the latter topic, review any changes the Department of Administration is taking under HB 126 to coordinate state purchases of workers' compensation insurance.

- ☐ Review the three-tiered structure in Montana: self-insurers as Plan 1 participants, private insurers as Plan 2 participants, and Montana State Fund as the Plan 3 participant.
- ☐ Review how rates are set and the role of the State Auditor in rate review of private insurers.
- ☐ Review issues related to reserves and surpluses.
- ☐ Review how other states provide an option to employers required to obtain workers' compensation when there is no insurer of last resort -- for example through a shared risk pool.
- ☐ Look at Wyoming and North Dakota as exclusive states and determine comparability with Montana, if possible.
- ☐ Determine what legislative changes would accomplish the goals outlined at the first meeting. Propose legislation for discussion purposes.

- ***Fifth meeting (March)***
  - ☐ Review benefit particulars including specifics on permanent total disability, vocational rehabilitation; presumptive illness, exemptions, course and scope and other court cases, the high proportion of indemnity claims in Montana, access to primary care physicians, attorney fees and access to attorneys, and waiting periods before benefits are paid.
  - ☐ Hear from expert consultant on findings of best practices in other states.
  - ☐ Hear from Labor Management Advisory Council on claim closure and the duration of indemnity and medical claims.
  - ☐ Review fraud and cost-shifting concerns.
  - ☐ Look at reciprocity issues with other states.
  - ☐ Take next steps by determining areas for proposed legislation.
- ***Sixth meeting (May)***
  - ☐ Continue legislation reviews and comment.
- ***Seventh meeting (July)***
  - ☐ Continue legislation reviews and comment.
- ***Eighth meeting (August or September)***
  - ☐ Adopt legislation.

Decision point: The EAIC members agreed to a list of SJR 30 priorities set through a survey of members and the schedule above, while reserving the right to make changes over time. See Appendix C.

IV. *Other Interim Activities*

The EAIC's opportunity to "accumulate, compile, analyze, and furnish information" related to its assigned duties and related to existing or prospective relevant legislation means that guest speakers may be scheduled to provide information on relevant topics. Members may propose investigation of emerging issues at any time during the interim. Agencies also may request that the Committee study an emerging issue that has resulted from court decisions, federal actions, or another cause. However, staff resources are limited, so additions in a work plan must be accompanied by deletions to maintain balance.

V. *Member Issues*

EAIC members have an opportunity to put more or less emphasis on agriculture and ranching, tourism and commerce of all types, and the service industries as they address policy concerns related to economic activity, workforce issues, and the general business environment in Montana. EAIC members have recommended various topics for possible meeting consideration (see Appendix A). Depending on the amount of time spent on other activities, the Committee may choose to adopt some or all of the member issues for agenda items.

Decision point: The EAIC members agreed to rely on the presiding officer to schedule member issues over the course of the interim.

VI. *Staff Recommendations for Additional Activities*

If additional issues arise, staff will inform members for their discussion and determination regarding further background information or action.

Staff has included in Appendix D a letter from the Senate Agriculture, Livestock, and Irrigation Standing Committee regarding patented plants, residual seeds, and other issues addressed by House Bill No. 445. The Committee may want to monitor or otherwise address the issues raised in the letters.

VII. *Tentative Interim Calendar*

The following tentative schedule has been proposed:

Date	Phase	Research Tasks/Policy Issues
July 8, 2009	Organizational	*Elect Officers *Appoint liaisons to State Fund *Appoint members to Rail Services Comp. Cncl. *Determine involvement in rule review *Determine extent of agency monitoring *Review, adopt work plan/ meeting times
	Agency Monitoring	Reports from: --Governor's Office of Economic Development --Dept. of Commerce --Dept. of Labor and Industry --Dept. of Agriculture --Dept. of Livestock --State Auditor's Office
	Rule Review	

September 9, 2009	Studies Work Plan Adoption Rule Review	*SJR 30 review of premium cost drivers
November 17, 2009	Studies Member Issues Rule Review	SJR 30 - Constituent Concerns, Medical Issues Unemployment Insurance Professional and Occupational Licensing
January 19-20, 2010	Studies Agency Monitoring Rule Review Member Issues	*SJR 30 - Montana State Fund/Work Comp Structures *SJR 14 overview of laboratory facilities in Montana
March 9-10 or March 31, 2010, maybe April 1 (one day or two days depending on budgeting choice)	Studies Member Issues Rule Review	SJR 30 Benefit Specifics, Exemptions, Presumptive Illness, Course and Scope and other Court Cases; Legislation Discussion *SJR 14 - Panel and Issue Papers -- --
May 5 or May 26, 2010 (optional - depending on budget?)	Studies Member Issues Rule Review	Legislation Review, if any --
July 7	Studies Member Issues Rule Review Monitoring	Legislation Review, if any Legislation Review -MT Heritage Preservation & Development Commission Report on negotiated indirect admin rate (22-3-1002(1), MCA) -Rail Services Competition Council Report -Distressed Wood Products Industry Report

August 19-20, 2010 or Sept. 7 (optional one-day vs. two-day depending on budget)	Studies Rule Review Agency Bills	Wrap up Review bills for all agencies, forward for drafting

VIII. *Web Resources*

Information about the Committee is available through the legislative website, under Committees, Interim, Economic Affairs. At that site, staff will post information regarding Committee activities, minutes, agendas, study reports, and relevant information. The site also provides links to the websites of agencies for which the Committee is responsible.

Legislative Services: http://leg.mt.gov/css/default.asp

IX. *Matrix for Prioritizing the Focus of Meetings*

The following table provides a brief description of the Committee's involvement over the course of the interim. The columns provide members with options for allocating their time. It is anticipated that choosing the most involvement for each activity will seriously tax the EAIC's time, staff resources, and budget. As an estimate, the table is intended to be flexible, providing a visual approach to time allocation.

EAIC Matrix for Setting Priorities for Interim Committee Activities

ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
RULE REVIEW	☐ Request a written or oral report by legal staff at each meeting on all proposed rules or adoption notices for each agency monitored; or ☐ Request copies of rules from agencies for legislators' personal review. ☐ Seek public comment on rules of legislative concern.	☐ Request written, one-sentence description prior to committee meetings of all rules (from this meeting on). ☐ Review in committee only topics that: 1) legislators flag as important or of concern; or 2) a member of the committee has asked be placed on the EAIC agenda.	☐ Hear information only on issues that Committee legal staff considers to be out of compliance with statutes or legislative intent.
Chosen option		XX	

ACTIVITY	**Most Involvement**	**Moderate Involvement**	**Minimal Involvement**
AGENCY MONITORING *Chosen option*	☐ Each agency would give a 30-45 minute presentation at one or more meetings. ☐ Any agency with further reporting requirements in statute would provide an oral report to the EAIC. ☐ EAIC members would specify follow-up reports on program specifics.	• Each agency would provide a 20-minute presentation. • Any agency with reporting requirements in statute would provide an oral report to the EAIC. • EAIC members could designate subjects on which they would like a report. XX	• Agencies would introduce staff and present an overview of agency functions in a 10-15 minute presentation. • Any agency with further reporting requirements in statute would provide an oral report to the EAIC.
DRAFT LEGISLATION REVIEW *Chosen option*	Work throughout the interim with agencies on potential legislative proposals, using presentations to help members become familiar with issues.	Provide time at two meetings for initial concept review. The second meeting would allow for follow-up briefings and comments if an agency requests complex legislation. XX	Overview of concepts at final meeting on each piece of legislation presented.
ASSIGNED STUDY - SJR 14 *Chosen option*	--Focus on and analyze broad range of labs & efficiencies in staffing, equipment use, and space plus look at contracting efficiencies --Tours of 2-4 facilities --1 or 2 panel discussions/ public comment --Briefing papers, including overview of all labs --Committee would review recommendations for necessary legislation at 5th and 6th meetings 500+ hours	--Focus on and analyze 2 or 3 topics that overlap, either in staffing, equipment, or space --1 panel discussion/ public comment --Briefing papers, including overview of all labs --Committee to choose among options for legislation, if any, and review at 2 meetings. ~400 hours	--Focus on and analyze 1 topic area (for example, brucellosis) and potential efficiencies in staffing, equipment, or space. Use as possible pilot project. --Briefing papers, including overview of all labs --Discussion at 1 meeting on legislation. ~275 hours (0.1 FTE) XX

ACTIVITY	Most Involvement	Moderate Involvement	Minimal Involvement
ASSIGNED STUDY - SJR 30 *Chosen option*	--Presentations to Committee at 5-6 meetings. --Committee would request Labor-Management Advisory Council and staff to provide reports on subjects chosen by committee and work with stakeholders in work groups to develop legislation for Committee review (1-2 meetings). --Committee would propose legislation for discussion purposes, involving panel discussions --Committee would seek additional public comment, and request legislation, if any. XX	--Panel presentations at 2-3 meetings. --Staff white papers --Committee would review options and request bill drafts, if any.	--Committee would request Labor-Management Advisory Council and staff to provide reports on subjects chosen by committee and work with stakeholders to develop legislation for Committee review (1-2 meetings). --Committee would review report and legislation.
MONITORING IMPORTANT ACTIVITIES *Chosen option*	--Outline up to 5 topics chosen at the first meeting to be addressed at subsequent meetings. --Include staff-prepared "white papers" on each topic. --Discussion by Committee	--Outline up to 3 topics chosen at the first meeting to be addressed at subsequent meetings. --Staff prepares briefing papers on topics of interest. --Discussion by Committee.	--Topics limited to those presented by interested persons who ask to be on agenda. --Copies of relevant reports provided to Committee. No staff briefing or "white papers". XX
MEMBER ISSUES *Chosen option*	--Identify member issues at the first meeting. Request presentations and develop "white paper" on the issues. --Develop related legislation.	--Instruct staff to research issues and prepare briefing papers as issues arise.	--Address member issues as time allows, with staff providing copies of relevant outside reports to Committee. No staff briefing or "white papers". XX
STAFF Suggestions *Chosen option*	Incorporate ongoing issues into regular schedule after discussion with presiding officer.	Provide background information in packets.	Make information available if time permits. XX

In calculating the EAIC's allocation of its meeting time, the following table may be helpful.

Responsibilities	% of Total	Hours Each Meeting	Total Meeting Hours	Staff Hours*
Administrative & statutory duties (agency monitoring, rule review, agency legislation review)	15%	10 minutes for rule review up to 2-3 hours leg. review at 2 meetings	10.5	330
SJR 14 - state lab study	8%	2 at 2 or 3 meetings	~5.5	180
SJR 30 - work comp study	55%	4-5	~39	1260
Member/emerging issues	22%	2-4	15	540
Total	100%	~7 hrs	70 (total of 10 meeting days at 7 hrs each)	2310
Of which time spent			~14	2,210
Remaining time			56 (8 days)	**

*Staff hours are calculated at approximately 30 hours for every 1 hour of committee time. SJR 14 would include use of additional staff. Rule review is handled by the staff attorney.
**Staff will have to abbreviate some tasks depending on time needed for member issues, study briefing papers, and arranging out-of-town logistics.

draft

Appendix A:

The following issues and topics represent suggestions from Economic Affairs Interim Committee members (and staff) for issues that might be addressed in the 2009-2010 interim outside of the regular committee activities and assigned studies. Options include presentations, studies, and issue briefs.

Topic	Possible activity	Date
Unemployment issues	Report from Dept. of Labor and Industry explaining the UI Trust Fund balance and changes in schedules (department does snapshot of businesses in late September, early October, which it uses to compute rates. Notifies businesses in late December so they have information in early January to budget before 1st quarter taxes due in March.	Nov. 17
	Report from Dept. of Labor and Industry on extended employment benefits, statutory triggers, expectations of improved benefits because of stimulus funding, options for reemployment in current job market	Nov. 17
Monitoring of boards, particularly of the assistance programs for medical professionals	Reports from relevant medical assistance programs and boards at the Dept. of Labor and Industry and representatives of appropriate professional associations	Nov. 17
Professional and Occupational Board Licensing Oversight	Analysis (may seek help from Legislative Fiscal Division) of the Business Standards Division budgets and staffing for boards. Review of the "fees commensurate with costs" statute, 37-1-134. Review of boards that may be costing too much for members to meet the licensing fees.	Nov. 17
Agriculture issues related to patented plants and HB 445	Follow up with Dept. of Agriculture on letters from the Standing Senate Agriculture, Livestock, and Irrigation Committee requesting work on patented plants, residual seeds, and related issues in interim.	Jan. ?
Health care issues	Follow up as related to State Auditor's Office -- not to conflict with study by Children, Families Interim Committee	March ?
Workforce development	Follow up on incumbent worker training, other workforce issues	May?
Wood industry revolving loan program	Follow up on implementation of HB 669, creating a distressed wood products industry revolving loan account within the Dept. of Commerce	May?

Credit card issues and payday lending	Follow up on federal legislation regarding changes affecting credit cards. Include look at payday lending.	July?
Mortgage banking concerns	Followup to review federal government's reaction to Montana implementation of SB 351.	July ?
Housing	Reports from Board of Housing on incentives to encourage first-time home buyers, issues related to Montana's difficult-to-rent and difficult-to-own cities and options for dealing with those difficulties.	July?
Permitting for energy projects and transmission lines	Follow up reports from GOED and invite public comment on Montana's permitting process. Monitor the work of the EQC in developing a revised booklet on permitting in Montana.	August/ Sept. ?
Other?		

draft

Appendix B: EAC Budget Background Information

Economic Affairs Committee budget for the 2011 Biennium is $31,685. This includes a $4,744 reduction as part of reductions in House Bill 2. It does not reflect the now separately budgeted cost of State Fund Liaisons, $4,438. ---**Of the total of $31,685, office costs and contracted services = $5,695.** For the 2009 Biennium, the Economic Affairs Committee budget was $36,821 (which included the cost for State Fund Liaisons). Net effect: the 2011 EAIC budget is $698 less than 2009 budget.				
Meeting days needed to carry out SJR 30 task list: 9 (of which 2 spent - July & Sept.)				
Total budget for travel costs/per diem/salaries of legislators: $25,990 - 2 meetings = $21,269				
Travel and salary costs for various scenarios				
A: Helena 1-day meeting	***B: Helena 2-day meetings***	***C: Havre meeting***	***D: Kalispell meeting***	***E: Missoula meeting***
$2,860	$3,162	$5,250	$4,850	$4,243
Meeting combinations that impact meeting days:				
Subcommittee meetings in combination with regular meetings. Best with 2-day meeting or teleconference for regular meeting. 1 subcommittee meeting plus 1-day Helena meeting = 2-day meeting.	***Subcommittee meetings separate from regular meetings.*** Treated for time-budget purposes as a regular meeting in terms of staff time. E.g. 2 separate subcommittee meetings would mean 2 fewer regular committee meetings.	***Meetings in Helena using MetNet*** Costly and ineffective if too long. MetNet best used for public comment portion of meeting.	***Meetings elsewhere using MetNet*** Costly and ineffective if too long. MetNet best used for public comment portion of meeting.)	Tele-conference meetings Ineffective if too long. Best used for decision-making type of meeting, without panels, presentations, etc.)
Copying/office/ mailing costs (including conference calls)	***Conference Calls*** $26.74 setup charge, 5¢ a minute per long-distance line - no charge for local). ~ $21/hour plus setup cost for 8-member committee hookups. For 6-hr meeting: $152.74			

Rental/Contracted Services (budget allows $3,000)	This budget covers use of interactive Vision Net / MetNet from Capitol. Also - this budget covers the cost of meeting rooms/microphones. MetNet is $77.20/hr per site. Cost for 2 sites with main meeting in Helena = 77.20/hr x 3) , a 4-hr meeting = $926.40. 4 sites (including Helena), 4-hr meeting = $1,235. Six MetNet sites plus Sidney, 8 am to 5 pm meeting: $5,448.10. (Minus Sidney, $4,864.10.)
Other options for budget:	
Gov's work comp/ work safe conference (members' salaries, travel + staff travel, registration) 9/30 1 p.m. to 10/2	EAC salaries: $82.64/day x 1.09 for workers' compensation, etc. x # of attendees x days + travel & lodging (see attached sheet for individual costs to Missoula) Total costs depends on number of attendees. Registration for both conferences = $275. - Waived for legislators, not for staff. (Work Comp conference = $175 WorkSafe Conference = $100) Staff costs: travel & lodging, registration ~ $132 mileage (*2) + ~$90 *3 days for lodging (1 person 2 days and 1 person 1 day) = $270 + (registr: $275 +175) = $984. Staff costs with meeting ~$1,185.
First meeting for 2011-2012 interim	In the past, staff often has suggested reserving the cost of one meeting in Helena for an organizational meeting prior to the start of the new fiscal year after the session.

draft

Sample budget options - estimating 8 more meeting days				**Remaining budget**
				$21,269
Scenario 1:	3 Helena 1-day meetings	2 Helena 2-day meetings	Governor's Conference w/ meeting	=8 meetings, one out of town Total
Cost	$2,860 x 3	$3,162 x 2	$6,402	= $21,306
Example: One-day meetings Oct. 3 - Missoula, with Governor's Conference May 5, 2010 ((Wed) Helena July 7, 2010 (Wed.) Helena (legislation review) Sept. 8, 2010 (Wed.) Helena (final meeting)		***Two-day meetings*** Jan. 19-20, 2010 (Tues./Wed.) - Helena March 9-10, 2010 (Tues./Wed.) - Helena		
Scenario 2:	2 Helena 1-day meeting	3 Helena 2-day meetings (of which 2 halfdays = subcommittee. Total meeting time ~ 5 days)	Meeting in Kalispell with MetNet link to Helena for 2 hours	= 8 meetings (incl. 2 subcommittees and 1 out of town w/ MetNet)
Cost	$2,860 x 2	$3,162 x 3	$4,850 + ~$309	= $20,365*
Example: One-day meetings Nov. 17, 2009 (Tues.) Kalispell May 5, 2010 ((Wed) Helena July 7, 2010 (Wed.) Helena (leg. review)		***Two-day meetings*** Jan. 19-20, 2010 (Tues./Wed.) - Helena (Jan. 19 - subcommittee in a.m.) March 9-10, 2010 (Tues./Wed.) - Helena (March 9 - subcommittee in a.m.) Aug. 19-20 (Thurs/Fri.) - Helena		
Scenario 3:	2 Helena 1-day meetings	2 Helena 2-day meetings with MetNet 2 days	1 Havre meeting 1 Kalispell meeting	= 8 meetings with 2 out of town, 2 MetNet
Cost	$2,860 x 2	$3,162 x 2 +$77 x 2 days x 2 hrs x 3 sites inc. Hln	$5,250 + $4,850	= $23,068*
Example: One-day meetings Nov. 17, 2009 (Tues.) Kalispell May 5, 2010 (Wed.) Havre July 7, 2010 (Wed.) Helena (legislation review) Sept. 8, 2010 (Wed.) Helena (final meeting)		***Two-day meetings*** Jan. 19-20, 2010 (Tues./Wed.) - Helena March 9-10, 2010 (Tues./Wed) Helena		

Scenario 4:	2 Helena 1-day meetings and 2 subcommittee meetings in Helena (2 subcommittee meetings = 1 "travel" meeting cost)	2 2-day meetings in Helena with MetNet at 1 meeting 2 hours, interacts at 2 other sites	1 teleconference meeting in Helena	= 8 meetings. Combo of 1- and 2-day meetings and 2 subcommittee meetings and teleconference meeting
Cost	$2,860 x 3 ($8,580)	$3,162 x 2 + $77 x 2 hours x 3 sites (includes Helena=$462x2)	$152.74	= $15,981*
Example: ***One-day meetings*** Nov. 17, 2009 (Tues.) Helena (subcommittee) May 5, 2010 (Wed.) Helena (subcommittee) July 7, 2010 (Wed.) Helena (legislation review) Aug. 19, 2010 (Thurs.) Helena (teleconference if needed) Sept. 8, 2010 (Wed.) Helena (final meeting)			***Two-day meetings*** Jan. 19-20, 2010 (Tues./Wed.) - Helena March 9-10, 2010 (Tues./Wed.) - Helena	
Scenario 5:	4 Helena 1-day meetings	2 Helena 2-day meetings	MetNet for Helena and two sites for 2 hours	=8 meetings plus 2 MetNet
Cost	$2,860 x 4	$3,162 x 2	$77 x 2 x 3 sites (incl. Helena)	= $18,688*
Example: ***One-day meetings*** Nov. 17, 2009 (Tues.) Helena May 5, 2010 (Wed.) Helena July 7, 2010 (Wed.) Helena (legislation review) Sept. 8, 2010 (Wed.) Helena (final meeting)			***Two-day meetings*** January 19-20, 2010 (Tues./Wed.) Helena March 9-10, 2010 (Tues/Wed.) Helena	

Note: The Committee agreed to review agency legislation at two meetings. Proposed legislation usually has not cleared the governor's office prior to June meaning no review is possible before June.
*The total for this scenario includes the MetNet or teleconference cost, which would be out of the separate $3,000 budget and not the travel budget.

For attending Governor's Conference:
Scenario One - allows everyone to attend and combines it with a meeting.
Scenario Two - allows some members, staff to attend
Scenario Three - over budget, no one attends
Scenario Four - allows nearly all to attend, including staff
Scenario Five - allows some members, staff to attend

Additional costs:

- Staff travel to Bozeman to review laboratories for SJR 14 study. (Less than $100)
- Other costs as allowed by chairman or voted on by committee.

draft

Appendix C: Priority List for SJR 30 study on workers' compensation:

The following Table is a compilation of comments from members of the Economic Affairs Interim Committee based on their responses in individual telephone calls to a request to prioritize issues outlined in a Workers Compensation Research Institute administrative study for the Department of Labor and Industry, delivered in 2007. Some of the issues raised in that study have been addressed in legislation either in 2007 or in 2009. The priority list below has been streamlined for use in developing the work plan for the Senate Joint Resolution No. 30 study on workers' compensation. (If a legislator is not listed under the priority issue comment section, the reasons may either be: the legislator's response was in agreement with what others said, the issue was skipped over in the interview in the interest of time, or the issue was not of major importance to that legislator.) For the most part, legislators' names are listed alphabetically.

Notes: 1) LMAC stands for Labor Management Advisory Council
2) DRAFT - legislators' comments, activity planned, and schedule may be revised.

High Priority Issues:	**Return-to-work programs, safety and frequency of injuries**	
Comments	***Activity***	***Schedule***
• Brown & Vance - Find out what other states are doing. • Hansen - Injury frequency is important issue. Return-to-work is close to top issue. • Hunter: Major attention on return-to-work. Get incident data/injuries by plans. • Hunter & Keane - Look at what other small business states do. • Keane - The real world experience of highway safety projects indicates sign-offs regarding safety happen more than education does. Suggests that accident rate has to improve (or not decline). • Reinhart - Wants perspectives of injured workers regarding barriers to getting back to work and data for younger worker injuries. Also wants to know what's being required for safety training and whether safety training is part of skill training. • Roberts - Do some states have mentoring person to help reacquaint injured person on the job. Also are there people to "job share" to help provide safety aspect? On return-to-work, asks if incentives such as bonus to return-to-work might be helpful. Professional judgment important for whether a person stays off work. • Zinke - Major attention on this issue. If want better rates then may have to have a return-to-work program. Also, look at skill enhancement options, a benefit to everyone.	• Ask expert consultant to review best practices in other states, particularly states with similar levels of small businesses. • Staff provide incident data by plans, including types of injuries.	September 9 agenda: • panel discussion on Return to Work barriers and safety programs. November agenda? • Followup on any requests from September. March - Expert report

High Priority Issues:	**Medical fee schedules and medical utilization and treatment guidelines**	
Comments	***Activity***	***Schedule***
• Brown - Would like this issue discussed early in schedule. • Hansen - Would like briefing paper on origins of fee schedules. • Hunter - Is it a valid assumption to pay more because it is worker's compensation? What does work comp pay vs. payment by Medicaid and the state health plan? • Keane - Requests other states' best practices information from expert consultant. Need to look at decision process between work comp & doctors on utilization and treatment. • Reinhart - Is interested in hearing from department about its medical panel and from LMAC. Doesn't want to duplicate efforts. Interested in medical review boards but doesn't want another layer of bureaucracy or more problems for injured workers. • Roberts - Would like to look at separately from LMAC. Would like to hear from an orthopedic surgeon regarding what goes into a work comp exam and what the surgeon would like to see changed or kept. Also - no group in Montana reviews or shares information on practices, which happens more often in states with medical schools. How does a system with outside payer eliminate extra tests that may be to avoid tort? • Vance - Where does fee schedule come from and why are we where we are. • Zinke - Look at all three fee schedules (Medicare, Blue Cross Blue Shield, work comp). • Zinke & Roberts - Interested in medical review boards.	• Ask expert consultant for other states' best practices on medical fee schedules and medical utilization and treatment guidelines. • Staff report on origins of medical fee schedule. • Staff information on medical review boards • Ask medical review panel to look at apportionment of work and nonwork injuries	September 9 agenda: • Update on LMAC activities regarding medical utilization and treatment guidelines. November agenda? • Information on medical review boards • Possible panel from injured workers and treating physicians on treatment concerns.

Medium Priority Issues:	**Claim Closure, Duration of Indemnity and Medical Claims**	
Comments	***Activity***	***Schedule***
• Brown - Suggests waiting for report from LMAC. • Reinhart - Would like perspectives of workers, of small businesses, and of treating physicians regarding claim closure, current system of wage/medical payments, including from perspective of whether healing is augmented or deterred. Is the difference between Montana and other states regarding claim closure making a difference in costs or impacts on healing? • Vance - Would like a parallel process to the activities of the LMAC. • Zinke - Would like a parallel process to the activities of the LMAC. Once report available, look at whether the committee agrees, disagrees, or wants more information. • Uncertain of origin: Flynn/Miller case being considered by Supreme Court regarding whether settled cases can have common fund application (if filed before 2003 amendment banning common fund attorney fees)	• Reports on history of claims closure from department's mediation perspective. • Briefing paper on legislative and court history of 39-71-741, regarding claim closure and lump-sum payments	September 9 agenda: • Presentation by former work comp judge Mike McCarter on philosophy of closing or keeping claims open • Report on history of mediation related to claim closure by DOLI March agenda: • LMAC report and further steps
Medium Priority Issues:	**Course and Scope Definitions**	
Comments	***Activity***	***Schedule***
• Keane - Not interested in veto explanation. • Reinhart - Would like a briefing paper or presentation from department regarding the 4-part test currently used to determine if an injury occurs in the course-and-scope of work and perhaps related court cases. Doesn't want to rehear SB 371 during interim. • Vance - Would like to see what other states are doing and what their rates are. • Zinke - Would like to know more about why SB 371 was vetoed. Suggested possibility of a subcommittee addressing course and scope.	• Ask expert consultant for review of course and scope definitions and related states' rates • Provide EAC with background material given to LMAC • LMAC discussion in Nov., decision in Jan.? • Briefing paper on 4-part test and development of course-and-scope case history.	September mailing: • Include material given to LMAC on course and scope • Discussion at September meeting of whether to address later

Medium Priority Issues:	**Structural Issues, including Montana State Fund, review of exclusive fund states, competition**	
Comments	***Activity***	***Schedule***
• Reinhart - Carried a bill in the 2009 session (HB 507) to shift oversight to the State Auditor for State Fund. Concerned about accountability and oversight, bonuses, new State Fund building, board's relationship to staff. Her constituents have commented on concerns about how premium rates are determined. • Other comments varied from "not a big proponent of looking at this" to "important" to "not as important as other" issues. • Work group suggested but little support for it.	• Ask expert consultant to review exclusive fund states' pros and cons. • Briefing paper on states that require only hazardous employment to have work comp - and what other workers do. • Staff to try to find out what railroads pay to injured workers (as a case study of what a tort system is vs. a work comp system.) • Briefing paper on states with just private insurers • Briefing paper on competition in Montana	January 2010 • panel discussions on advantage of assigned risk pool vs. insurer of last resort (State Fund) • presentations on status quo vs. putting State Fund under State Auditor • review competition • rate setting review • report on HB 126 implementation allowing state to combine policies

Medium to Low Priority Issues:	**Fraud and Cost-Shifting**	
Comments	***Activity***	***Schedule***
• Hansen - Wants briefing paper on what states have regarding reciprocity (cost-shifting) and which states don't. Doesn't hear a lot about fraud but wants to know whether lack of reciprocity between states results in an uneven playing field. • Hunter - Wants to know if someone other than insurer should be getting after fraud cases, including employers for misclassification. Could there be a required periodic audit of employer's classifications. • Keane - Need to police companies to see if they are classifying appropriately. Review whether there is a need for an enforcer. • Reinhart - Hasn't heard much from constituents about this. OK with activity levels. Lower priority. • Roberts - Concerned about allegations of fraud as applied to doctors, who are pressured by insurers to get workers back to work while workers may not feel ready • Vance - Would like information on best practices used elsewhere to combat fraud • Zinke - Sees this as an issue for review at "half-time".	• Briefing paper on reciprocity among states and what happens to injured MT worker operating in states w/ or w/o reciprocity. • Ask expert consultant how other states handle fraud (by workers and misclassification by employers) • LMAC: March - May	March agenda for reciprocity issues and whether states cost-shift so that workers fall through loophole. Each meeting take public comments. EAC May agenda?
Medium Priority Issues:	**Presumptive Illnesses**	
Comments	***Activity***	***Schedule***
• General agreement to wait for LMAC to report	• LMAC to recommend by January 2010	March agenda?
Medium Priority Issues:	**Benefit issues, including voc rehab, ways person moves from temporary to permanent disability**	
Comments	***Activity***	***Schedule***
• General agreement to wait until either January or March for discussion. • Work group possible on vocational rehabilitation. • One comment was that the issue would take care of itself and if not...review later. • Consider whether waivers possible for tuition for post-injury education.	• LMAC will be reviewing through November various benefit issues • Possible briefing paper.	March agenda? • Panel discussion with workers and treating physicians.

Medium Priority Issues:	**Exemptions**	
Comments	***Activity***	***Schedule***
• Hunter - OK with letting LMAC review. • Keane - Not interested in looking at exemptions. • Reinhart - OK with letting LMAC handle with report. • Vance - Would like to look at exemptions, in particular why an independent contractor exemption costs so much. • Zinke - Committee should be more liberal in approach to exemptions. Sees this as a work group or subcommittee activity.	• Obtain explanation from Department about costs associated with IC exemption.	March agenda: • Hear LMAC report
Low Priority Issues:	**Proportion of claims involving indemnity**	
Comments	***Activity***	***Schedule***
• Hunter - Look at policy (regarding incurred total and indemnity claim frequencies) • Reinhart - OK with expert reporting on best practices elsewhere. • Vance - Reasonable to request a best practices examination.	• Request expert consultant to provide best practices elsewhere to determine why rate of incurred total & indemnity claim frequencies by NCCI class code is higher in MT than other states • Briefing paper	March agenda?
Low Priority Issues:	**Access to primary care physicians**	
Comments	***Activity***	***Schedule***
• Reinhart - If the Children, Families, Health, and Human Services Committee is looking at this as part of a broader health care review, then no need for Economic Affairs to duplicate the review. • Vance - Where are there problems in access?	• Staff briefing paper	March

Low Priority Issues:	**Court cases**	
Comments	***Activity***	***Schedule***
• Hansen - Low on list. • Hunter - Not critical unless a new precedent comes up. • Keane - deal with court cases as they come up. • Reinhart - Not critical unless a new precedent comes up. • Zinke - Might look at defining "make whole" regarding Article II, Section 16 of Montana Constitution and related court cases.	• Staff monitor court cases and recommend review of suggested statutes • LMAC studying Medicare as second payer January through March -- somewhat related to Satterlee court case.	March agenda (or later)
Low Priority Issues:	**Attorney fees paid out of medical costs, access to attorneys**	
Comments	***Activity***	***Schedule***
• Reinhart - Interested in the topic, but is willing to let LMAC look at this first. • General agreement to let LMAC look at this.	• Provide LMAC briefing papers to EAC • LMAC to decide by January.	March agenda?
Low Priority Issues:	**Shorter waiting period?**	
Comments	***Activity***	***Schedule***
• Reinhart - Interested in looking at the look-back option as well as the length of the waiting period. • Generally low priority.	• Briefing paper on rates in states with shorter delay vs. states with longer delay and look back options.	March?

Appendix D
(Letter from Senate AG Committee)

draft