

1 HOUSE BILL NO. 516

2 INTRODUCED BY K. WALSH, M. THIEL, M. CUFFE, L. JONES, W. MCKAMEY, D. HARVEY, S.

3 FITZPATRICK, A. OLSEN, G. PARRY

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE WORKERS' COMPENSATION JUDGE
6 FROM THE DEPARTMENT OF LABOR AND INDUSTRY TO THE JUDICIAL BRANCH; PROVIDING FOR
7 SUPERVISION AND ADMINISTRATION BY THE SUPREME COURT; CREATING A WORKERS'
8 COMPENSATION COURT FUND AND PROVIDING FOR AN ANNUAL TRANSFER OF FUNDS TO THE
9 FUND; PROVIDING FOR A TRANSITION; PROVIDING FOR A ONE-TIME ELECTION FOR THE CURRENT
10 WORKERS' COMPENSATION JUDGE TO ELECT TO REMAIN IN THE JUDGE'S CURRENT RETIREMENT
11 SYSTEM; AMENDING SECTIONS 2-15-1707, 19-5-301, AND 39-71-201, MCA; AND PROVIDING AN
12 EFFECTIVE DATE."

13

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

15

17 "2-15-1707. Office of workers' Workers' compensation judge -- allocation-- appointment -- term
18 -- qualifications -- salary. (1) There is the office of workers' compensation judge. The office is allocated to the
19 department of labor and industry for administrative purposes only as prescribed in 2-15-121 There is a workers'
20 compensation court. The workers' compensation court is presided over by a workers' compensation judge.

21 (2) The governor shall appoint the workers' compensation judge for a term of 6 years in the same
22 manner provided by Title 3, chapter 1, part 9, for the appointment of supreme court justices or district court
23 judges. A vacancy must be filled in the same manner as the original appointment.

24 (3) To be eligible for workers' compensation judge, a person must:

25 (a) have the qualifications necessary for district court judges found in Article VII, section 9, of the
26 Montana constitution:

27 (b) devote full time to the duties of workers' compensation judge and not engage in the private

1 practice of law.

2 (4) The workers' compensation judge is entitled to the same salary and ~~other emoluments as that~~
3 ~~of a district judge but must be accorded retirement benefits under the public employees' retirement system~~
4 expense allowances as provided in 3-5-211."

5

6 **NEW SECTION. Section 2. Supervision and administration by supreme court.** (1) The Montana
7 supreme court shall supervise the activities of the workers' compensation court, the workers' compensation
8 judge, and associated personnel in implementing [section 3] and this section.

9 (2) The supreme court shall pay the expenses of the workers' compensation judge and the salaries
10 and expenses of the workers' compensation judge's staff from appropriations made for that purpose.

11 (3) Salaries and expenses must be paid out of the workers' compensation court fund provided in
12 [section 3].

13 (4) As used in this section, "salaries and expenses" include but are not limited to the salaries and
14 expenses of personnel, the cost of office equipment and office space, and other necessary expenses that may
15 be incurred in the administration of [section 3] and this section.

16

17 **NEW SECTION. Section 3. Workers' compensation court fund -- annual transfer of funds.** (1)
18 There is a workers' compensation court fund special revenue account within the state special revenue fund
19 established in 17-2-102. The money in the account must be used solely for the purpose of administering the
20 workers' compensation court as provided in [section 2].

21 (2) By July 15 of each fiscal year, the department of labor and industry shall transfer ~~\$500,000 an~~
22 amount equal to the amount appropriated for the workers' compensation court in the general appropriations act
23 as approved by the legislature from the workers' compensation administration fund established in 39-71-201 to
24 the workers' compensation court fund.

25

26 **Section 4.** Section 19-5-301, MCA, is amended to read:

27 **"19-5-301. Membership -- inactive vested members -- inactive nonvested members.** (1) Except