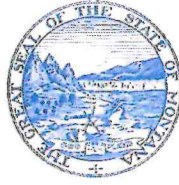


OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

June 13, 2025

The Honorable Brandon Ler
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Matt Regier
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Ler and President Regier:

Over the past four years, we've delivered on our shared, bipartisan goal of supporting our first responders and honoring the sacrifices they, and their families, make for our communities every day. They face danger, severe stress, and trauma as a result of their heroic work, and they carry much of it with them, long after their day ends.

First responders, however, are not alone in these ongoing struggles that come with their noble jobs. Health care professionals, victim services workers, social workers, and members of the military are among other Montanans who face trauma every day and can carry those scars with them.

Recognizing that there are gaps in Montana's behavioral health system, we worked together to establish the Behavioral Health System for Future Generations Commission to identify what's broken and create meaningful, long-term investments to provide every Montanan the care they need to improve their health and reach their full, outstanding potential. After decades of applying Band-Aids to our broken system and kicking the can down the road, we made a commitment to get Montanans healthy. Thanks to the investments we've made and the work of our partners, we are delivering on our promises to fill gaps in our behavioral health system.

While we have made progress in improving our behavioral health system, we must also recognize that our workers' compensation system has been effective and sound.

While well-intentioned, Senate Bill 394 departs from our previous work and disrupts our sound workers' compensation system by mandating workers' compensation coverage for post-traumatic stress disorder (PTSD) for individuals the bill strictly defines as first responders.

There are several issues with Senate Bill 394. First, mandates, like those included in Senate Bill 394, increase costs to the workers' compensation system through higher premiums. In the attached letter, the Montana State Fund, which is the state's largest workers' compensation insurance company, and protects approximately 23,000 Montana businesses, organizations and their workers, details the significant costs to the workers' compensation system should Senate Bill 394 be implemented. According to the Montana State Fund, "governmental entities would bear the bulk of costs associated with SB 394," which suggests that Montana taxpayers will be on the hook for this change in policy.

Second, Senate Bill 394 threatens the progress we've made over the past four years to protect hardworking Montanans' tax dollars and decrease worker compensation coverage by reducing the number of wage-loss and medical-only claims filed. In another attached letter, the Department of Administration, which is responsible for managing the workers' compensation insurance coverage for all state agencies, notes that Senate Bill 394 would "increase state agency workers' compensation premiums a minimum of \$100,000 annually."¹

Third, there is a fundamental issue of fairness. As I mentioned before, work-related PTSD is not limited to first responders, but it also extends to health care professionals, victim services workers, social workers, and members of the military. Senate Bill 394, however, provides PTSD benefits only for some first responders the bill defines, while neglecting other occupations that are prone to work-related PTSD. By extending coverage to first responders – defined in the bill solely as a firefighter, a law enforcement officer, and an emergency care provider, provided in law as "an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic" – Senate Bill 394 could subject the state and employers to unfair treatment by providing expanded benefits to only a select group of employees. While well-intentioned, Senate Bill 394 limits the definition of employees who are eligible to receive expanded benefits through workers' compensation, thereby creating an unbalanced approach to the treatment of workers who suffer from PTSD. This unintentional oversight gives me great concern.

There is a better path forward and a better solution. While Senate Bill 394 mandates workers' compensation coverage of PTSD for certain first responders, a more holistic approach, which examines broader, more sustainable solutions than the workers' compensation system and which considers more fully occupations that are prone to work-related PTSD, is a more appropriate course of action. I believe we need to roll up our sleeves and work together to find ways to support first responders in a balanced way, without favoring some over others and without placing a heavy financial burden on hardworking Montanans. Other states have successfully

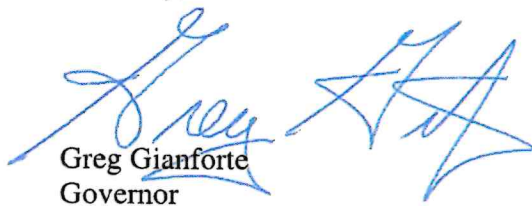
¹ The Department of Administration's letter also notes that public employees and first responders who seek assistance with PTSD currently have access to robust benefits available through the comprehensive Employee Assistance Program (EAP). EAP is available to employees and family members, and it includes counseling services for a variety of situations.

created such successful programs, as both the Department of Administration and the Montana Chamber of Commerce describe in the attached letters.²

For these reasons, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 394: "AN ACT PROVIDING FOR WORKERS' COMPENSATION COVERAGE OF POSTTRAUMATIC STRESS DISORDER FOR FIRST RESPONDERS; PROVIDING A DEFINITION; AMENDING SECTIONS 39-71-105, 39-71-116, AND 39-71-119, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

I encourage the sponsor, other legislators, and stakeholders to work during the interim to develop thoughtful, cost-conscious solutions to address these types of injuries in Montana and to protect the stable, effective workers' compensation system all Montanans rely upon. My administration and I stand ready to work with you on those efforts.

Sincerely,



Greg Gianforte
Governor

Enclosures

cc: Legislative Services Division
Christi Jacobsen, Secretary of State

² Misty Ann Giles, director of the Department of Administration, writes, "Other states have wrestled with the challenge of providing workers compensation coverage for public sector workers who are exposed to trauma in the course of their work, and have done so in a way that is thoughtful, cost-conscious, and comprehensive. If you elect to veto SB 394, during the interim we could work with industry, stakeholders, and other states to determine what solutions would work best to address these types of injuries in Montana for all without damaging the current workers' compensation system. Other states have created successful programs that have done just that, and we believe Montana can do the same." Todd O'Hair, the president and CEO of the Montana Chamber of Commerce, writes, "Other states have begun exploring broader, more sustainable solutions outside of the workers' comp system. Georgia, for example, created a separate PTSD benefit program for first responders under municipal healthcare and disability plans—avoiding disruption to workers' comp while still providing critical support."



855 Front Street | P.O. Box 4759 | Helena, MT, 59604-4759
Phone 800-332-6102 or 406-495-5000 | Fax 406-495-5020
Fraud 888-MT-CRIME or 888-682-7463 | TDD/TYY 406-495-5030
montanastatefund.com | safemt.com

June 4, 2025

The Honorable Governor Greg Gianforte
Office of the Governor
1301 E. 6th Ave.
Helena, MT 59620

RE: Senate Bill 394

Dear Governor Gianforte:

As Montana's not-for-profit workers' compensation insurer, Montana State Fund appreciates the opportunity to provide data and analysis to inform workers' compensation policy decisions that impact Montana employers and injured workers. MSF insures approximately 23,000 employers across every county in the state and across more than 300 classification codes. We strive to provide accurate and reliable information to the legislative and executive branches to ensure a functional and sustainable workers' compensation system for employers and their employees.

During the 69th legislative session, the Montana Legislature passed **Senate Bill 394 (Sen. Neumann)**. Senate Bill 394 provides for workers' compensation coverage of posttraumatic stress disorder (PTSD) for first responders without the requirement of a physical injury. This was the second such bill of the session (HB552—Rep. Reavis); the other bill did not pass out of House Appropriations.

MSF has maintained an "informational" position on SB394, as we believe benefit expansion or contraction represent key policy decisions best resolved by the legislative and executive branches.

Throughout the process, MSF responded to numerous inquiries and provided data as requested. In keeping with our neutral stance, we have refrained from introducing new analysis that was not discussed during the session. Below is a summary of MSF's analysis of SB394 for your review and consideration:

- 1) The Montana Workers' Compensation Act (the "Act") provides coverage for physical and mental conditions arising from a physical injury or occupational disease (known as "physical-physical" and "physical-mental" claims, respectively). Montana law currently does not provide for coverage of "mental-mental" claims – i.e. claims for "mental injur[ies] arising from emotional or mental stress." *Kleinhesselink v. Chevron, USA* (1996) 277 Mont. 158, 163, 920 P.2d 108, 111. The basis for this exclusion is set forth in the legislative public policy declaration found at § 39-71-105, MCA. In providing coverage of PTSD claims for first responders, SB394 would establish the first entitlement to coverage of a mental-mental injury or occupational disease under the Act.
- 2) The National Council on Compensation Insurance ("NCCI") performed an analysis of the cost to the workers' compensation system associated with SB394 as originally drafted. NCCI indicated the legislation would result in an indeterminant cost increase for Montana employers with a

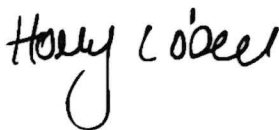
substantial portion of the costs impacting governmental entities (city, county, and state levels) as the primary employers of affected employees. Therefore, governmental entities would bear the bulk of costs associated with SB394.

- 3) NCCI's analysis concluded, "if enacted, the expected cost impact to an individual first responder classifications in Montana could be significant," with "significant" defined as an overall impact of greater than three percent with no upper bound indicated.
- 4) MSF estimates the total cost to the workers' compensation system of SB394 (as amended) to be \$897,796 in FY2026. As the state's largest workers' compensation insurance carrier and the insurer of both the State of Montana and many governmental subdivisions, MSF would likely be the insurer most impacted by SB394. Specifically, MSF estimates an increase in annual claim costs of \$697,527 relating to MSF's insured employers. Costs in FY2026 specifically attributable to the State of Montana are estimated at approximately \$101,000. This analysis is based upon similar laws and studies conducted when PTSD entitlements were enacted in other states.
- 5) The fiscal note identified a technical concern relating to the potential for a constitutional Equal Protection challenge. It indicated that while SB394 provides PTSD coverage for first responders, all other classes of employees would be excluded from such coverage. Montana State Fund has no opinion on the likelihood of either a legal challenge, or the success thereof, on this basis.

Montana State Fund appreciates the opportunity to provide input on this matter. If SB394 is signed into law, MSF looks forward to working with stakeholders to administer the benefit. Likewise, if the legislation is vetoed, MSF would support stakeholder collaboration regarding solutions to the legitimate concerns this legislation seeks to address.

Thank you, again, for including MSF in this process and we stand ready to provide any information necessary to assist you further.

Sincerely,

A handwritten signature in black ink that reads "Holly O'Dell". The signature is written in a cursive, flowing style.

Holly O'Dell
President & CEO
MSF

CC: Sen. Cora Neumann



MONTANA DEPARTMENT OF ADMINISTRATION

Director's Office

Greg Gianforte, Governor
Misty Ann Giles, Director

doa.mt.gov
406.444.2460
doadirector@mt.gov

June 2, 2025

Governor Greg Gianforte
Office of the Governor
1301 E. 6th Ave.
Helena, MT 59620

Dear Governor Gianforte:

As Director of the Department of Administration, I am responsible for managing the workers' compensation insurance coverage for all state agencies. The Workers' Compensation Management Bureau (WCMB), under my leadership, works closely with state agencies and the state's workers' compensation insurer, Montana State Fund, to help agencies prevent injuries at work, manage state employees' workers' compensation insurance claims, and assist state agencies in returning injured state workers to work timely. Under your administration, through good stewardship and strong leadership, the WCMB has been able to decrease the cost of workers' compensation insurance coverage by reducing the number of wage-loss and medical-only claims filed. During this session, however, the 69th Legislature approved a bill that will increase costs to the workers' compensation system and threaten the progress we have made in controlling premiums, by expanding workers' compensation coverage to include post-traumatic stress disorder.

Senate Bill 394 (SB 394) requires workers' compensation coverage for post-traumatic stress disorder for first responders. For the purposes of this bill, first responders only include firefighters, law enforcement officers, and emergency care providers as defined in 50-6-202(2) MCA. Today, workers' compensation coverage does not provide coverage for emotional injuries without a corresponding physical injury. Expanding workers' compensation coverage to include post-traumatic stress disorder as a compensable claim for first responders working for state agencies will increase state agency workers' compensation premiums a minimum of \$100,000 annually and would be a significant shift in state policy with significant implications to the workers' compensation system.

By limiting the classification of employees who will receive expanded benefits for post-traumatic stress disorder under SB 394, there is also concern the state could be subjecting the state and employers to inequitable treatment. Every state employee makes a choice to serve the public, and in that capacity, many state employees who are not classified as "first responders" under SB 394 encounter stressful and traumatic circumstances. Corrections officers, child and adult protective services workers, care providers at state institutions, and

others, may be exposed to unavoidable alarming and distressing events and circumstances in the course of performing their duties. Yet only employees in select groups defined by the bill would be eligible for this expansion in coverage.

Other states have wrestled with the challenge of providing workers compensation coverage for public sector workers who are exposed to trauma in the course of their work, and have done so in a way that is thoughtful, cost-conscious, and comprehensive. If you elect to veto SB 394, during the interim we could work with industry, stakeholders, and other states to determine what solutions would work best to address these types of injuries in Montana for all without damaging the current workers' compensation system. Other states have created successful programs that have done just that, and we believe Montana can do the same. In the spirit of financial responsibility, economic leadership, and overall equity to all, we respectfully request that you carefully consider whether SB 394 is aligned with your goal to carefully and conservatively manage state finances and ensure a stable and effective workers' compensation system in the state.

In the meantime, when public employees and first responders require assistance with post-traumatic stress disorder, we will encourage them to take advantage of the resources provided through our Employee Assistance Program. The Employee Assistance Program is available to employees and members of their household, and it includes counseling services for a variety of situations. These services include but are not limited to dealing with work-life assistance and crisis intervention services. Counseling services are provided for stress, anxiety, or depression. The program offers services that are short-term in nature but provides an avenue for participants to transition to longer-term counseling resources, as needed.

We are committed to supporting all first responders and honoring the sacrifices they make for Montanans day after day.

Sincerely,

A handwritten signature in black ink, appearing to read 'Misty Ann Giles', with a stylized, cursive script.

Misty Ann Giles
Director



RE: Veto Request – SB 394 (Workers' Compensation Coverage for PTSD in First Responders)

Governor Gianforte,

For decades, the Montana Chamber of Commerce has worked to help shape a workers' compensation system that balances fair treatment of injured workers with cost stability for employers. SB 394 would disrupt that balance.

While we deeply value first responders and recognize the emotional toll their work can take, this bill takes a piecemeal approach to a broad societal issue—post-traumatic stress disorder in the workplace. Expanding workers' compensation coverage for PTSD solely for first responders, while excluding others who face similar trauma—such as teachers, ER staff, or detention officers—creates inherent inequities and opens the door to further fragmented expansion. **We expect the Montana Supreme Court would rule that the benefits created by SB 394 apply to all workers, public and private, which would spread the cost to all sectors.**

This bill significantly alters a system that has functioned effectively for decades. It introduces uncertainty, potential litigation, and increased costs—particularly for local governments—without fully understanding the broader consequences. The National Council on Compensation Insurance (NCCI) estimates a minimum 3% increase in costs just for first responders, with likely upward pressure on all employers.

Other states have begun exploring broader, more sustainable solutions outside of the workers' comp system. Georgia, for example, created a separate PTSD benefit program for first responders under municipal healthcare and disability plans—avoiding disruption to workers' comp while still providing critical support.

We urge you to veto SB 394 and instead call for a comprehensive study to evaluate better, fairer, and more fiscally responsible ways to address work-related PTSD across all sectors. We are ready to be part of that process.

This issue deserves a thoughtful, inclusive solution—not a piecemeal change to a system that affects every Montana employer and worker.

Sincerely,

Todd O'Hair
President & CEO



Honorable Greg Gianforte
Governor of Montana
P.O. Box 200801
Helena, MT 59620-0801

June 9, 2025

RE: SB 394—Request for Veto and Comprehensive Study Commission

Dear Governor Gianforte:

The Billings Chamber of Commerce represents Montana's largest business community, and we write today regarding Senate Bill 394's well-intentioned but incomplete approach to first responder PTSD coverage. While we strongly support our first responders—we successfully led the most recent safety levy to add needed public safety personnel—we believe this legislation creates more problems than it solves.

SB 394 provides limited coverage that excludes many first responders while potentially destabilizing Montana's workers compensation system. The bill's narrow scope covers only certain employees while leaving others—including detention officers, emergency dispatchers, and other essential personnel—without protection. This creates operational inconsistencies that will burden employers and generate future litigation costs.

We respectfully request two actions:

1. Veto SB 394. The bill's incomplete coverage will likely generate additional legislative demands, administrative complexity, and legal challenges. Montana's current workers compensation system excludes emotional injuries without corresponding physical injuries—a clear standard that has provided predictable costs and administrative efficiency. SB 394 partially dismantles this system without comprehensive replacement, creating uncertainty for employers and insurers.
2. Establish a study commission for comprehensive reform. Georgia recently implemented a successful model that provides PTSD benefits through their municipal healthcare system rather than workers compensation. This approach delivers actual benefits—including lump sum payments and up to three years of disability coverage—while maintaining system integrity and cost predictability.

We urge you to veto SB 394 and initiate the comprehensive review process that will produce lasting, effective solutions for all Montana first responders.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. Brooks". The signature is fluid and cursive, with the first name "Daniel" being the most prominent.

Daniel J. Brooks
Vice President, Business Advocacy
Billings Chamber of Commerce



MONTANA HEALTH NETWORK, INC.
WORKERS' COMPENSATION INSURANCE TRUST
519 PLEASANT STREET
MILES CITY, MONTANA 59301
(406) 234-1420
FAX: (406) 234-1423

June 9, 2025

Honorable Greg Gianforte
PO Box 200801
Helena, MT 59620-0801

RE: Veto SB 394 and Create Study Commission on PTSD Issues

Dear Governor Gianforte,

We are asking you to veto senate bill 394. In my own family I have a son and a nephew that are first responders, and I want nothing but the best for them and the tough job they perform. However, this bill is not the best way to support them, and their peers, in the case of PTSD issues.

PTSD issues are real and serious issues, not just for first responders. What if an employee at any business, heaven forbid, is a victim or a witness of a workplace shooting. Shouldn't they also benefit from the benefits of a well-structured PTSD program. The exclusion of workers in general from this bill will set the state up for additional legislative confusion and interpretation. It would be better to craft a bill that takes care of all Montana workers, in a positive and comprehensive way.

Secondly, how PTSD is defined is very difficult to address and how much care is required can be hard to determine. An x-ray can clearly diagnose a broken foot, and physical therapy can clearly identify strained muscle. Determining the severity of PTSD, and what is considered a positive outcome, is a bit more difficult.

Third, in order to maintain the stability of the current Workers' Comp system due to the difficulty in identifying the economic impact or treatment of PTSD a commissioned study should be implemented. Certainly, there are examples from other states that can be watched and monitored to assess their effectiveness.

Currently Montana workers who may experience PTSD have other ways to seek retribution, and generally have access to other benefits, such as their Health Plan and other disability benefits.

SB 394 would significantly alter the Workers' Compensation landscape based on a quick desire to cover our first responders without recognizing fully, the impact this bill may have. It does not do enough to address the problem and creates other problems along the way.

I am fully in support of supporting Montana Workers that need help, due to a workplace injury. However, let's make sure we understand what we need to do to help them get better in a safe and well understood direction.

Respectfully,

A handwritten signature in black ink, appearing to read 'CH', with a long horizontal stroke extending to the right.

Chris Hopkins
Trust Administrator
Montana Health Network Workers' Compensation Trust

Honorable Greg Gianforte
PO Box 200801
Helena, MT 59620-0801

May 6, 2025

RE: Veto SB 394 and Create a Study Commission on the PTSD Issues

Dear Governor Gianforte,

If you do not have it already, the legislature will soon be sending you SB 394, Sponsored by Senator Neumann, "Providing for workers' compensation coverage of post-traumatic stress disorder for first responders."

With all due respect, I am asking you to veto SB 394 to maintain the consistency and cost stability of the Montana Workers' Compensation system. Further, PTSD is a huge issue both in Montana and nationally. It is a major issue that is best addressed on a larger, more comprehensive scale than simply punting the issue to the comp system.

The goal of the bill is laudable – provide benefits for first responders who are suffering from PTSD or emotional issues because of their work. Emotional well-being is an issue throughout our society, and this bill only addresses part of the problem. Simply put, it is a problem that requires, and deserves, a bigger solution than SB 394. Societal level issues require societal level responses. Dropping the burden upon the workers' compensation system in Montana will lead to a legacy of far higher costs and litigation. The Montana Workers' Compensation system is simply not equipped for 'mental/mental' type claims.

I would suggest that, as part of your veto, that you create a broad-based study of the issue to provide a properly funded resolution versus a piecemeal approach through SB 394. Certainly, this will not be the last bill on this topic.

The current Montana Workers' Compensation system is simple - emotional injuries without a corresponding physical injuries are not covered. As they are excluded from the workers' compensation system, workers' who are emotionally injured as a result of work, are not limited by the workers' compensation system. They can sue their employer, they are not limited to workers' compensation benefits and have access to other benefits that may be available to them. SB 394 will by its very nature lead to a more litigious Workers' Compensation system in Montana.

This is a bigger societal problem and requires and deserves a bigger solution.

You and I have had the opportunity to discuss the Workers' Compensation system in Montana since before your run for Congress. I think we can all agree that PTSD is a problem, particularly for first responders, law enforcement, healthcare workers and military members. This is a societal problem that warrants a societal level need and funding study. I of course would be ready to put my experience forward to such a study, particularly in the context of a renewal of the Governor's Advisory Council on Workers' Compensation.

Thank you.

Sincerely,



Michael J. Marsh, RPA, PIA, CIA, CIU
President

Midland Claims Service, Inc. and Industrial Injury Claims®
Board of Directors member of Montana State Fund *term expired

MONTANA SELF INSURERS' ASSOCIATION

Executive Director

Peter Strauss

Board of Directors

Donna Haeder - NorthWestern Corp

Dee Walcheck - Logan Health

Michael Marsh - Midland Claims Service

Kevin Bartsch - MT School Boards Group

Vicki Evans - MT Contractors Compensation Fund

May 5, 2025

Honorable Greg Gianforte
PO Box 200801
Helena, MT 59620-0801

RE: Veto SB 394 and Create a Study Commission on the PTSD Issues

Dear Governor Gianforte,

If you do not have it already, the legislature will soon be sending you SB 394, Sponsored by Senator Neumann, "Providing for workers' compensation coverage of post-traumatic stress disorder for first responders."

We are asking you to veto SB 394 to maintain the consistency and cost stability of the Montana Workers' Compensation system, and to address the issue on a larger scale. The goal of the bill is laudable – provide workplace benefits for first responders who are suffering from PTSD or emotional issues because of their work. Emotional well-being is an issue throughout our society, and this bill only addresses part of the problem. Simply put, it is a problem that requires, and deserves, a bigger solution than SB 394.

We ask for your veto of SB 394 and the creation of a meaningful study of the potential broader solutions so that Montana can be one of the leaders in addressing the PTSD issues. While first responders are important, by only addressing their concerns, we are ignoring everyone else who has the same concerns. At some point our systems break down for excluding some people from PTSD benefits, while providing it for others.

We ask, as part of the veto, that you create a broad-based study of the issue to provide a resolution, or series of resolutions versus a piecemeal approach through SB 394. Certainly, this will not be the last bill on this topic. When we address the issue in the fashion proposed by SB 394, we will see more bills to include this coverage for detention facility guards, then the other workers in the detention facility, then emergency dispatchers, social workers, then teachers, then ER physicians, then nurses, then, anyone exposed in any way to an emergency or a stressful situation at work.

How – and when – do we say no? How and when do we open the system up to everyone who may experience a stressful situation at work. The piecemeal solution, bit by bit, session by session, is no way to address this issue. We should address it comprehensively. SB 394 is a fraction of a bigger issue that requires, and deserves, a bigger solution.

The current Montana workers' compensation system is simple – emotional injuries without a corresponding physical injury are not covered. As they are excluded from the workers' compensation system, workers' who are emotionally injured as a result of work, are not limited by the workers' compensation system. They can

Montana Self Insurers' Association
520 Monroe Ave Helena, MT 59601
406-431-7220 PStrauss@MTSelfInsurers.org
MTSelfinsurers.org

MONTANA SELF INSURERS' ASSOCIATION

Veto SB 394

p.2

sue their employer, they are not limited to workers' compensation benefits and have access to other benefits that may be available to them. That last point is particularly important for first responders. They have access to other benefits – health insurance coverage and highly likely disability benefits that are not limited or excluded because the injury was otherwise covered by workers' compensation.

That this could be a work-related injury is a given. The issue is why provide access to these specific employees, and not others. When I teach workers' compensation, I point out the unfairness of the sheriffs' deputies who stood outside the school shootings in Uvalde, Texas and Parkland, Florida. Under those state laws, the deputies are eligible for PTSD benefits coverage under workers' compensation – while the teachers, administrators, and janitorial staff of the schools inside the building, are not. There is nothing fair about that.

This is a bigger societal problem and requires and deserves a bigger solution.

SB 394 does not do enough to address the problem and creates other problems along the way. If we are going to provide these benefits – significantly modifying a system that has been shaped and molded over more than one hundred years of testing and changing – we should do so in a thoughtful, complete way. We should not change it piecemeal, or worse yet, leave it to the Courts to change it for us.

In creating the inherent unfairness of providing PTSD benefits **ONLY** for first responders, someone is going to ask why that is fair. It is not. Yet, we can do something other states have shirked their duty in doing – review the bigger problem and create a more comprehensive solution.

There are practical implications as well. Montana has seen stable or declining workers' compensation rates since 2007. This bill could change that positive economic story starting with an increase in costs for governmental entities (cities, towns, counties, and the state) who employ first responders. The National Council on Compensation Insurance (NCCI), licensed by the State Auditor's office to collect and analyze workers' compensation information to help create rates, estimates an at least 3% increase in workers' compensation prices for first responders, when this proposal becomes law. Regrettably, most of those employers are municipalities and they generally have one source of revenue – property taxes. Adding to their costs at this time, particularly when we do not have a better understanding of the issue, all potential solutions and the impacts of those solutions may not be the smartest thing we can do.

Georgia may have taken a first step. The Georgia workers' compensation system is like ours in that it does not recognize emotional injuries without a corresponding physical injury. Georgia recently enacted a new law effective January 1 of this year. Rather than put a PTSD program in the workers' compensation system, where claims examiners investigate to determine work relatedness, confirm appropriate diagnosis and care, and manage medical bills and benefits, adding to an already stressful situation for the worker, they created a new system within the municipalities' healthcare and disability programs. It provides defined benefits, a lump sum as well as ongoing disability payments for up to three years and was supported by all; it passed the Senate 53-0 and the House 174-0. This program also does not impact the employer's e-mod, which is a component that drives costs in the workers' compensation system.

Georgia municipalities and first responders supported the proposal. Montana should not turn away from innovative ideas, we should lead by acknowledging them, understanding them, and when applicable, adopting them with specific modifications to improve our economy, workforce and enhancing Montana as one of the true leaders in our workers' compensation systems across the country. Here, we can do just that. It can only start with your veto of SB 394.

Montana Self Insurers' Association
520 Monroe Ave Helena, MT 59601
406-431-7220 PStrauss@MTSelfInsurers.org
MTSelfinsurers.org

MONTANA SELF INSURERS' ASSOCIATION

Veto SB 394

p.3

The Georgia program, on which we are recommending a Gubernatorial study task force or commission, takes care of people injured at work in an already stressful personal situation. The Georgia program may be a worthy starting point in addressing this issue. It may not be the only way of addressing the issue, but it is certainly a reasonable starting point. We ask for the opportunity to know – and work together with the competing sides - before we tackle one of the most complex and emotional issues in our time and for our workers' compensation system.

Other states have recognized the potential of a better solution from Georgia. North Carolina and Wisconsin have introduced bills to take a similar approach – for first responders. We are asking for your help – by vetoing SB 394 and calling on Montanans to step up to craft a better, bigger, and more important solution.

We will be part of the solutions – which may include this kind of proposal and others. However, there are too many unknowns, too many questions, too many other issues as a result of this solution to be the sole solution at this time.

PTSD is a problem that requires and deserves a bigger solution than SB 394. As such, we respectfully request you veto SB 394 and start us on the path to that bigger solution by asking the involved parties to sit down together and work out solutions that address the larger problem, rather than leaving the problem to be addressed piecemeal or by the Courts.

Respectfully,



Peter Strauss, Executive Director
Montana Self Insurers Association.