

HOUSE BILL NO. 283

INTRODUCED BY FABREGA, HAGER

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Business and Industry.
February 12, 1981	Committee recommend bill do pass. Report adopted.
February 13, 1981	Bill printed and placed on members' desks.
February 14, 1981	Second reading, do pass.
February 16, 1981	Considered correctly engrossed.
February 17, 1981	Third reading, passed. Ayes, 99; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 16, 1981	Introduced and referred to Committee on Labor and Employment Relations.
March 9, 1981	Committee recommend bill be concurred in. Report adopted.
March 11, 1981	Second reading, concurred in.
March 13, 1981	Third reading, concurred in. Ayes, 45; Noes, 3.

IN THE HOUSE

March 14, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	--

1 HOUSE BILL NO. 283
2 INTRODUCED BY Felipe Hago

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEMBERSHIP
5 AND SETTING FORTH THE POWERS AND DUTIES OF THE
6 CLASSIFICATION AND RATING COMMITTEE FOR WORKERS'
7 COMPENSATION INSURANCE; AMENDING SECTION 33-16-1007; AND
8 REPEALING SECTION 33-16-1006, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 33-16-1007, MCA, is amended to
12 read:

13 "33-16-1007. ~~Division--of--workers'-compensation--as~~
14 ~~member--of--committee-on-operation-of-rating-organization--~~
15 ~~other--members~~ Classification and rating committee --
16 membership -- term. In a rating organization of which the
17 division of workers' compensation is a member, it shall be
18 entitled, without election, to membership on any committee
19 thereof established in connection with the operation of the
20 rating organization in this state. One member of each such
21 committee shall be chosen by the stock insurers and one by
22 the nonstock insurers. Such committee shall consist of
23 three members as herein provided for. (1) There is a
24 classification and rating committee.

25 (2) The committee is composed of five voting members,

1 consisting of:
2 (a) three representatives of private insurance
3 carriers writing workers' compensation insurance in Montana.
4 The members must reside in Montana, and shall be appointed
5 by the Montana commissioner of insurance.
6 (b) one licensed independent insurance agent who
7 resides in Montana, appointed by the Montana commissioner of
8 insurance; and
9 (c) one representative of the division of workers'
10 compensation who is an employee of the division and who
11 shall be appointed by the administrator of the division.
12 (3) Each member shall hold office for a period of 3
13 years. Any appointee who fills the vacancy of a member whose
14 term has not expired shall fill only the remaining term and
15 may be reappointed for a full term.
16 (4) Before appointments are to be made by the
17 commissioner of insurance under subsections (2)(a) and
18 (2)(b) above, established private organizations representing
19 insurance carriers and independent insurance agents may
20 submit names of individuals they recommend for appointments.
21 The commissioner of insurance shall give consideration to
22 such names submitted before appointments are made. However,
23 the commissioner of insurance is not required to appoint any
24 person from the names submitted.
25 (5) The committee shall be funded from the operations

1 ~~budget of the rating organization. Committee members may, if~~
2 ~~they request, be paid their actual and necessary travel~~
3 ~~expenses."~~

4 NEW SECTION. Section 2. Functions and powers of
5 classification and rating committee. The classification and
6 rating committee shall:

7 (1) meet not less than semiannually to conduct its
8 business;

9 (2) make the final determination regarding the
10 establishment of all manual rules and classification;

11 (3) establish the advisory premium rates as provided
12 for in 33-16-1005;

13 (4) publish such material and pamphlets as it
14 considers appropriate; and

15 (5) act as a review committee concerning objections
16 filed by employers in relation to classifications assigned
17 to the employer by an insurer. The committee may hire
18 hearings officers to conduct hearings regarding such
19 objections and adopt or modify the findings and conclusions
20 of the hearings officers. The committee shall establish
21 procedures for hearing such objections.

22 Section 3. Initial appointments. When the committee is
23 initially formed in 1981, appointments of members under
24 subsection (2)(a) of 33-16-1007 shall fill terms as follows:
25 one for 1 year, one for 2 years, and one for 3 years, as

1 designated by the commissioner of insurance.

2 Section 4. Codification instruction. Section 2 is
3 intended to be codified as an integral part of Title 33,
4 chapter 16, part 10.

5 Section 5. Repealer. Section 33-16-1006, NCA, is
6 repealed.

-End-

Approved by Committee
on Business and Industry

HOUSE BILL NO. 283

INTRODUCED BY

Fabrizio Hager

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEMBERSHIP AND SETTING FORTH THE POWERS AND DUTIES OF THE CLASSIFICATION AND RATING COMMITTEE FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTION 33-16-1007; AND REPEALING SECTION 33-16-1006, MCA."

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

Section 1. Section 33-16-1007, MCA, is amended to read:

~~"33-16-1007. Division of workers' compensation as member of committee on operation of rating organization and other members Classification and rating committee membership term in a rating organization of which the division of workers' compensation is a member it shall be entitled without election to membership on any committee thereof established in connection with the operation of the rating organization in this state. One member of each such committee shall be chosen by the stock insurers and one by the nonstock insurers. Such committee shall consist of three members as herein provided for. (1) There is a classification and rating committee.~~

(2) The committee is composed of five voting members:

consisting of:

(a) three representatives of private insurance carriers writing workers' compensation insurance in Montana. The members must reside in Montana, and shall be appointed by the Montana commissioner of insurance.

(b) one licensed independent insurance agent who resides in Montana, appointed by the Montana commissioner of insurance; and

(c) one representative of the division of workers' compensation who is an employee of the division and who shall be appointed by the administrator of the division.

(3) Each member shall hold office for a period of 3 years. Any appointee who fills the vacancy of a member whose term has not expired shall fill only the remaining term and may be reappointed for a full term.

(4) Before appointments are to be made by the commissioner of insurance under subsections (2)(a) and (2)(b) above, established private organizations representing insurance carriers and independent insurance agents may submit names of individuals they recommend for appointments. The commissioner of insurance shall give consideration to such names submitted before appointments are made. However, the commissioner of insurance is not required to appoint any person from the names submitted.

(5) The committee shall be funded from the operations

SECOND READING

1 ~~budget of the rating organization. Committee members may, if~~
2 ~~they request, be paid their actual and necessary travel~~
3 ~~expenses.*~~

4 NEW SECTION. Section 2. Functions and powers of
5 classification and rating committee. The classification and
6 rating committee shall:

7 (1) meet not less than semiannually to conduct its
8 business;

9 (2) make the final determination regarding the
10 establishment of all manual rules and classification;

11 (3) establish the advisory premium rates as provided
12 for in 33-16-1005;

13 (4) publish such material and pamphlets as it
14 considers appropriate; and

15 (5) act as a review committee concerning objections
16 filed by employers in relation to classifications assigned
17 to the employer by an insurer. The committee may hire
18 hearings officers to conduct hearings regarding such
19 objections and adopt or modify the findings and conclusions
20 of the hearings officers. The committee shall establish
21 procedures for hearing such objections.

22 Section 3. Initial appointments. When the committee is
23 initially formed in 1981, appointments of members under
24 subsection (2)(a) of 33-16-1007 shall fill terms as follows:
25 one for 1 year, one for 2 years, and one for 3 years, as

1 designated by the commissioner of insurance.

2 Section 4. Codification instruction. Section 2 is
3 intended to be codified as an integral part of Title 33,
4 chapter 16, part 10.

5 Section 5. Repealer. Section 33-16-1006, MCA, is
6 repealed.

-End-

HOUSE BILL NO. 283

INTRODUCED BY

Fabrizio Hagan

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEMBERSHIP AND SETTING FORTH THE POWERS AND DUTIES OF THE CLASSIFICATION AND RATING COMMITTEE FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTION 33-16-1007; AND REPEALING SECTION 33-16-1006, MCA."

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

Section 1. Section 33-16-1007, MCA, is amended to read:

~~"33-16-1007. Division of workers' compensation as member of committee on operation of rating organization -- other members classification and rating committee -- membership -- term. In a rating organization of which the division of workers' compensation is a member it shall be entitled without election to membership on any committee thereof established in connection with the operation of the rating organization in this state. One member of each such committee shall be chosen by the stock insurers and one by the nonstock insurers. Such committee shall consist of three members as herein provided for: (1) There is a classification and rating committee.~~

(2) The committee is composed of five voting members:

consisting of:

(a) three representatives of private insurance carriers writing workers' compensation insurance in Montana. The members must reside in Montana, and shall be appointed by the Montana commissioner of insurance.

(b) one licensed independent insurance agent who resides in Montana, appointed by the Montana commissioner of insurance; and

(c) one representative of the division of workers' compensation who is an employee of the division and who shall be appointed by the administrator of the division.

(3) Each member shall hold office for a period of 3 years. Any appointee who fills the vacancy of a member whose term has not expired shall fill only the remaining term and may be reappointed for a full term.

(4) Before appointments are to be made by the commissioner of insurance under subsections (2)(a) and (2)(b) above, established private organizations representing insurance carriers and independent insurance agents may submit names of individuals they recommend for appointments. The commissioner of insurance shall give consideration to such names submitted before appointments are made. However, the commissioner of insurance is not required to appoint any person from the names submitted.

(5) The committee shall be funded from the operations

1 ~~budget of the rating organization. Committee members may, if~~
 2 ~~they request, be paid their actual and necessary travel~~
 3 ~~expenses."~~

4 **NEW SECTION.** Section 2. Functions and powers of
 5 classification and rating committee. The classification and
 6 rating committee shall:

7 (1) meet not less than semiannually to conduct its
 8 business;

9 (2) make the final determination regarding the
 10 establishment of all manual rules and classification;

11 (3) establish the advisory premium rates as provided
 12 for in 33-16-1005;

13 (4) publish such material and pamphlets as it
 14 considers appropriate; and

15 (5) act as a review committee concerning objections
 16 filed by employers in relation to classifications assigned
 17 to the employer by an insurer. The committee may hire
 18 hearings officers to conduct hearings regarding such
 19 objections and adopt or modify the findings and conclusions
 20 of the hearings officers. The committee shall establish
 21 procedures for hearing such objections.

22 Section 3. Initial appointments. When the committee is
 23 initially formed in 1981, appointments of members under
 24 subsection (2)(a) of 33-16-1007 shall fill terms as follows:
 25 one for 1 year, one for 2 years, and one for 3 years, as

1 designated by the commissioner of insurance.

2 Section 4. Codification instruction. Section 2 is
 3 intended to be codified as an integral part of Title 33,
 4 chapter 16, part 10.

5 Section 5. Repealer. Section 33-16-1006, MCA, is
 6 repealed.

-End-

HOUSE BILL NO. 283

INTRODUCED BY FABREGA, HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEMBERSHIP AND SETTING FORTH THE POWERS AND DUTIES OF THE CLASSIFICATION AND RATING COMMITTEE FOR WORKERS' COMPENSATION INSURANCE; AMENDING SECTION 33-16-1007; AND REPEALING SECTION 33-16-1006, MCA."

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

Section 1. Section 33-16-1007, MCA, is amended to read:

~~"33-16-1007. Division of workers' compensation as member of committee on operation of rating organization -- other members Classification and rating committee -- membership -- term. In a rating organization of which the division of workers' compensation is a member, it shall be entitled, without election, to membership on any committee thereof established in connection with the operation of the rating organization in this state. One member of each such committee shall be chosen by the stock insurers and one by the nonstock insurers. Such committee shall consist of three members as herein provided for. (1) There is a classification and rating committee.~~

(2) The committee is composed of five voting members,

consisting of:

(a) three representatives of private insurance carriers writing workers' compensation insurance in Montana. The members must reside in Montana, and shall be appointed by the Montana commissioner of insurance.

(b) one licensed independent insurance agent who resides in Montana, appointed by the Montana commissioner of insurance; and

(c) one representative of the division of workers' compensation who is an employee of the division and who shall be appointed by the administrator of the division.

(3) Each member shall hold office for a period of 3 years. Any appointee who fills the vacancy of a member whose term has not expired shall fill only the remaining term and may be reappointed for a full term.

(4) Before appointments are to be made by the commissioner of insurance under subsections (2)(a) and (2)(b) above, established private organizations representing insurance carriers and independent insurance agents may submit names of individuals they recommend for appointments. The commissioner of insurance shall give consideration to such names submitted before appointments are made. However, the commissioner of insurance is not required to appoint any person from the names submitted.

(5) The committee shall be funded from the operations

1 budget of the rating organization. Committee members may, if
 2 they request, be paid their actual and necessary travel
 3 expenses."

4 NEW SECTION. Section 2. Functions and powers of
 5 classification and rating committee. The classification and
 6 rating committee shall:

7 (1) meet not less than semiannually to conduct its
 8 business;

9 (2) make the final determination regarding the
 10 establishment of all manual rules and classifications;

11 (3) establish the advisory premium rates as provided
 12 for in 33-16-1005;

13 (4) publish such material and pamphlets as it
 14 considers appropriate; and

15 (5) act as a review committee concerning objections
 16 filed by employers in relation to classifications assigned
 17 to the employer by an insurer. The committee may hire
 18 hearings officers to conduct hearings regarding such
 19 objections and adopt or modify the findings and conclusions
 20 of the hearings officers. The committee shall establish
 21 procedures for hearing such objections.

22 Section 3. Initial appointments. When the committee is
 23 initially formed in 1981, appointments of members under
 24 subsection (2)(a) of 33-16-1007 shall fill terms as follows:
 25 one for 1 year, one for 2 years, and one for 3 years, as

1 designated by the commissioner of insurance.

2 Section 4. Codification instruction. Section 2 is
 3 intended to be codified as an integral part of Title 33,
 4 chapter 16, part 10.

5 Section 5. Repealer. Section 33-16-1006, MCA, is
 6 repealed.

-End-