

SENATE AMENDMENTS TO SENATE BILL 984

By COMMITTEE ON GENERAL GOVERNMENT

June 10

- 1 On page 1 of the printed bill, line 2, delete “656.752 and” and insert “656.730;”.
- 2 In line 3, delete “737.310;”.
- 3 Delete lines 5 through 27 and delete pages 2 through 5 and insert:
- 4 “**SECTION 1.** ORS 656.730 is amended to read:
- 5 “656.730. (1) The Director of the Department of Consumer and Business Services shall
- 6 promulgate [a] **an assigned risk** plan for the equitable apportionment among the State Accident
- 7 Insurance Fund Corporation and all members of workers’ compensation rating organizations in the
- 8 state coverage required by ORS 656.017 for subject employers whose coverage the fund, or any
- 9 members of such rating organizations, object to providing. The plan shall include provisions au-
- 10 thorized pursuant to ORS 737.265 (2), except that:
- 11 “(a) Regardless of the rating plans adopted by any rating organization, the plan shall provide a
- 12 rating structure with differing rate tiers for insureds too small to qualify for experience rating and
- 13 for insureds large enough to be experience rated; and
- 14 “(b) The plan shall seek and be entitled to receive approval for all classification exceptions ap-
- 15 proved by the director for any insurer.
- 16 “(2) If any insurer issuing guaranty contracts under this chapter refuses to accept its equitable
- 17 apportionment under [*such*] **the assigned risk** plan, the director shall revoke the insurer’s authority
- 18 to issue guaranty contracts.
- 19 “(3) **The director shall require, to the extent practicable, workers’ compensation rating**
- 20 **organizations subject to this section to make financial and actuarial information concerning**
- 21 **the assigned risk plan available to the Department of Consumer and Business Services and**
- 22 **to insurers servicing the plan.**
- 23 “**SECTION 2.** (1) **The Director of the Department of Consumer and Business Services**
- 24 **shall conduct a review of the assigned risk plan promulgated pursuant to ORS 656.730 and**
- 25 **of subject employers that are covered by the plan. The review shall determine:**
- 26 “(a) **The reasons for the initial placement of subject employers in the plan;**
- 27 “(b) **Whether the initial placement of subject employers in the plan and their continued**
- 28 **coverage by the plan are in accordance with reasonable workers’ compensation insurance**
- 29 **practices established by rule by the director;**
- 30 “(c) **Whether insurers servicing the plan are aggressively assisting subject employers**
- 31 **covered by the plan in improving workplace safety and other factors that will enable those**
- 32 **employers to obtain coverage in the voluntary workers’ compensation insurance market; and**
- 33 “(d) **The reasons for the pricing structure of the plan, including minimum premiums and**
- 34 **differences in pricing structure between the plan and the voluntary market.**
- 35 “(2) **Each insurer servicing the plan shall provide to the director information requested**

1 by the director for the purpose of carrying out the review required by this section.

2 “(3) The director shall report the results of the review required by this section to the
3 Seventy-third Legislative Assembly in the manner required by ORS 192.245 by August 31,
4 2006. The report may not include information that identifies individual subject employers
5 covered by the plan.

6 “SECTION 3. Within 90 days of the submission of the report required by section 2 of this
7 2005 Act, the State Accident Insurance Fund Corporation shall file with the Director of the
8 Department of Consumer and Business Services a plan to assist employers provided coverage
9 by the assigned risk plan to obtain coverage in the voluntary market. The corporation shall
10 report to the Seventy-fourth Legislative Assembly the actions taken and the results achieved
11 as a result of those actions in carrying out the purposes of this section.

12 “SECTION 4. Section 5 of this 2005 Act is added to and made a part of ORS chapter 737.

13 “SECTION 5. (1) The Director of the Department of Consumer and Business Services
14 shall adopt rules for the consistent application of workers’ compensation rates, rating plans
15 and rating systems.

16 “(2) The director may adopt rules that provide that all or part of any rates, rating plans,
17 rating systems and supporting documentation filed by a workers’ compensation insurer is
18 not subject to exemption from disclosure under ORS 192.410 to 192.505 and shall be open to
19 public inspection upon approval of the rates, rating plan or rating system by the director.

20 “SECTION 6. This 2005 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
22 on its passage.”.

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