

H.B. No. 0212	Workers compensation-claim apportionment.
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Sponsored By: Representative(s) Larsen

AN ACT relating to workers compensation; authorizing the division to determine the chargeability of claims costs to an employer's experience rating; providing rulemaking authority; and providing for an effective date.

1/28/2015 Bill Number Assigned
1/30/2015 H Received for Introduction
1/30/2015 H Introduced and Referred to H09 - Minerals
2/4/2015 Minerals:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Byrd, Cannady, Edmonds, Gay, Kasperik, Larsen, Lockhart, Sommers, Walters

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/4/2015 H Placed on General File

HB0212HS001/ADOPTED

Page 2-line 12 Delete "one (1) of the" insert "an".
Page 2-line 13 Delete "employees" insert "employee".
Page 2-line 15 After "that" insert "fifty-one percent (51%) or more of". LOCKHART, CHAIRMAN

2/5/2015 H COW Passed

HB0212H2001/ADOPTED

Page 1-line 3 After "rating;" insert "providing rulemaking authority;".
Page 2-line 17 After "rating." insert "In accordance with this subsection, the division shall by rule and regulation establish necessary procedures for a determination of chargeability.". BURKHART

2/6/2015 H 2nd Reading:Passed
2/9/2015 H 3rd Reading:Passed 58-2-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Patton, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative(s) Edmonds, Wilson

Ayes 58 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

2/10/2015 S Received for Introduction
2/11/2015 S Introduced and Referred to S09 - Minerals
2/26/2015 Minerals:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.L. (SD28), Coe, Cooper, Rothfuss, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/26/2015 S Placed on General File

HB0212SS001/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 6 After "(65%)." Strike balance of line.

Page 2-lines 7 through 9 Strike.

Page 2-line 10 Strike line through "injury."; delete new language.

Page 2-lines 11 through 20 Delete and insert: "An employer who is current on premium payments required by this act may apply to the division for a determination of experience modification rating chargeability for an injury to the employer's employee. The division's determination of chargeability shall be reviewable as provided in W.S. 27-14-601(k)(iii) and (iv). If the division, by a preponderance of the evidence, determines that an employee's injury was solely caused by a third party and by no fault of the chargeable employer or its employees, the injury shall not be charged to the employer's account. The employer shall bear the burden of proof in any action brought by the employer for a chargeability determination. If an employer's account is determined to be unchargeable under this subsection, the employer's account shall not be further credited upon recovery from a third party by the division. The division shall by rule and regulation establish necessary procedures for a determination of chargeability." VON FLATERN, CHAIRMAN

2/26/2015 S COW Passed

HB0212S2001/ADOPTED

(CORRECTED COPY)

(TO ENGROSSED COPY)

Delete the Senate Standing Committee Amendment (HB0212SS001/AE)

entirely and further amend as follows:

Page 2-line 6 After "(65%)." strike balance of line.

Page 2-lines 7 through 9 Strike.

Page 2-line 10 Strike line through "injury."; delete new language.

Page 2-lines 11 through 20 Delete and insert: "An employer who is current on premium payments required by this act may apply to the division for a determination of experience modification rating chargeability for an injury to the employer's employee. The division's determination of chargeability shall be reviewable as provided in W.S. 27-14-601(k)(iii) and (iv). If the division, by a preponderance of the evidence, determines that an employee's injury was

primarily caused by a third party, the injury shall not be charged to the employer's account. The employer shall bear the burden of proof in any action brought by the employer for a chargeability determination. If an employer's account is determined to be unchargeable under this subsection, the employer's account shall not be further credited upon recovery from a third party by the division. The division shall by rule and regulation establish necessary procedures for a determination of chargeability." ANDERSON (SD28), BEBOUT

2/27/2015 S 2nd Reading:Passed

HB0212S3001/ADOPTED

(TO ENGROSSED COPY)

Page 2-lines 11 through 20 After the Anderson (SD28) et al. Senate Second Reading Amendment (HB0212S2001/ACE) to these lines, insert: "Any determination by the division regarding causation of an injury pursuant to this subsection shall be used only for ratemaking purposes and shall not be admissible in any civil litigation regarding the injury.". ROSS

3/2/2015 S 3rd Reading:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Bebout, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Perkins

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

3/2/2015 H Received for Concurrence

3/3/2015 H Concur:Passed 55-4-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Greear, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative(s) Gay, Halverson, Reeder, Wilson

Excused: Representative Patton

Ayes 55 **Nays** 4 **Excused** 1 **Absent** 0 **Conflicts** 0

3/3/2015 Assigned Number HEA No. 0096

3/3/2015 H Speaker Signed HEA No. 0096

3/4/2015 S President Signed HEA No. 0096

3/9/2015 Governor Signed HEA No. 0096

3/9/2015 Assigned Chapter Number

