

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE KRUEGER-BRANEKY

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1 Amend Bill, page 1, line 9, by striking out "and,"

2 Amend Bill, page 1, line 10, by inserting after "review"
3 ; and providing for business-labor advocate

4 Amend Bill, page 8, by inserting between lines 17 and 18

5 Section 3. The act is amended by adding an article to read:

6 ARTICLE XVII
7 BUSINESS-LABOR ADVOCATE

8 Section 1701. Definitions.

9 The following words and phrases when used in this article
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Department." The Insurance Department of the Commonwealth.
13 Section 1702. Office.

14 (a) Establishment.--The Office of Business-Labor Advocate is
15 established within the Department of Labor and Industry the to
16 represent the interests of employers and employes as a party in
17 proceedings before the department or any court involving filings
18 by rating organizations and insurers under Article VII. The
19 office shall be supervised by the business-labor advocate.

20 (b) Appointment.--The business-labor advocate shall be
21 appointed by the Governor, with the advice and consent of a
22 majority of the members elected to the Senate, and shall be a
23 person who is qualified by reason of training, experience and
24 attainment.

25 (c) Provisions.--An individual who is appointed to the
26 position of business-labor advocate shall not seek election nor
27 accept appointment to a public office during the individual's
28 tenure as business-labor advocate and for a period of two years
29 after the individual's appointment is served or terminated.

30 (d) Responsibilities.--The Secretary of Labor and Industry
31 shall have administrative responsibilities for the office only
32 and shall not be responsible, in any manner, for the policies,
33 procedures or other substantive matters developed by the Office
34 of Business-Labor Advocate in carrying out its duties under this
35 act.

36 Section 1703. Staff.

1 The business-labor advocate, with the approval of the
2 Secretary of Labor and Industry, shall appoint attorneys as
3 assistant business-labor advocates and additional clerical,
4 technical and professional staff as may be appropriate and may
5 contract for such additional services as shall be necessary for
6 the performance of the business-labor advocate's function. The
7 compensation of the business-labor advocate, assistant business-
8 labor advocates and clerical, technical and professional staff
9 shall be set by the Executive Board. Neither the business-labor
10 advocate nor any assistant business-labor advocate or other
11 staff employee shall, while serving in the position, engage in
12 any business, vocation or other employment or have other
13 interests inconsistent with the employee's official
14 responsibilities.

15 Section 1704. Advocacy.

16 (a) Determination.--The business-labor advocate may exercise
17 discretion in determining the interests of employers and
18 employees which will be advocated in any particular proceeding
19 and, in so determining, shall consider the public interest, the
20 resources available and the substantiality of the effect of the
21 proceeding on their interests. The business-labor advocate may
22 refrain from intervening when in the business-labor advocate's
23 judgment, intervention is not necessary to adequately represent
24 their interests.

25 (b) Statement.--Any action brought by the business-labor
26 advocate before the department or a court shall be brought in
27 the name of the business-labor advocate. At such time as the
28 business-labor advocate determines, in accordance with
29 applicable time limitations, to initiate, intervene or otherwise
30 participate in a proceeding, the business-labor advocate shall
31 issue publicly a written statement, a copy of which the
32 business-labor advocate shall file in the proceeding in addition
33 to any required entry of the business-labor advocate's
34 appearance, stating concisely the specific interest of employers
35 and employees to be protected.

36 Section 1705. Notification.

37 The department shall notify, or require the rating
38 organization or insurer to notify, the business-labor advocate
39 of any filing under Article VII in a manner to assure the
40 business-labor advocate reasonable notice and adequate time to
41 determine whether to intervene in the relevant proceeding.

42 Section 1706. Annual report.

43 The business-labor advocate shall transmit to the Governor,
44 the Secretary of Labor and Industry and the General Assembly,
45 and shall make available to the public, an annual report on the
46 conduct of the Office of Business-Labor Advocate.

47 Section 1707. Assessment.

48 In addition to any other assessment authorized by section
49 446, an additional annual assessment shall be made on insurers
50 as a percentage of the total compensation paid, for the purpose
51 of funding the operations of the Office of Business-Labor

1 Advocate. Assessments under this section shall be made by the
2 department and deposited into the Workmen's Compensation
3 Administration Fund in a restricted account to be used by the
4 Office of Business-Labor Advocate. The total amount assessed
5 shall be the amount of the budget approved annually by the
6 General Assembly for the Office of Business-Labor Advocate.
7 Section 1708. Limitation.

8 Nothing contained in this article shall in any way limit the
9 right of any person to bring a proceeding before either the
10 department or a court.

11 Amend Bill, page 8, line 18, by striking out "3" and
12 inserting

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14 Amend Bill, page 8, line 22, by striking out "4" and
15 inserting

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