

Amendment No. 276

Assembly Amendment to Assembly Bill No. 363

(BDR 53-252)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of AB363 (§ 1).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 1, line 3, by deleting “*month*,” and inserting “*quarter*,”.Amend section 1, page 1, line 7, by deleting “*Commissioner*” and inserting “*Administrator*”.

Amend section 1, page 2, by deleting line 1 and inserting:

*“quarter immediately preceding the quarter in which he submits the”.*Amend section 1, page 2, line 7, by deleting “*month*” and inserting “*quarter*”.Amend section 1, page 2, line 11, by deleting “*Commissioner*” and inserting “*Administrator*”.Amend section 1, page 2, by deleting lines 14 through 22 and inserting “*Administrator may:*”.Amend section 1, page 2, line 24, by deleting “*Board*” and inserting “*Administrator*”.

Amend section 1, page 2, by deleting lines 27 through 32.

Amend section 1, page 2, line 33, by deleting “*(a)*” and inserting “*(b)*”.

JDA/JRS

Date: 4/15/2005

A.B. No. 363—Makes various changes relating to consolidated insurance programs.

Amend section 1, page 2, line 34, by deleting “**Board**” and inserting “**Administrator**”.

Amend section 1, page 2, line 35, by deleting:

“**616B.720 or 616B.727; and**” and inserting:

“**616B.725 or 616B.727.**”.

Amend section 1, page 2, by deleting line 36 and inserting:

“**3. If the Administrator determines that the owner or principal**”.

Amend section 1, page 2, line 39, after “**616B.727,**” by inserting:

“**the Administrator shall notify the Commissioner of his determination. Upon receipt of such notice, the Commissioner may**”.

Amend section 1, page 2, by deleting lines 43 and 44 and inserting:

“**4. An order issued by the Administrator pursuant to this section must:**

(a) **Include a reference to the particular sections of the statutes or regulations alleged to have been violated and a short plain statement of the facts alleged to constitute the violation;**

(b) **Provide notice and an opportunity for a hearing to the owner or principal contractor on a date fixed in the order which must be not less than 5 days and not more than 15 days after the date of the order unless, upon demand by the owner or principal contractor, the date of the hearing is scheduled for the next business day after the demand is made to the Administrator by the owner or principal contractor; and**

(c) **If the order is an order for summary suspension, include the date and hour that the Administrator issued the order and entered it as a matter of record in his office.**

5. Immediately upon receiving an order to cease all activity at a construction site pursuant to subsection 2, the owner or principal contractor shall order all employees and other persons to leave the construction site and to cease all activity relating to construction at the construction site.

6. Upon request by the Administrator, any law enforcement agency in this State shall render any assistance necessary to carry out the requirements of subsection 5, including, but not limited to, preventing any employee or other person from remaining at the construction site.”.

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; requiring an owner or principal contractor who establishes and administers a consolidated insurance program to submit a quarterly affidavit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry; authorizing the Administrator to order the owner or principal contractor to cease all activity at a construction site and to impose an administrative fine under certain circumstances; authorizing the Commissioner of Insurance to prohibit an owner or principal contractor from establishing or administering a consolidated insurance program for 5 years under certain circumstances; requiring an order issued by the Administrator to the owner or principal contractor to include certain information and provide notice and an opportunity for a hearing under certain circumstances; and providing other matters properly relating thereto.”.