

Matrix Tally Regarding Montana State Fund Restructuring

Questions	Tutvedt	Facey	Barrett	Arntzen	Whitford	Lynch	Hertz	Berry	MSF
What Option?								Status quo	
Box 1 (A) Continue to serve as the guaranteed market?	Yes	Yes			Yes	Yes			Yes
B) Continue to be eligible for the federal tax exemption?	Yes	Yes			Yes	Yes			Yes
C) Be statutorily immune from dissolution by State Auditor?	Yes	Yes			Yes	Yes			Yes
D) Be subject by statute to its assets (and liabilities) being diverted to the state in case of dissolution? (If D is No, then option C should be yes. Converse not necessarily applied.	Yes	Yes				Yes			No
E) If subject to dissolution (no in option C), should participation be required in the Guaranty Association?	NA	Yes (but Option C was yes, so NA)			NA	NA			NA
F) If immune from dissolution (yes in Option C), should there be an early trigger of risk-based capital requirements to start State Auditor rehabilitation?	Yes	Yes			Yes	Yes			Yes
G) Should there be adverse risk development coverage in addition/in lieu of Guaranty Assoc. participation?		??			Yes	Yes			discuss further
H) Should there be offsets/benefits for guaranteed market?	only fed tax	No			No	No			discuss further

	Tutvedt	Facey	Barrett	Arntzen	Whitford	Lynch	Hertz	Berry	MSF
I) a) Should MSF pay zero, limited, full premium tax? b) sole state work comp provider?	Full	a) Full			Full	Full No			discuss further
J) Should MSF be treated same as other insurers for punitive damages purposes?	??	No			No	Yes			discuss further
K) Should MSF be under the fraud/prosecution unit of State Auditor instead of DOJ?	Civil Yes Criminal No	Don't care - maybe 2 bills?				DOJ made whole			discuss further
L) Should MSF have a calendar, not fiscal budget yr	Yes	Yes			Yes	Yes			Yes
M) Should MSF have tiered rating allowed in statute?	Yes	Yes (but does it have to be in statute?)			Yes				Yes
N) Should MSF (& all insurers) use a higher experience rating trigger and all have same code classes?	Yes	Yes on higher exp rating No re codes			Yes	Yes ??			Yes
O) Should there be a revision in Brd of Directors appts?	NO ???	No			No	What?			No
P) Should MSF statutes be in Title 33 not Title 39?	Yes	What is the difference				Title 33 ??			No. T39 enabling laws, T33 link
Q) Should MSF get an automatic certificate of approval?	Yes	Yes			Yes	Yes			Yes

	Tutvedt	Facey	Barrett	Arntzen	Whitford	Lynch	Hertz	Berry	MSF
R) If Q is No, should certificate of authority be based on filing, other?	NA	NA			NA	NA			NA
S) Should the determination of market concentration include MSF?	Yes	??			?	Yes			No
T) Should MSF be allowed discretion for assumed business name?	Yes	??			Yes	No - why			Yes
Box 2 (almost Private Option)									
AA) Explicitly provide in statute that the state's full faith and credit does/does not back MSF?	Who then?					Constitution			Yes
BB) Should MSF employees all stay as state employees?	Yes				Yes	Yes			Yes
CC) Should MSF new employees no longer be part of PERS?	NA				NA				NA
DD) Should MSF employees no longer participate in the state's health insurance plan?	Stay				NA	Stay			NA
EE) Should MSF pay PERS an offset of cost of removing existing/future employees?	NA				NA	NA			
FF) Should MSF be under Title 5 Legislative Audit laws?	No				No	Yes			No - if duplicate
GG) Should MSF get authority to lease, etc.	Yes				Yes	lease what?			Yes

	Tutvedt	Facey	Barrett	Arntzen	Whitford	Lynch	Hertz	Berry	MSF
HH) Should MSF be exempt from state services like email, tort, property/casualty ins, etc	No				No	No			No
Box 3 Moving toward Privatization									
A-1) Amend Montana Constitution to remove MSF references in public investment sections	No				No	No			No
A-2) Determine if assets are those of MSF or state, or a combination of both/value?	MSF					State			Current assets sole MSF
A-3) If assets are MSF, determine timeline for removing BOI as investor	NA								Not going there
A-4) Determine if MSF is to pay cost of removing MSF employees from PERS	NA								Not going there