

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2395

By: Hastings

AS INTRODUCED

An Act relating to workers' compensation; amending 85 O.S. 1991, Section 131, as last amended by Section 3, Chapter 326, O.S.L. 1995 (85 O.S. Supp. 1999, Section 131), which relates to creation of the State Insurance Fund; placing the State Insurance Fund within the jurisdiction of the Insurance Commissioner; amending 85 O.S. 1991, Section 131a, as amended by Section 7, Chapter 363, O.S.L. 1996 (85 O.S. Supp. 1999, Section 131a), which relates to the Board of Managers of State Insurance Fund, members, meetings, powers and duties of the Board; requiring approval of all actions of the Board by the Insurance Commissioner in order for such actions to be valid; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 85 O.S. 1991, Section 131, as last amended by Section 3, Chapter 326, O.S.L. 1995 (85 O.S. Supp. 1999, Section 131), is amended to read as follows:

Section 131. There is hereby created and established a fund to be known as "The State Insurance Fund", to be administered by the State Insurance Fund Commissioner, without liability on the part of the state beyond the amount of said fund, for the purpose of insuring employers against liability for compensation under Sections 131 through 151 of this title, and for assuring for the persons entitled thereto compensation provided by the workers' compensation law, and for the further purpose of insuring persons, firms and corporations against loss, expense or liability by reason of bodily injury, death by accident, occupational disability, or occupational disease suffered by employees, for which the insured may be liable or have assumed liability. Said fund may further provide insurance

for employers against liability incurred as the result of injuries sustained by employees engaged in employment subject to the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C., Section 901 et seq., or employees engaged in employment subject to Title IV of the Federal Coal Mine Health and Safety Act of 1969 as amended by the Black Lung Benefits Act of 1972, as enacted or as may be amended by the Congress of the United States.

(a) The State Insurance Fund shall be a revolving fund and shall consist of all premiums received and paid into said fund for insurance issued, all property and securities acquired by and through the use of monies belonging to the fund and all interest earned upon monies belonging to the fund and deposited or invested as herein provided.

(b) Said fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of expenses in the manner provided in Sections 131 through 151 of this title.

(c) Said fund shall be fairly competitive with other insurance carriers and it is the intent of the Legislature that said fund shall become neither more nor less than self-supporting.

(d) The State Insurance Fund shall report to the Insurance Commissioner no later than the last day of February of each year the amount of premium taxes and fees for which it would be liable if it were operating as a private carrier.

(e) The Insurance Commissioner shall have supervision over the administration and operation of the State Insurance Fund.

SECTION 2. AMENDATORY 85 O.S. 1991, Section 131a, as amended by Section 7, Chapter 363, O.S.L. 1996 (85 O.S. Supp. 1999, Section 131a), is amended to read as follows:

Section 131a. A. There is hereby created a Board to be known as the "Board of Managers of the State Insurance Fund", which Board shall have ~~supervision~~ advisory authority only over the

administration and operation of the State Insurance Fund, and shall be composed of nine (9) members as follows:

1. The Director of State Finance or a designee;
2. The Lieutenant Governor or a designee;
3. The State Auditor and Inspector or a designee;
4. The Director of Central Purchasing of the Department of Central Services;
5. One member appointed by the Governor;
6. Two members appointed by the Speaker of the House of Representatives, one of whom shall be representative of employers; and
7. Two members appointed by the President Pro Tempore of the Senate, one of whom shall be representative of employees.

The appointed members of the Board shall serve at the pleasure of the appointing authority.

B. The Insurance Commissioner shall have supervision over the administration and operation of the State Insurance Fund. All action recommended by the Board of Managers of the State Insurance Fund must be approved by the Insurance Commissioner in order for such actions to be valid.

C. The members of the Board shall elect annually from their number a Chairman and a Secretary. The Secretary shall keep true and complete records of all proceedings of the Board. The Board shall meet quarterly, and at all other times when a meeting is called by the Chairman, and at such meetings the Board may consider the condition of the State Insurance Fund and quarterly shall make a detailed examination into the condition of its reserves and investments and at each meeting may examine all other matters relating to the administration of such fund. The time and place of the regular meetings and the manner in which special meetings may be called shall be set forth in the bylaws of the said Fund. Except as otherwise provided in this act or in the bylaws, all actions shall

be taken by the affirmative vote of a majority of the Board members present at a meeting, and must be approved by the Insurance Commissioner, except that no investment policy and no amendment of bylaws shall be valid unless authorized or ratified by the affirmative vote of at least four Board members and approved by the Insurance Commissioner.

~~C.~~ D. Appointed members of the Board shall be reimbursed for expenses as provided in the State Travel Reimbursement Act. Said reimbursement, not to exceed thirty (30) days in any calendar year, shall be paid only when the Board is transacting official business. Any reimbursement in excess of thirty (30) days shall be approved by a majority of the Board. The Board shall have access to all records and books of account and shall have power to require the presence or appearance of any officer or employee of the State Insurance Fund. All information obtained by the members of the Board shall be confidential unless disclosed by order of the Board. The Insurance Commissioner shall have access to all records and books of account of the State Insurance Fund and to all information obtained by the members of the Board.

~~D.~~ E. No person or organization in a position to influence official action of members of the Board of Managers of the State Insurance Fund, the Insurance Commissioner, the State Insurance Fund Commissioner, and the employees of the State Insurance Fund shall furnish presents, gratuities, transportation, lodging, educational seminars, conferences, meetings, or similar functions to the Board of Managers of the State Insurance Fund, the Insurance Commissioner, the State Insurance Fund Commissioner, and the employees of the State Insurance Fund other than as provided by law and the rules of the Ethics Commission.

SECTION 3. This act shall become effective November 1, 2000.

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