

1 ENGROSSED HOUSE
2 BILL NO. 2210

By: Kiesel, McAffrey, Sullivan
and Cannaday of the House

3 and

4 Ballenger of the Senate

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7 An Act relating to workers' compensation; amending 85
8 O.S. 2001, Section 132a, as amended by Section 1,
9 Chapter 403, O.S.L. 2004 (85 O.S. Supp. 2008, Section
10 132a), which relates to volunteer fire departments;
11 modifying definition; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 85 O.S. 2001, Section 132a, as
15 amended by Section 1, Chapter 403, O.S.L. 2004 (85 O.S. Supp. 2008,
16 Section 132a), is amended to read as follows:

17 Section 132a. A. 1. Volunteer fire departments organized
18 pursuant to state law may obtain workers' compensation insurance for
19 volunteer firefighters through the Volunteer Firefighter Group
20 Insurance Pool pursuant to requirements established by CompSource
21 Oklahoma which shall administer the Pool. For the premium set by
22 CompSource Oklahoma, the state shall provide Fifty-five Dollars
23 (\$55.00) per firefighter per year. Except as otherwise provided by
24 subsection D of this section, the total amount paid by the state
shall not exceed Three Hundred Twenty Thousand Three Hundred Thirty-

1 eight Dollars (\$320,338.00) per year or so much thereof as may be
2 necessary to fund the Volunteer Firefighter Group Insurance Pool.

3 2. CompSource Oklahoma shall collect the premium from state
4 agencies, public trusts and other instrumentalities of the state.
5 Any funds received by CompSource Oklahoma from any state agency,
6 public trust, or other instrumentality for purposes of workers'
7 compensation insurance pursuant to this section shall be deposited
8 to the credit of the Volunteer Firefighter Group Insurance Pool.
9 CompSource Oklahoma shall collect premiums, pay claims, and provide
10 for excess insurance as needed.

11 B. CompSource Oklahoma shall report, annually, to the Governor,
12 the Speaker of the Oklahoma House of Representatives, and the
13 President Pro Tempore of the State Senate the number of enrollees in
14 the Volunteer Firefighter Group Insurance Pool, and the amount of
15 any anticipated surplus or deficiency of the Pool; and shall also
16 provide to the Governor, the Speaker of the Oklahoma House of
17 Representatives and the President Pro Tempore of the State Senate
18 sixty (60) days advance notice of any proposed change in rates for
19 the Volunteer Firefighter Group Insurance Pool.

20 C. The amount of claims paid, claim expenses, underwriting
21 losses, loss ratio, or any other financial aspect of the Volunteer
22 Firefighter Group Insurance Pool shall not be considered when
23 determining or considering bids for the amount of any premiums,
24 rates, or expenses owed by, or any discounts, rebates, dividends, or

1 other financial benefits owed to any other policyholder of
2 CompSource Oklahoma.

3 D. Except as otherwise provided by law, any increase in the
4 state payment rate for volunteer firefighters under the Volunteer
5 Firefighter Group Insurance Pool shall not exceed five percent (5%)
6 per annum. Any proposed change in rates for the Volunteer
7 Firefighter Group Insurance Pool must be approved by the Board of
8 Managers of CompSource Oklahoma with notice provided pursuant to
9 subsection B of this section. CompSource Oklahoma shall not
10 increase premiums for the Volunteer Firefighter Group Insurance Pool
11 more than once per annum.

12 E. For purposes of this section, the term "volunteer fire
13 departments" includes those volunteer fire departments which have
14 authorized voluntary or uncompensated workers rendering services as
15 firefighters and are created by statute pursuant to Section 592 of
16 Title 18 of the Oklahoma Statutes, Sections 29-201 through 29-205 of
17 Title 11 of the Oklahoma Statutes, and those defined by Section 351
18 of Title 19 of the Oklahoma Statutes, and does not include any
19 member serving as an active volunteer firefighter who receives
20 annual compensation from a fire department in a participating
21 municipality for services related to firefighting, other than
22 reimbursement of expenses in excess of two times the annual pension
23 benefit paid by the Firefighters Pension and Retirement System to a
24 retired volunteer firefighter with twenty (20) years credited

1 service, and who shall meet the physical and agility requirements
2 pursuant to Section 49-116 of Title 11 of the Oklahoma Statutes.
3 Credited service earned as a paid firefighter pursuant to this
4 paragraph shall not be considered actual experience as a paid
5 firefighter for purposes of meeting the qualifications of a paid
6 fire chief as provided in Section 29-102 of Title 11 of the Oklahoma
7 Statutes.

8 SECTION 2. This act shall become effective November 1, 2009.

9 Passed the House of Representatives the 10th day of March, 2009.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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