

THE HOUSE OF REPRESENTATIVES
Thursday, February 26, 2009

House Bill No. 2210

HOUSE BILL NO. 2210 - By: KIESEL of the House.

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

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

1 SECTION 1. AMENDATORY 85 O.S. 2001, Section 132a, as amended by
2 Section 1, Chapter 403, O.S.L. 2004 (85 O.S. Supp. 2008, Section 132a), is amended to
3 read as follows:
4 Section 132a. A. 1. Volunteer fire departments organized pursuant to state law
5 may obtain workers' compensation insurance for volunteer firefighters through the
6 Volunteer Firefighter Group Insurance Pool pursuant to requirements established by
7 CompSource Oklahoma which shall administer the Pool. For the premium set by
8 CompSource Oklahoma, the state shall provide Fifty-five Dollars (\$55.00) per firefighter
9 per year. Except as otherwise provided by subsection D of this section, the total amount
10 paid by the state shall not exceed Three Hundred Twenty Thousand Three Hundred
11 Thirty-eight Dollars (\$320,338.00) per year or so much thereof as may be necessary to
12 fund the Volunteer Firefighter Group Insurance Pool.

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

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

14 C. The amount of claims paid, claim expenses, underwriting losses, loss ratio, or
15 any other financial aspect of the Volunteer Firefighter Group Insurance Pool shall not be
16 considered when determining or considering bids for the amount of any premiums, rates,
17 or expenses owed by, or any discounts, rebates, dividends, or other financial benefits
18 owed to any other policyholder of CompSource Oklahoma.

19 D. Except as otherwise provided by law, any increase in the state payment rate for
20 volunteer firefighters under the Volunteer Firefighter Group Insurance Pool shall not
21 exceed five percent (5%) per annum. Any proposed change in rates for the Volunteer
22 Firefighter Group Insurance Pool must be approved by the Board of Managers of

1 CompSource Oklahoma with notice provided pursuant to subsection B of this section.
2 CompSource Oklahoma shall not increase premiums for the Volunteer Firefighter Group
3 Insurance Pool more than once per annum.

4 E. For purposes of this section, the term “volunteer fire departments” includes
5 those volunteer fire departments which have authorized voluntary or uncompensated
6 workers rendering services as firefighters and are created by statute pursuant to Section
7 592 of Title 18 of the Oklahoma Statutes, Sections 29-201 through 29-205 of Title 11 of
8 the Oklahoma Statutes, and those defined by Section 351 of Title 19 of the Oklahoma
9 Statutes, and does not include any member serving as an active volunteer firefighter who
10 receives annual compensation from a fire department in a participating municipality for
11 services related to firefighting, other than reimbursement of expenses in excess of two
12 times the annual pension benefit paid by the Firefighters Pension and Retirement
13 System to a retired volunteer firefighter with twenty (20) years credited service, and who
14 shall meet the physical and agility requirements pursuant to Section 49-116 of Title 11 of
15 the Oklahoma Statutes. Credited service earned as a paid firefighter pursuant to this
16 paragraph shall not be considered actual experience as a paid firefighter for purposes of
17 meeting the qualifications of a paid fire chief as provided in Section 29-102 of Title 11 of
18 the Oklahoma Statutes.

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

20 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
21 FINANCIAL SERVICES, dated 02-25-09 - DO PASS.