

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1333

By: Hall of the Senate

and

Caldwell (Trey) of the
House

COMMITTEE SUBSTITUTE

An Act relating to workers' compensation; amending 85 O.S. 2021, Section 380, which relates to the Volunteer Firefighter Group Insurance Pool; establishing transfer of the Pool to the Office of Management and Enterprise Services (OMES); requiring certain funds to remain with CompSource Mutual Insurance Company; providing for purchase of certain insurance for certain volunteer fire departments; allowing OMES to contract with certain entity or hire personnel; construing provision; directing premium payment by certain state entities; increasing contributions to certain premium; establishing reporting and notice requirements; prohibiting certain financial information from use for certain bid determinations; providing for premium increases of certain amount per annum; updating statutory language; updating statutory reference; creating the Volunteer Firefighter Group Insurance Pool Revolving Fund; providing fund purpose; establishing source of fund; providing for codification; providing for recodification; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 85 O.S. 2021, Section 380, is
2 amended to read as follows:

3 Section 380. A. 1. ~~Volunteer~~ Except as provided for in
4 subsections E through I of this section, volunteer fire departments
5 organized pursuant to state law may obtain workers' compensation
6 insurance for volunteer firefighters through the Volunteer
7 Firefighter Group Insurance Pool pursuant to requirements
8 established by CompSource Mutual Insurance Company which shall
9 administer the Pool. For the premium set by CompSource Mutual
10 Insurance Company, the state shall provide Fifty-five Dollars
11 (\$55.00) per firefighter per year. Except as otherwise provided by
12 subsection D of this section, the total amount paid by the state
13 shall not exceed Three Hundred Twenty Thousand Three Hundred Thirty-
14 eight Dollars (\$320,338.00) per year or so much thereof as may be
15 necessary to fund the Volunteer Firefighter Group Insurance Pool.

16 2. CompSource Mutual Insurance Company shall collect the
17 premium from state agencies, public trusts, and other
18 instrumentalities of the state. Any funds received by CompSource
19 Mutual Insurance Company from any state agency, public trust, or
20 other instrumentality for purposes of workers' compensation
21 insurance pursuant to this section shall be deposited to the credit
22 of the Volunteer Firefighter Group Insurance Pool. CompSource
23 Mutual Insurance Company shall collect premiums, pay claims, and
24 provide for excess insurance as needed.

1 B. CompSource Mutual Insurance Company shall electronically
2 report, annually, to the Governor, the Speaker of the ~~Oklahoma~~ House
3 of Representatives, and the President Pro Tempore of the ~~State~~
4 Senate the number of enrollees in the Volunteer Firefighter Group
5 Insurance Pool, and the amount of any anticipated surplus or
6 deficiency of the Pool; and shall also provide to the Governor, the
7 Speaker of the ~~Oklahoma~~ House of Representatives and the President
8 Pro Tempore of the ~~State~~ Senate sixty (60) ~~days~~ days' advance notice
9 of any proposed change in rates for the Volunteer Firefighter Group
10 Insurance Pool.

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

18 D. Except as otherwise provided by law, any increase in the
19 state payment rate for volunteer firefighters under the Volunteer
20 Firefighter Group Insurance Pool shall not exceed five percent (5%)
21 per annum. Any proposed change in rates for the Volunteer
22 Firefighter Group Insurance Pool must be approved by the Board of
23 Directors of CompSource Mutual Insurance Company with notice
24 provided pursuant to subsection B of this section. CompSource

1 Mutual Insurance Company shall not increase premiums for the
2 Volunteer Firefighter Group Insurance Pool more than once per annum.

3 E. 1. The provisions of subsections A through D of this
4 section shall apply only to workers' compensation claims for
5 volunteer firefighters incurred prior to the effective date of this
6 act.

7 2. Not later than the effective date of this act, the Volunteer
8 Firefighter Group Insurance Pool shall be transferred to the Office
9 of Management and Enterprise Services Comprehensive Professional
10 Risk Management Program. Provided, existing reserves from the Pool
11 shall remain with CompSource Mutual Insurance Company for the
12 purpose of managing claims incurred prior to the effective date of
13 this act. All claims incurred on and after the effective date of
14 this act shall be administered by the Office of Management and
15 Enterprise Services (OMES).

16 3. OMES may contract with a third-party administrator or hire
17 not more than two full-time personnel for the purposes of
18 administering the Pool.

19 4. Nothing in this section shall be construed to permit OMES to
20 administer workers' compensation to a paid fire department as such
21 term is defined in Section 29-104.1 of Title 11 of the Oklahoma
22 Statutes.

23 F. 1. Volunteer fire departments organized pursuant to state
24 law may obtain workers' compensation insurance for volunteer

1 firefighters through the Volunteer Firefighter Group Insurance Pool
2 pursuant to requirements established by the Office of Management and
3 Enterprise Services Comprehensive Professional Risk Management
4 Program.

5 2. OMES shall collect a premium of One Hundred Twenty Dollars
6 (\$120.00) per firefighter per year from state agencies, public
7 trusts, and other instrumentalities of the state. Any funds
8 received by OMES from any state agency, public trust, or other
9 instrumentality for purposes of workers' compensation insurance
10 pursuant to this section shall be deposited to the credit of the
11 Volunteer Firefighter Group Insurance Pool. OMES shall collect
12 premiums, pay claims, and provide for excess insurance as needed.

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

22 H. The amount of claims paid, claim expenses, underwriting
23 losses, loss ratio, or any other financial aspect of the Volunteer
24 Firefighter Group Insurance Pool shall not be considered when

1 determining or considering bids for the amount of any premiums,
2 rates, or expenses owed by, or any discounts, rebates, dividends, or
3 other financial benefits owed to any other policyholder of OMES.

4 I. Except as otherwise provided by law, any increase in the
5 state payment rate for volunteer firefighters under the Volunteer
6 Firefighter Group Insurance Pool shall not exceed five percent (5%)
7 per annum. Any proposed change in rates for the Volunteer
8 Firefighter Group Insurance Pool must be approved by the Director of
9 the Office of Management and Enterprise Services with notice
10 provided pursuant to subsection G of this section. OMES shall not
11 increase premiums for the Volunteer Firefighter Group Insurance Pool
12 more than once per annum.

13 J. For purposes of this section, the term "volunteer fire
14 departments" includes those volunteer fire departments which have
15 authorized voluntary or uncompensated workers rendering services as
16 firefighters and are created by statute pursuant to Section 592 of
17 Title 18 of the Oklahoma Statutes, Sections 29-201 through ~~29-204~~
18 29-206 of Title 11 of the Oklahoma Statutes, and those defined by
19 Section 351 of Title 19 of the Oklahoma Statutes.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 85.71 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 There is hereby created in the State Treasury a revolving fund
24 for the Office of Management and Enterprise Services (OMES) to be

1 designated the "Volunteer Firefighter Group Insurance Pool Revolving
2 Fund". The fund shall be a continuing fund, not subject to fiscal
3 year limitations, and shall consist of all monies received by OMES
4 from appropriations provided for the purpose of administering the
5 Volunteer Firefighter Group Insurance Pool in the event that no
6 other funds are available. All monies accruing to the credit of the
7 fund are hereby appropriated and may be budgeted and expended by
8 OMES for the purpose provided for in this section. Expenditures
9 from the fund shall be made upon warrants issued by the State
10 Treasurer against claims filed as prescribed by law with the
11 Director of the Office of Management and Enterprise Services for
12 approval and payment.

13 SECTION 3. RECODIFICATION 85 O.S. 2021, Section 380, as
14 amended by Section 1 of this act, shall be recodified as Section
15 85.70 of Title 74 of the Oklahoma Statutes, unless there is created
16 a duplication in numbering.

17 SECTION 4. This act shall become effective July 1, 2024.

18 SECTION 5. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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