

1 **SENATE FLOOR VERSION**

2 February 21, 2024

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1333

By: Hall of the Senate

and

6 Caldwell (Trey) of the
7 House

8
9 An Act relating to workers' compensation; amending 85
10 O.S. 2021, Section 380, which relates to the
11 Volunteer Firefighter Group Insurance Pool;
12 establishing transfer of the Pool to the Office of
13 Management and Enterprise Services (OMES); requiring
14 certain funds to remain with CompSource Mutual
15 Insurance Company; providing for purchase of certain
16 insurance for certain volunteer fire departments;
17 allowing OMES to contract with certain entity or hire
18 personnel; construing provision; directing premium
19 payment by certain state entities; increasing
20 contributions to certain premium; establishing
21 reporting and notice requirements; prohibiting
22 certain financial information from use for certain
23 bid determinations; providing for premium increases
24 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:

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

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

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

23 B. CompSource Mutual Insurance Company shall electronically
24 report, annually, to the Governor, the Speaker of the ~~Oklahoma~~ House

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

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

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

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

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

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

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

21 F. 1. Volunteer fire departments organized pursuant to state
22 law may obtain workers' compensation insurance for volunteer
23 firefighters through the Volunteer Firefighter Group Insurance Pool
24 pursuant to requirements established by the Office of Management and

1 Enterprise Services Comprehensive Professional Risk Management
2 Program.

3 2. OMES shall collect a premium of One Hundred Twenty Dollars
4 (\$120.00) per firefighter per year from state agencies, public
5 trusts, and other instrumentalities of the state. Any funds
6 received by OMES from any state agency, public trust, or other
7 instrumentality for purposes of workers' compensation insurance
8 pursuant to this section shall be deposited to the credit of the
9 Volunteer Firefighter Group Insurance Pool. OMES shall collect
10 premiums, pay claims, and provide for excess insurance as needed.

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

20 H. 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,
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1 rates, or expenses owed by, or any discounts, rebates, dividends, or
2 other financial benefits owed to any other policyholder of OMES.

3 I. 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 Director of
8 the Office of Management and Enterprise Services with notice
9 provided pursuant to subsection G of this section. OMES shall not
10 increase premiums for the Volunteer Firefighter Group Insurance Pool
11 more than once per annum.

12 J. 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 ~~29-204~~
17 29-206 of Title 11 of the Oklahoma Statutes, and those defined by
18 Section 351 of Title 19 of the Oklahoma Statutes.

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

22 There is hereby created in the State Treasury a revolving fund
23 for the Office of Management and Enterprise Services (OMES) to be
24 designated the "Volunteer Firefighter Group Insurance Pool Revolving

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
22 February 21, 2024 - DO PASS
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