

1 **SENATE FLOOR VERSION**

2 February 21, 2024

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1333

By: Hall of the Senate

and

Caldwell (Trey) of the  
House

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,  
24

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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