
DIGEST

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Billiot

HB No. 729

Abstract: Requires workers' compensation coverage for volunteer members of fire companies.

Present law (R.S. 22:347(A)(1)) provides that monies collected, after being first credited to the Bond Security and Redemption Fund, shall be credited to a special fund known as the "Two Percent Fire Insurance Fund" and shall be appropriated annually by the legislature for the state fire marshal to purchase group insurance for volunteer firefighters.

Proposed law retains present law and requires the availability of monies in the fund for the purposes of purchasing workers' compensation insurance for volunteer firefighters.

Present law (R.S. 23:1036(A)) provides for workers' compensation benefits for volunteer firemen.

Present law provides that if a fire company decides to provide such coverage, workers' compensation benefits shall constitute the exclusive remedy of the volunteer member against the fire company.

Proposed law requires the state fire marshal to obtain workers' compensation coverage for volunteer members of fire companies.

Present law (R.S. 23:1036(C)(1)) provides that a fire company which is not a political subdivision or which is separate from any political subdivision may elect to obtain workers' compensation insurance coverage for its volunteer members who participate in the normal functions of the organization.

Proposed law requires the workers' compensation coverage and allows the state fire marshal to provide coverage for a single fire company or multiple fire companies.

Present law (R.S. 23:1036(C)(3)) provides that the volunteer who is entitled to temporary total disability benefits (TTD) or permanent total disability (PTD) benefits shall be paid the minimum weekly benefit amount which is 20% of the average weekly wage paid in all employment subject to the La. Employment Security Law.

Proposed law (R.S. 23:1036(C)(3)) changes present law and provides that any member who is not carried on the membership list of the organization as of the date of the member's injury shall not be entitled to benefits.

Proposed law (R.S. 23:1036(C)(4)) provides that the fire chief shall by written affidavit attest to the fact that the injury to the volunteer member occurred while the volunteer member was in the line of duty.

Present law provides for definitions of terms.

Present law (R.S. 23:1036(E)) provides that benefits shall be payable as follows:

- (1) No compensation shall be paid for the first week after the injury is received, but if the injury continues for six weeks or longer after the date of the accident, the first week shall be compensated.
- (2) The first installment for TTD, PTD, or death to be due on the 14th day after the notice of the injury or death.
- (3) The first installment for supplemental earnings benefits (SEB) shall become due the 14th day after notice of the claim.
- (4) The first installment for permanent partial disability benefits (PPD) shall become due on the 30th day after receiving the medical report giving notice of the injury.
- (5) The volunteer's right to PTD is limited to 520 weeks and provides for credit for benefits received for TTD, SEB, and PPD.
- (6) The volunteer's right to TTD is limited to the point in which the condition resolves itself so the degree of disability may be assessed or six months, whichever occurs first.

Proposed law repeals present law and provides that medical benefits shall be paid within 60 days of written notice.

Present law (R.S. 23:1036(F)) provides that the amount of SEB and PPD benefits shall be computed as though the volunteer's wage was the federal minimum wage times the hours actually spent participating in the normal functions of the organization.

Proposed law repeals present law.

Present law (R.S. 23:1036(G)) limits the volunteer's right to SEB to 260 weeks. Provides that it shall terminate: (1) at the end of a one-year period following TTD termination, unless SEB were payable for 13 consecutive weeks; (2) after 260 weeks with a credit for each week in which any type of indemnity benefits were paid; or (3) when the volunteer retires or begins to receive social security, whichever comes first; however, SEB shall be payable for at least 52 weeks.

Proposed law repeals present law.

Present law (R.S. 23:1036(H)) provides that for death within two years after the last treatment

resulting from the accident, the volunteer's legal dependents shall be paid as provided in present law if: (1) the person claiming to be a legal dependent can demonstrate actual dependence for support on the volunteer member's earning from his other employment at the time of the accident and death; (2) only in proportion that the volunteer member's contribution to the person's support in the year prior to his death bears to the volunteer member's earnings at the time of death; and (3) volunteer member's wage shall be considered to be the federal minimum wage at the hours actually spent participating in the normal functions of the organization.

Proposed law repeals present law and provides for the payment of reasonable burial expenses, not to exceed \$7,500 for injury causing death within two years after the last treatment resulting from the accident.

Present law (R.S. 23:1036(J)) allows offset available under present law and for disability payment to the volunteer member to the extent such disability payments are funded by the fire company or member's other employment.

Proposed law repeals present law.

Proposed law (R.S. 23:1036(L)) requires that a fire company provide upon request and within a reasonable time period documents, materials, or other information to the state fire marshal in order to effectuate the provisions of proposed law.

In order to implement the provisions of R.S. 23:1036, each fire department to which funds are allocated and paid pursuant to R.S. 22:347(B) shall pay to the state fire marshal from funds so paid to the fire department for the 2008-2009 Fiscal Year, an amount as requested by the state fire marshal, not to exceed 3% of the funds so paid to the fire department.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:347(A)(1) and R.S. 23:1036(A), (C)(1) and (3), (E), and (H); Adds R.S. 23:1036(C)(4) and (L); Repeals R.S. 23:1036(D)(3), (F), (G), and (J))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Requires a fire chief by written affidavit to attest to the fact that the injury to the volunteer member occurred while the volunteer member was in the line of duty.
2. Requires that a fire company provide upon request and within a reasonable time period documents, materials, or other information to the state fire marshal.

House Floor Amendments to the engrossed bill.

1. Adds a provision allowing the state fire marshal to be paid up to 3% by each fire department from their funds for the 2008-09 Fiscal Year for the implementation of the volunteer workers' compensation coverage.