

Existing 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.

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

Prior law (R.S. 23:1036(A)) provided that the state fire marshal could elect to provide workers' compensation benefits for volunteer firemen. Further, provided that if a fire company decided to provide such coverage, workers' compensation benefits would constitute the exclusive remedy of the volunteer member against the fire company.

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

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

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

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

New law removes prior 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. Also, 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.

Prior law (R.S. 23:1036(D)(3)) defined "political subdivision" as a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

New law repeals prior law.

Prior law (R.S. 23:1036(E)) provided that benefits should be payable as follows:

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

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

Prior law (R.S. 23:1036(F)) provided that the amount of SEB and PPD benefits would 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.

New law repeals prior law.

Prior law (R.S. 23:1036(G)) limited the volunteer's right to SEB to 260 weeks. Provided 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 retired or began to receive social security, whichever comes first; however, SEB would be payable for at least 52 weeks.

New law repeals prior law.

Prior law (R.S. 23:1036(H)) provided that for death within two years after the last treatment resulting from the accident, the volunteer's legal dependents would be paid as provided in state law if: (1) the person claiming to be a legal dependent could 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 would be considered to be the federal minimum wage at the hours actually spent participating in the normal functions of the organization.

New law repeals prior law and provides there shall be 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.

Prior law (R.S. 23:1036(J)) allows offset available under state 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.

New law repeals prior law.

New 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 new 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 (July 1, 2009).

(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))