

2017 Regular Session

HOUSE BILL NO. 460

BY REPRESENTATIVES BERTHELOT, ABRAHAM, AMEDEE, BACALA, BAGNERIS, BARRAS, BILLIOT, CHAD BROWN, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COX, DEVILLIER, EDMONDS, FALCONER, FOIL, FRANKLIN, GISCLAIR, LANCE HARRIS, HAVARD, HAZEL, HORTON, HOWARD, HUVAL, JOHNSON, JONES, LEOPOLD, LYONS, MARCELLE, MARINO, MCFARLAND, MIGUEZ, NORTON, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SHADOIN, STAGNI, STEFANSKI, AND STOKES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIREMEN: Authorizes the state fire marshal to purchase a specified group insurance policy for the benefit of certain volunteer members of fire companies

1 AN ACT

2 To enact R.S. 22:347(A)(1)(c) and R.S. 40:1593.1, relative to the authority of the state fire
3 marshal to purchase group insurance; to provide for disposition of monies; to provide
4 for definitions; to provide for legislative findings; to authorize the purchase of
5 certain group insurance; to require certain qualifications for benefit eligibility; to
6 limit eligibility; to provide for procedure; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:347(A)(1)(c) is enacted to read as follows:

9 §347. Disposition of tax money

10 A. Monies collected under R.S. 22:342 through 349, after being first credited
11 to the Bond Security and Redemption Fund in accordance with Article VII, Section
12 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby
13 established in the state treasury and known as the "Two Percent Fire Insurance Fund"
14 hereinafter the "fund". Monies in the fund shall be available in amounts appropriated

1 annually by the legislature for the following purposes in the following order of
2 priority:

3 (1)

4 * * *

5 (c) For the state fire marshal, an amount necessary to satisfy the
6 requirements of R.S. 40:1593.1, relative to the purchase of group critical illness
7 insurance for volunteer members of fire companies.

8 * * *

9 Section 2. R.S. 40:1593.1 is hereby enacted to read as follows:

10 §1593.1. Volunteer members of fire companies; legislative findings; insurance;
11 applicability; limitations; procedure

12 A. As used in this Section, the following terms and phrases have the
13 meanings hereinafter ascribed to them:

14 (1) "Fire company" means any organization established to provide fire
15 prevention and suppression services for the general public.

16 (2) "Volunteer member" means any individual who is carried on the
17 membership list of the fire company as an active participant in the normal functions
18 of the organization and who receives either nominal or no remuneration for his
19 services.

20 B. The legislature of the state of Louisiana finds all of the following:

21 (1) That the fire prevention and suppression services provided by volunteer
22 fire companies are vital to the protection of the citizens of the state.

23 (2) That the provisions of this Section are intended to empower the state fire
24 marshal with a means by which he may provide insurance coverage to volunteer
25 members of fire companies for the treatment of heart and lung disease, stroke, and
26 certain types of cancer.

27 (3) That the remedies provided for by this Section shall constitute the
28 exclusive remedy, as described in R.S. 23:1032, available to any volunteer member
29 against a fire company.

1 C. For the purposes of this Section, the state fire marshal is authorized to
2 negotiate for and purchase out of funds available in the Two Percent Fire Insurance
3 Fund, provided for in R.S. 22:347, a group critical illness policy to provide for a
4 lump sum benefit for volunteer members.

5 D.(1) When a volunteer member is diagnosed with any disease or infirmity
6 of the heart or lungs, stroke, or cancer, the disease, infirmity, stroke, or cancer shall
7 be presumed to have been caused by or to have resulted from his service as a
8 volunteer member of a fire company due to exposure to heat, smoke, fumes, or other
9 carcinogenic, poisonous, toxic, or chemical substances. This presumption shall be
10 rebuttable by evidence meeting the appropriate legal standard.

11 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
12 provisions of this Section shall be applicable only to certain types of cancer. Any
13 type of cancer meeting all of the following criteria shall be deemed to meet the
14 requirements of this Subsection:

15 (a) Diagnosed as leukemia, lymphoma, or multiple myeloma or any other
16 type of cancer that may be caused by exposure to heat, smoke, radiation, or a known
17 or suspected carcinogen as defined by the International Agency for Research on
18 Cancer.

19 (b) Diagnosed as originating in the bladder, brain, colon, liver, lungs,
20 pancreas, skin, kidney, testicle, or gastrointestinal tract.

21 E.(1) In the event that a volunteer member is diagnosed with heart or lung
22 disease, stroke, or a type of cancer meeting the requirements of Subsection D of this
23 Section, all of the following criteria shall apply in determination of the eligibility of
24 the volunteer member for receiving the benefits provided pursuant to the group
25 policy described in Subsection C of this Section:

26 (a) The volunteer member shall have completed five or more years of service
27 with the fire company.

1 (b) The name of the member must have been carried on the membership list
2 of the fire company immediately prior to when his membership with the fire
3 company ceased.

4 (2)(a) In the event a volunteer member is determined to be eligible to receive
5 a benefit pursuant to this Section, the option to enroll for this benefit shall be offered
6 to the volunteer member for no less than ninety days from the date his membership
7 ceased as a volunteer member with the fire company.

8 (b) Any eligible volunteer member who enrolls to receive the benefit shall
9 be entitled to receive the benefit through the age of seventy with coverage
10 terminating when the volunteer member attains the age of seventy-one.

11 F.(1) The state fire marshal shall deliver to each fire company a printed or
12 electronic notice concerning the policy requirements as to written notice of claim and
13 written proof of loss including the period in which a claim must be filed. The fire
14 company shall post such notice in a conspicuous place at its facilities.

15 (2) A fire company shall provide to the state fire marshal, upon request and
16 within a reasonable time period, any documents, materials, or other information
17 necessary to administer the provisions of this Section.

18 (3) The state fire marshal is authorized to promulgate any rules or
19 regulations necessary to administer the provisions of this Section in accordance with
20 the Administrative Procedure Act, R.S. 49:950, et seq.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 460 Reengrossed

2017 Regular Session

Berthelot

Abstract: Authorizes the state fire marshal to purchase group insurance for certain volunteer members of fire companies.

Present law creates the "Two Percent Fire Insurance Fund" (fund). Present law provides that monies in the fund shall be available in amounts appropriated annually by the legislature for certain purposes in a certain order of priority. Proposed law adds to the list of purposes providing for the state fire marshal, an amount necessary to satisfy the requirements of proposed law, relative to the purchase of group critical illness insurance for volunteer

members of fire companies. Proposed law places this stated purpose last in the priority list established by present law.

Proposed law defines the terms "fire company" and "volunteer member" for the purposes of proposed law.

Proposed law provides that the legislature of the state of Louisiana finds all of the following:

- (1) That the fire prevention and suppression services provided by volunteer fire companies are vital to the protection of the citizens of the state.
- (2) That the provisions of proposed law are intended to empower the state fire marshal with a means by which he may provide insurance coverage to volunteer members of fire companies relative to treatment of heart and lung disease, stroke, and certain types of cancer.
- (3) That the remedies provided for by proposed law shall constitute the exclusive remedy, as described in present law (R.S. 23:1032), available to any volunteer member against a fire company.

Proposed law provides that, for the purposes of proposed law, the state fire marshal is authorized to negotiate for and purchase out of funds available in the fund, provided for in present law (R.S. 22:347), a group critical illness policy to provide for a lump sum benefit for volunteer members.

Proposed law provides that when a volunteer member is diagnosed with any disease or infirmity of the heart or lungs, stroke, or cancer, the disease, infirmity, stroke, or cancer shall be presumed to have been caused by or to have resulted from his service as a volunteer member of a fire company due to exposure to heat, smoke, fumes, or other carcinogenic, poisonous, toxic, or chemical substances. Proposed law declares that the presumption shall be rebuttable by evidence meeting the appropriate legal standard.

Proposed law provides that notwithstanding the provisions of proposed law, the provisions of proposed law shall be applicable only to certain types of cancer. Any type of cancer meeting all of the following criteria shall be deemed to meet the requirements of this Subsection:

- (1) Diagnosed as leukemia, lymphoma, or multiple myeloma or any other type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer.
- (2) Diagnosed as originating in the bladder, brain, colon, liver, lungs, pancreas, skin, kidney, testicle, or gastrointestinal tract.

Proposed law provides that, in the event that a volunteer member is diagnosed with heart or lung disease, stroke, or a type of cancer meeting the requirements of proposed law, all of the following criteria shall apply in determination of the eligibility of the volunteer member for receiving the benefits provided pursuant to the group policy described in proposed law:

- (1) The volunteer member shall have completed five or more years of service with the fire company.
- (2) The name of the member must have been carried on the membership list of the fire company immediately prior to when his membership with the fire company ceased.

Proposed law provides that, in the event a volunteer member is determined to be eligible to receive a benefit pursuant to proposed law, the option to enroll for this benefit shall be

offered to the volunteer member for no less than ninety days from the date his membership ceased as a volunteer member with the fire company.

Proposed law provides that any eligible volunteer member who enrolls to receive the benefit shall be entitled to receive the benefit through the age of 70 with coverage terminating when the volunteer member attains the age of 71.

Proposed law requires the state fire marshal to deliver to each fire company a printed or electronic notice concerning the policy requirements as to written notice of claim and written proof of loss including the period in which a claim must be filed. The fire company shall post such notice in a conspicuous place at its facilities.

Proposed law requires fire companies to provide to the state fire marshal, upon request and within a reasonable time period, any documents, materials, or other information necessary to administer the provisions of proposed law.

Proposed law clarifies that the state fire marshal is authorized to promulgate any rules or regulations necessary to administer the provisions of proposed law in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.).

(Adds R.S. 22:347(A)(1)(c) and R.S. 40:1593.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make only technical changes.

The House Floor Amendments to the engrossed bill:

1. Make a technical change.