

HB 3271

FILED

2011 APR -4 PM 4:50

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 3271

(By Delegates White, Campbell, M. Poling, Kominar,
Marshall, Iaquina, D. Poling, Stowers, Anderson,
Border and Cowles)



Passed March 12, 2011

In Effect Ninety Days From Passage

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E N R O L L E D

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SECRETARY OF STATE

H. B. 3271

(BY DELEGATES WHITE, CAMPBELL, M. POLING, KOMINAR,
MARSHALL, IAQUINTA, D. POLING, STOWERS, ANDERSON,
BORDER AND COWLES)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-4-14a, relating to creating a workers' compensation insurance subsidy program for volunteer fire departments; defining terms; establishing a special program within the Auditor's Office; granting authority to the Auditor to administer the program; designating a funding formula for distribution of moneys allocated; granting rule-making authority to administer this section; and requiring report to the Legislature.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §12-4-14a, to read as follows:

ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.

§12-4-14a. Workers' Compensation Subsidy for Volunteer Fire Departments; creation of program; Auditor to administer.

1 (a) For the purposes of this section:

2 (1) "Fiscal year" means the fiscal year of the state.

3 (2) "Individual base year premium" means the 'workers'
4 compensation insurance premium that became due and
5 payable by a volunteer fire department after June 30, 2010
6 but before July 1, 2011.

7 (3) "Individual premium" means the workers'
8 compensation premium due and payable by a volunteer fire
9 department in each twelve month period beginning on or
10 after July 1, 2011.

11 (4) "Total base year premium" means the aggregate
12 workers' compensation insurance premium due and payable
13 by all volunteer fire departments as determined by the
14 Insurance Commissioner after June 30, 2010 but before July
15 1, 2011.

16 (5) "Total premium" means the aggregate workers'
17 compensation insurance premium due and payable by all
18 volunteer fire departments in each twelve month period
19 beginning on or after July 1, 2011.

20 (b) In recognition of the burden of increasing workers'
21 compensation insurance premiums on volunteer fire
22 departments, the Legislature has determined that additional
23 funding assistance should be made available to eligible
24 departments to pay a portion of those premium increases

25 beginning with invoices due and payable on or after July 1,
26 2011.

27 (c) There is hereby established a special program which
28 shall be known as the "Volunteer Fire Department Workers'
29 Compensation Subsidy Program." The program shall be
30 administered by the State Auditor from moneys that may be
31 appropriated and designated for the program by the
32 Legislature.

33 (d) The State Auditor shall administer the distribution of
34 moneys appropriated for Volunteer Fire Department
35 Workers' Compensation Subsidy Program to volunteer fire
36 departments to help defray workers' compensation insurance
37 premium increases.

38 (1) Volunteer fire departments shall request supplemental
39 funds by submitting to the Auditor the following information:

40 (A) The previous fiscal year's workers' compensation
41 premium invoices with paid receipts;

42 (B) The current fiscal year's workers' compensation
43 premium invoices showing the amount due and due date and
44 any applicable paid receipts; and

45 (C) Any other information the Auditor deems necessary
46 for administering the subsidy on forms and schedules as the
47 Auditor directs. The Auditor is authorized to set up an
48 electronic filing system at his or her discretion for filing of
49 the aforementioned information.

50 (2) After determining that there is a premium increase
51 and the amount of the premium increase for the volunteer fire
52 department requesting the subsidy, the Auditor shall make
53 disbursements in the manner set forth in subsection (e) of this
54 section subject to the following requirements:

55 (A) The volunteer fire department must be in good
56 standing with the State Fire Marshal;

57 (B) The volunteer fire department must be registered with
58 the Auditor's Office in a form and manner prescribed by the
59 Auditor prior to being eligible for consideration of any
60 subsidy, which registration must be completed no fewer than
61 thirty days prior to the due date of the workers' compensation
62 premium;

63 (C) The volunteer fire department must agree that the
64 subsidy for its workers' compensation insurance premium
65 increase will be paid directly to its insurance carrier by the
66 Auditor and that it will timely pay the balance of the
67 premium due; and

68 (D) Should a volunteer fire department fail to pay the
69 balance of its workers' compensation insurance premium
70 after a disbursement by the auditor and that insurance policy
71 is subsequently cancelled, the premium paid by the Auditor
72 shall be returned directly to him or her. If the Auditor does
73 not receive a reimbursement for a cancelled policy, he or she
74 shall seek reimbursement for the subsidy portion of the
75 insurance premium from the State Treasurer when the
76 treasurer makes the next quarterly payment to the volunteer
77 fire department pursuant to sections thirty-three and
78 fourteen-d, article three, chapter thirty-three of this code.

79 (e) Beginning with the fiscal year that starts July 1, 2011,
80 and continuing in each fiscal year thereafter, after the Auditor
81 has verified that a volunteer fire department is eligible for a
82 subsidy pursuant to this section, he or she shall pay on behalf
83 of a volunteer fire department its subsidy, which is calculated
84 by

85 (1) Dividing the total amount of premium subsidy
86 allocated by the Legislature to the Volunteer Fire Department

87 Workers' Compensation Subsidy Program by the total
88 premium minus the total base year premium, which
89 calculation produces the "total shortfall multiplier"; and

90 (2) Multiplying the total shortfall multiplier determined
91 in subdivision (1) of this subsection by the individual
92 premium less the individual base year premium.

93 (3) In no event shall a volunteer fire department receive
94 a workers' compensation premium subsidy greater than one
95 hundred percent of its premium increase.

96 (f) For fiscal years after July 1, 2011, the Auditor shall
97 consult with the Insurance Commissioner to determine the
98 total amount of workers' compensation premium due by
99 volunteer fire departments for any subsequent fiscal year.
100 The Auditor may determine payment dates based upon
101 information reasonably available for such a determination.

102 (g) The Auditor may promulgate emergency rules and
103 may propose for promulgation legislative rules, in accordance
104 with the provisions of article three, chapter twenty-nine-a of
105 this code, as are necessary to provide for implementation and
106 enforcement of the provisions of this section.

107 (h) The volunteer fire departments' workers'
108 compensation premium subsidy program shall undergo a
109 review to assess its effectiveness after three years of
110 operation. The Auditor shall submit a report to the Joint
111 Committee on Government and Finance not later than
112 February 1, 2015, and provide details of the program
113 operation including funds distributed and departments taking
114 advantage of the subsidy.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman, House Committee

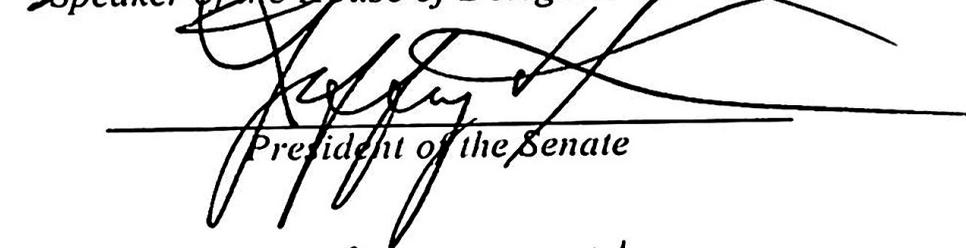

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates

President of the Senate

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SECRETARY OF STATE
COMMONWEALTH OF VIRGINIA

The within is approved this the 4th
day of April, 2011.


Governor

PRESENTED TO THE GOVERNOR

MAR 3 1 2011

Time 11:30 am
EST