

ENROLLED SENATE
BILL NO. 1254

By: Haney and Hobson of the
Senate

and

Hamilton and Steidley of
the House

An Act relating to the Oklahoma Department of Labor; amending Section 5, Chapter 240, O.S.L. 1994, as amended by Section 3, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1995, Section 605), which relates to the Oklahoma Professional Boxing Licensing Act; replacing authorization for employment of secretary to Commissioner with authorization for an assistant; creating the Department of Labor Revolving Fund; amending Section 20, Chapter 349, O.S.L. 1993, as amended by Section 16 of Enrolled Senate Bill No. 1310 of the 2nd Session of the 45th Oklahoma Legislature, which relates to the Oklahoma Occupational Health and Safety Standard Act; deleting specification for use of fee; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 5, Chapter 240, O.S.L. 1994, as amended by Section 3, Chapter 202, O.S.L. 1995 (3A O.S. Supp. 1995, Section 605), is amended to read as follows:

Section 605. A. The Commissioner may employ an administrator of professional boxing licensing to carry out the provisions of the Oklahoma Professional Boxing Licensing Act, to oversee the organization and activities of the Committee and to ensure compliance with rules promulgated by the Commissioner on matters relating to professional boxing. The administrator shall perform such other duties as the Commissioner may prescribe. The salary of the administrator shall be set by law. The administrator of professional boxing licensing shall be an unclassified position.

B. The Commissioner may ~~employ a secretary~~ hire an assistant to keep records of all Department and Committee proceedings relating to professional boxing and to preserve all books, documents and papers belonging to the Committee. The ~~secretary~~ assistant shall perform such other duties as the Commissioner may prescribe. ~~The salary of the Secretary shall be set by law.~~

C. The Department may incur expenses necessary for administering the provisions of the Oklahoma Professional Boxing Licensing Act including but not limited to office equipment, furniture, stationery, printing and postage.

D. The administrator, the ~~secretary~~ assistant and any other employees of the Department employed or assigned by the Commissioner to carry out the provisions of the Oklahoma Professional Boxing

Licensing Act or any persons related to said Department employees within the third degree by either consanguinity or affinity shall be prohibited from promoting, sponsoring or having any pecuniary interest in any professional boxing contest or professional exhibition regulated by the Department with the exception of medical personnel.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 141.19 of Title 40, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Labor to be designated the "Department of Labor Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies designated for deposit in such fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended as directed by the Legislature. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. AMENDATORY Section 20, Chapter 349, O.S.L. 1993, as amended by Section 16 of Enrolled Senate Bill No. 1310 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 415.1 A. Any person who is not required to be covered under a workers' compensation insurance policy or other plan for the payment of workers' compensation may apply to the Commissioner of Labor for a "Certificate of Non-Coverage Under the Workers' Compensation Act". Applications shall be made on forms prescribed by the Commissioner and shall be accompanied by a nonrefundable application fee in an amount to be set by the Commissioner by rule not to exceed Ten Dollars (\$10.00).

B. The Commissioner of Labor shall issue a certificate to any individual who the Commissioner finds, after reasonable inquiry, to be exempt from the definition of employee under Section 3 of Title 85 of the Oklahoma Statutes. Issuance of the certificate by the Commissioner shall establish a rebuttable presumption that the filer is not an employee for purposes of the Workers' Compensation Act.

C. The Commissioner of Labor shall develop necessary procedures for determining eligibility for the certificates.

D. Except as otherwise provided in Section 11 of Title 85 of the Oklahoma Statutes, the filing of a certificate shall not affect the rights or coverage of any employee of the individual filing the certificate.

E. 1. Knowingly providing false information to the Department of Labor for the purpose of obtaining a "Certificate of Non-Coverage Under the Workers' Compensation Act" shall constitute a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

2. Application forms for such certificates shall conspicuously state on the front thereof in at least ten-point bold-faced print that it is a crime to falsify information on the form.

3. The Commissioner of Labor shall immediately notify the Workers' Compensation Fraud Unit in the Office of the Attorney General of any violations or suspected violations of this section. The Commissioner shall cooperate with the Fraud Unit in any investigation involving certificates issued pursuant to this section.

F. Application fees collected pursuant to this section shall be deposited in the State Treasury to the credit of the Workers' Compensation Enforcement Revolving Fund. ~~Fees collected pursuant to~~

~~this section shall only be used for enforcement of the provisions of this section.~~

SECTION 4. This act shall become effective September 1, 1996.
Passed the Senate the 30th day of May, 1996.

President of the Senate

Passed the House of Representatives the 30th day of May, 1996.

Speaker of the House of Representatives