

ENROLLED SENATE
BILL NO. 927

By: Haney and Hobson of the
Senate

and

Settle and Begley of the
House

An Act relating to the Department of Labor; amending 40 O.S. 1991, Section 418, which relates to payments by workers' compensation carriers and self-insured; redirecting certain deposits; deleting certain uses of certain fund; making an appropriation to the Department of Labor; stating purpose; providing for certain transfers of certain monies; specifying dates; repealing 40 O.S. 1991, Section 417.1, which relates to the Special Occupational Health and Safety Fund; repealing Sections 108 and 109 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Legislature, which relate to appropriations; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 418, is amended to read as follows:

Section 418. (1) Each insurance carrier writing workers' compensation insurance in this state, the State Insurance Fund and each self-insured employer authorized to make workers' compensation payments directly to employees shall pay to the Oklahoma Tax Commission up to a sum equal to three-fourths of one percent (3/4 of 1%) of the total workers' compensation losses, excluding medical payments and temporary total disability compensation, based on the records of the Workers' Compensation Court, paid out or payable during each quarter-year period of the calendar year, said percentage to be fixed by the Commissioner and based upon ~~his~~ the Commissioner's certification that the proceeds thereof are reasonable and necessary to accomplish the objectives of Section 401 et seq. of this title. Such payments to the Oklahoma Tax Commission shall be made not later than the fifteenth day of the month following the close of the quarter-year in which compensation is paid or becomes payable. Payments made, under the provisions of this section, shall be considered losses for the purpose of computing workers' compensation rates.

(2) The refund provisions of Title 68 of the Oklahoma Statutes, Sections 227 through 229, shall be applicable to any payments made under the provisions of this act.

(3) In making and entering awards for compensation, the Workers' Compensation Court shall determine and fix the amounts that shall be paid to the Oklahoma Tax Commission under the provisions of this section. The total amount so determined and fixed shall have the same force and effect as an award of the Workers' Compensation Court for compensation and all provisions relating to the collection of awards of said court shall apply to such judgments.

(4) It shall be the duty of the Oklahoma Tax Commission to collect the payments provided for herein, and said Commission is hereby given authority to bring an action for the recovery of any delinquent and unpaid payment or payments. In the alternative, the Oklahoma Tax Commission may enforce payments by proceeding in accordance with the provisions of Section 42 of Title 85 of the Oklahoma Statutes.

(5) The Oklahoma Tax Commission shall, monthly, as the same are collected, pay to the State Treasurer of this state, to the credit of the ~~Special Occupational Health and Safety Fund~~ General Revenue Fund, all monies collected under the provisions of this section. ~~Monies shall be paid out of said Fund exclusively for the operation and administration of Section 401 et seq. of this title and for other necessary expenses of the Department of Labor pursuant to appropriations by the Oklahoma Legislature.~~

(6) The Commissioner shall determine the needs of the program, considering statistical data on disabling work injuries, depth and scope of the program as evidenced by the needs and demands of employers and the present, planned and anticipated budgetary needs of the program, and submit same to the Legislature.

SECTION 2. There is hereby appropriated to Department of Labor from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2001, the sum of One Million Two Hundred Eighty-seven Thousand Seven Hundred Forty-eight Dollars (\$1,287,748.00) or so much thereof as may be necessary to perform the duties imposed upon the Department of Labor by law.

SECTION 3. TRANSFER Notwithstanding any other provision of law, on July 1, 2000, any unencumbered funds remaining in the Special Occupational Health and Safety Fund shall be transferred to the credit of the General Revenue Fund. Any unexpended funds remaining in the Special Occupational Health and Safety Fund after September 1, 2000, shall be transferred to the credit of the General Revenue Fund of this state.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Notwithstanding any other provision of law, on July 1, 2000, any monies otherwise credited to the Occupational Health and Safety Fund

shall be deposited to the credit of the General Revenue Fund of this state.

SECTION 5. REPEALER 40 O.S. 1991, Section 417.1, is hereby repealed.

SECTION 6. REPEALER Sections 108 and 109 of Enrolled House Bill No. 2260 of the 2nd Session of the 47th Oklahoma Legislature, are hereby repealed.

SECTION 7. This act shall become effective July 1, 2000.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of May, 2000.

President of the Senate

Passed the House of Representatives the 25th day of May, 2000.

Speaker of the House of
Representatives