

1 ENGROSSED SENATE
2 BILL NO. 1411

By: Schulz of the Senate

3 and

4 McCall of the House

5
6 An Act relating to the Oklahoma Occupational Health
7 and Safety Standards Act; amending 40 O.S. 2011,
8 Section 418, as last amended by Section 1, Chapter
9 354, O.S.L. 2017 (40 O.S. Supp. 2017, Section 418),
10 which relates to disposition of certain payments;
11 limiting certain annual amount placed to credit of
Special Occupational Health and Safety Fund;
providing for distribution of amounts in excess of
limitation; providing methodology for certain
calculation; providing an effective date; and
declaring an emergency.

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

14 SECTION 1. AMENDATORY 40 O.S. 2011, Section 418, as last
15 amended by Section 1, Chapter 354, O.S.L. 2017 (40 O.S. Supp. 2017,
16 Section 418), is amended to read as follows:

17 Section 418. (1) Each insurance carrier writing workers'
18 compensation insurance in this state and each self-insured employer
19 authorized to make workers' compensation payments directly to
20 employees shall pay to the Oklahoma Tax Commission up to a sum equal
21 to three-fourths of one percent ($\frac{3}{4}$ of 1%) of the total workers'
22 compensation losses, excluding medical payments and temporary total
23 disability compensation, based on the records of the Workers'
24 Compensation Court of Existing Claims or the Workers' Compensation

1 Commission, paid out or payable during each quarter-year period of
2 the calendar year, said percentage to be fixed by the Commissioner
3 of Labor and based upon the Commissioner's certification that the
4 proceeds thereof are reasonable and necessary to accomplish the
5 objectives of the Oklahoma Occupational Health and Safety Standards
6 Act. Such payments to the Oklahoma Tax Commission shall be made not
7 later than the fifteenth day of the month following the close of the
8 quarter-year in which compensation is paid or becomes payable.

9 Payments made, under the provisions of this section, shall be
10 considered losses for the purpose of computing workers' compensation
11 rates.

12 (2) The refund provisions of Sections 227 through 229 of Title
13 68 of the Oklahoma Statutes shall be applicable to any payments made
14 under the provisions of the Oklahoma Occupational Health and Safety
15 Standards Act.

16 (3) In making and entering awards for compensation, the
17 Workers' Compensation Court of Existing Claims or the Workers'
18 Compensation Commission shall determine and fix the amounts that
19 shall be paid to the Oklahoma Tax Commission under the provisions of
20 this section. The total amount so determined and fixed shall have
21 the same force and effect as an award of the Workers' Compensation
22 Court of Existing Claims or the Workers' Compensation Commission for
23 compensation and all provisions of law relating to the collection of
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1 awards of said court or Commission shall apply to such judgments or
2 awards.

3 (4) It shall be the duty of the Oklahoma Tax Commission to
4 collect the payments provided for herein, and said Commission is
5 hereby given authority to bring an action for the recovery of any
6 delinquent and unpaid payment or payments. In the alternative, the
7 Oklahoma Tax Commission may enforce payments by proceeding in
8 accordance with the provisions of Section 79 of Title 85A of the
9 Oklahoma Statutes.

10 (5) ~~The~~ Except as otherwise provided in paragraph (7) of this
11 section, the Oklahoma Tax Commission shall, monthly, as the same are
12 collected, pay to the State Treasurer of this state, to the credit
13 of the Special Occupational Health and Safety Fund, all monies
14 collected under the provisions of this section. Monies shall be
15 paid out of said Fund exclusively for the operation and
16 administration of the Oklahoma Occupational Health and Safety
17 Standards Act and for other necessary expenses of the Department of
18 Labor pursuant to appropriations by the Oklahoma Legislature.

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

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(7) In no event shall the total fiscal year amount paid to the credit of the Special Occupational Health and Safety Fund pursuant to this section exceed the 3-year average of the total fiscal year amounts apportioned fiscal years 2015, 2016 and 2017. Any amount in excess of the 3-year average shall be placed to the credit of the General Revenue Fund.

SECTION 2. This act shall become effective July 1, 2018.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or 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 7th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives