

An Act

ENROLLED SENATE
BILL NO. 1411

By: Schulz of the Senate

and

McCall of the House

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

SUBJECT: Special Occupational and Health Safety Fund

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

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

Section 418. (1) Each insurance carrier writing workers' compensation insurance in this state 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 of Existing Claims or the Workers' Compensation Commission, paid out or payable during each quarter-year period of the calendar year, said percentage to be fixed by the Commissioner of Labor and based upon the Commissioner's certification that the

proceeds thereof are reasonable and necessary to accomplish the objectives of the Oklahoma Occupational Health and Safety Standards Act. 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 Sections 227 through 229 of Title 68 of the Oklahoma Statutes shall be applicable to any payments made under the provisions of the Oklahoma Occupational Health and Safety Standards Act.

(3) In making and entering awards for compensation, the Workers' Compensation Court of Existing Claims or the Workers' Compensation Commission 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 of Existing Claims or the Workers' Compensation Commission for compensation and all provisions of law relating to the collection of awards of said court or Commission shall apply to such judgments or awards.

(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 79 of Title 85A of the Oklahoma Statutes.

(5) The Except as otherwise provided in paragraph (7) of this section, 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, all monies collected under the provisions of this section. Monies shall be paid out of said Fund exclusively for the operation and administration of the Oklahoma Occupational Health and Safety Standards Act 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.

(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.

Passed the Senate the 7th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____