

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 2423

By: Osborn (Leslie) and Wallace
of the House

5
6 and

7 David and Fields of the
8 Senate

9
10 AS INTRODUCED

11 An Act relating to labor; amending 40 O.S. 2011,
12 Section 418, as amended by Section 29, Chapter 254,
13 O.S.L. 2013 (40 O.S. Supp. 2016, Section 418), which
14 relates to the Oklahoma Occupational Health and
15 Safety Standards Act; clarifying that certain payment
16 and requirements and procedures apply to the Workers'
17 Compensation Commission; providing an effective date;
18 and declaring an emergency.

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

20 SECTION 1. AMENDATORY 40 O.S. 2011, Section 418, as
21 amended by Section 29, Chapter 254, O.S.L. 2013 (40 O.S. Supp. 2016,
22 Section 418), is amended to read as follows:

23 Section 418. (1) Each insurance carrier writing workers'
24 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

1 to three-fourths of one percent (3/4 of 1%) of the total workers'
2 compensation losses, excluding medical payments and temporary total
3 disability compensation, based on the records of the Workers'
4 Compensation Court of Existing Claims or the Workers' Compensation
5 Commission, paid out or payable during each quarter-year period of
6 the calendar year, said percentage to be fixed by the Commissioner
7 of Labor and based upon ~~his~~ the Commissioner's certification that
8 the proceeds thereof are reasonable and necessary to accomplish the
9 objectives of ~~Section 401 et seq. of this title~~ the Oklahoma
10 Occupational Health and Safety Standards Act. Such payments to the
11 Oklahoma Tax Commission shall be made not later than the fifteenth
12 day of the month following the close of the quarter-year in which
13 compensation is paid or becomes payable. Payments made, under the
14 provisions of this section, shall be considered losses for the
15 purpose of computing workers' compensation rates.

16 (2) The refund provisions of Sections 227 through 229 of Title
17 68 of the Oklahoma Statutes shall be applicable to any payments made
18 under the provisions of ~~this act~~ the Oklahoma Occupational Health
19 and Safety Standards Act.

20 (3) In making and entering awards for compensation, the
21 Workers' Compensation Court of Existing Claims or the Workers'
22 Compensation Commission shall determine and fix the amounts that
23 shall be paid to the Oklahoma Tax Commission under the provisions of
24 this section. The total amount so determined and fixed shall have

1 the same force and effect as an award of the Workers' Compensation
2 Court of Existing Claims or the Workers' Compensation Commission for
3 compensation and all provisions of law relating to the collection of
4 awards of said court or Commission shall apply to such judgments or
5 awards.

6 (4) It shall be the duty of the Oklahoma Tax Commission to
7 collect the payments provided for herein, and said Commission is
8 hereby given authority to bring an action for the recovery of any
9 delinquent and unpaid payment or payments. In the alternative, the
10 Oklahoma Tax Commission may enforce payments by proceeding in
11 accordance with the provisions of Section ~~346~~ 79 of Title ~~85~~ 85A of
12 the Oklahoma Statutes.

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

22 (6) The Commissioner shall determine the needs of the program,
23 considering statistical data on disabling work injuries, depth and
24 scope of the program as evidenced by the needs and demands of

1 employers and the present, planned and anticipated budgetary needs
2 of the program, and submit same to the Legislature.

3 SECTION 2. This act shall become effective July 1, 2017.

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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9 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
10 AND BUDGET, dated 05/11/2017 - DO PASS.

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