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February 28, 2018

AS AMENDED

SENATE BILL NO. 1411

By: Schulz

[Oklahoma Occupational Health and Safety Standards
Act - disposition of certain payments - Special
Occupational Health and Safety Fund - amounts in
excess of limitation - certain calculation -
~~effective date~~ -

~~emergency]~~

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 ($\frac{3}{4}$ 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

1 of Labor and based upon the Commissioner's certification that the
2 proceeds thereof are reasonable and necessary to accomplish the
3 objectives of the Oklahoma Occupational Health and Safety Standards
4 Act. Such payments to the Oklahoma Tax Commission shall be made not
5 later than the fifteenth day of the month following the close of the
6 quarter-year in which compensation is paid or becomes payable.
7 Payments made, under the provisions of this section, shall be
8 considered losses for the purpose of computing workers' compensation
9 rates.

10 (2) The refund provisions of Sections 227 through 229 of Title
11 68 of the Oklahoma Statutes shall be applicable to any payments made
12 under the provisions of the Oklahoma Occupational Health and Safety
13 Standards Act.

14 (3) In making and entering awards for compensation, the
15 Workers' Compensation Court of Existing Claims or the Workers'
16 Compensation Commission shall determine and fix the amounts that
17 shall be paid to the Oklahoma Tax Commission under the provisions of
18 this section. The total amount so determined and fixed shall have
19 the same force and effect as an award of the Workers' Compensation
20 Court of Existing Claims or the Workers' Compensation Commission for
21 compensation and all provisions of law relating to the collection of
22 awards of said court or Commission shall apply to such judgments or
23 awards.
24

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

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

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

22 (7) In no event shall the total fiscal year amount paid to the
23 credit of the Special Occupational Health and Safety Fund pursuant
24 to this section exceed the 3-year average of the total fiscal year

1 amounts apportioned fiscal years 2015, 2016 and 2017. Any amount in
2 excess of the 3-year average shall be placed to the credit of the
3 General Revenue Fund.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
10 February 28, 2018 - DO PASS AS AMENDED
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