

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 703

By: Murdock

AS INTRODUCED

An Act relating to the Administrative Workers' Compensation Act; amending 85A O.S. 2021, Section 122, which relates to costs of administering act; modifying requirements for payments from Multiple Injury Trust Fund; updating statutory reference; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 85A O.S. 2021, Section 122, is amended to read as follows:

Section 122. A. The Workers' Compensation Commission Revolving Fund established by Section 28.1 of this title shall be used for the costs of administering ~~this act~~ the Administrative Workers' Compensation Act and for other purposes as authorized by law.

B. For the purpose of providing funds for the Workers' Compensation Commission Revolving Fund, for the Workers' Compensation Administrative Fund created in Section 401.1 of this title, for the Multiple Injury Trust Fund created in Section 28 of this title, and to fund other provisions within this title, the following tax rates shall apply:

1 1. Each mutual or interinsurance association, stock company,
2 CompSource Mutual Insurance Company or other insurance carrier
3 writing workers' compensation insurance in this state shall pay to
4 the Oklahoma Tax Commission an assessment at a rate of one percent
5 (1%) of all gross direct premiums written during each quarter of the
6 calendar year for workers' compensation insurance on risks located
7 in this state after deducting from such gross direct premiums,
8 return premiums, unabsorbed portions of any deposit premiums, policy
9 dividends, safety refunds, savings and other similar returns paid or
10 credited to policyholders. Such payments to the Tax Commission
11 shall be made not later than the fifteenth day of the month
12 following the close of each quarter of the calendar year in which
13 such gross direct premium is collected or collectible.
14 Contributions made by insurance carriers and CompSource Mutual
15 Insurance Company, under the provisions of this section, shall be
16 considered for the purpose of computing workers' compensation rates;
17 and

18 2. When an employer is authorized to become a self-insurer, the
19 Commission shall so notify the Tax Commission, giving the effective
20 date of such authorization. The Tax Commission shall then assess
21 and collect from the employers carrying their own risk an assessment
22 at the rate of two percent (2%) of the total compensation for
23 permanent total disability awards, permanent partial disability
24 awards and death benefits paid out during each quarter of the

1 calendar year by the employers. Such assessment shall be payable by
2 the employers and collected by the Tax Commission according to the
3 provisions of this section regarding payment and collection of the
4 assessment created in paragraph 1 of this subsection.

5 C. It shall be the duty of the Tax Commission to collect the
6 payments provided for in this title. The Tax Commission is hereby
7 authorized to bring an action for the recovery of any delinquent or
8 unpaid payments required in this section. The Tax Commission may
9 also enforce payments by proceeding in accordance with the
10 provisions of Section 98 of this title.

11 D. The Tax Commission shall pay monthly to the State Treasurer
12 to the credit of the Multiple Injury Trust Fund all monies collected
13 under the provisions of this section less the annual amounts which
14 shall be apportioned by the Oklahoma Tax Commission as follows;
15 provided, however, if the Fund in any one month is insufficient to
16 make the required payments, the unpaid portion shall be paid as soon
17 as funds become available:

18 1. Five Million Dollars (\$5,000,000.00) shall be payable each
19 fiscal year in equal monthly installments to the credit of the
20 Workers' Compensation Commission Revolving Fund established in
21 Section 28.1 of this title ~~for the fiscal year ending June 30, 2016,~~
22 ~~Three Million Dollars (\$3,000,000.00) for the fiscal year ending~~
23 ~~June 30, 2017, and Four Million Dollars (\$4,000,000.00) for the~~
24

1 ~~fiscal year ending June 30, 2020, and for all subsequent years~~ to be
2 used to implement the provisions of this title; and

3 2. Four Million Dollars (\$4,000,000.00) shall be payable in
4 equal monthly installments to the credit of the Workers'
5 Compensation Administrative Fund established in Section 401.1 of
6 this title for the fiscal year ending June 30, 2016, Three Million
7 Five Hundred Thousand Dollars (\$3,500,000.00) for the fiscal year
8 ending June 30, 2017, Three Million Five Hundred Thousand Dollars
9 (\$3,500,000.00) for the fiscal year ending June 30, 2018, Three
10 Million Dollars (\$3,000,000.00) for the fiscal year ending June 30,
11 2019, One Million Seven Hundred Fifty Thousand Dollars
12 (\$1,750,000.00) for the fiscal year ending June 30, 2020, One
13 Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) for the
14 fiscal year ending June 30, 2022, and for all subsequent years
15 during the existence of the Court of Existing Claims.

16 Monies deposited in the Workers' Compensation Administrative
17 Fund shall be used by the Workers' Compensation Court of Existing
18 Claims to implement provisions provided for in this title.

19 E. The refund provisions of Sections 227 through 229 of Title
20 68 of the Oklahoma Statutes shall be applicable to any payments made
21 pursuant to this section.

22 SECTION 2. This act shall become effective July 1, 2023.

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