

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2161

By: McCullough of the House
and
Treat of the Senate

[workers' compensation - Workers' Compensation
Commission - Workers' Compensation Court of Existing
Claims - Workers' Compensation Fund - Workers'
Compensation Commission Revolving Fund - Workers'
Compensation Court of Existing Claims Revolving Fund
- ~~effective date~~ -
emergency]

12 AMENDMENT NO. 1. Page 1, strike the enacting clause

13 Passed the Senate the 21st day of April, 2015.

16 _____
Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2015.

21 _____
Presiding Officer of the House
of Representatives

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2 BILL NO. 2161

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7 [workers' compensation - Workers' Compensation

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9 Existing Claims - Workers' Compensation Fund -

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11 Workers' Compensation Court of Existing Claims

12 Revolving Fund - ~~effective date~~ -

13 emergency]

14
15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 28, Chapter 208, O.S.L.

18 2013, as amended by Section 1, Chapter 169, O.S.L. 2014 (85A O.S.

19 Supp. 2014, Section 28), is amended to read as follows:

20 Section 28. A. There are established within the Office of the
21 State Treasurer ~~three~~ two separate funds:

22 1. ~~The "Workers' Compensation Fund";~~

23 ~~2.~~ The "Multiple Injury Trust Fund"; and

24 ~~3.~~ 2. The "Self-insurance Guaranty Fund".

1 B. Except as provided in Section 97 of this title, no money
2 shall be appropriated from these funds for any purpose except for
3 the use and benefit, or at the direction, of the Oklahoma Workers'
4 Compensation Commission.

5 C. Except as provided in Section 96 of this title, all funds
6 established under this section shall be administered, disbursed, and
7 invested under the direction of the Commission and the State
8 Treasurer.

9 D. All incomes derived through investment of the ~~Workers'~~
10 ~~Compensation Fund and the Multiple Injury Trust Fund~~ shall be
11 credited as investment income to the fund that participated in the
12 investment.

13 E. No monies deposited to these funds shall be subject to any
14 deduction, tax, levy, or any other type of assessment.

15 F. If the balance in the Multiple Injury Trust Fund becomes
16 insufficient to fully compensate those employees to whom it is
17 obligated, payment shall be suspended until such time as the
18 Multiple Injury Trust Fund is capable of meeting its obligations,
19 paying all arrearages, and restoring normal benefit payments.

20 G. On the effective maturity dates of each investment, the
21 investment shall be transferred to the State Treasurer for deposit
22 into the Multiple Injury Trust Fund created in this section.

23 H. ~~The Workers' Compensation Fund shall be used to fund the~~
24 ~~activities of the Commission in administering the Administrative~~

1 ~~Workers' Compensation Act and for any other purposes related to the~~
2 ~~Administrative Workers' Compensation Act that the Commission deems~~
3 ~~appropriate, subject to the provisions of Section 122 of this title.~~

4 ~~¶~~ Unless provided otherwise in the Administrative Workers'
5 Compensation Act, all fines and penalties assessed under the
6 Administrative Workers' Compensation Act shall be deposited into the
7 Workers' Compensation Commission Revolving Fund.

8 SECTION 2. AMENDATORY Section 165, Chapter 208, O.S.L.
9 2013 (85A O.S. Supp. 2014, Section 122), is amended to read as
10 follows:

11 Section 122. A. The Workers' Compensation Commission Revolving
12 Fund established by ~~Section 28 of this act~~ Section 3 of this act
13 shall be used for the costs of administering this act and for other
14 purposes ~~pursuant to legislative appropriation~~ as authorized by law.

15 B. For the purpose of providing funds for the Workers'
16 Compensation Commission Revolving Fund, and for the Workers'
17 Compensation Court of Existing Claims Revolving Fund, each mutual or
18 interinsurance association, stock company, CompSource Oklahoma or
19 other insurance carrier writing workers' compensation insurance in
20 this state shall pay to the Oklahoma Tax Commission an assessment at
21 a rate of one percent (1%) of all gross direct premiums written
22 during each quarter of the calendar year for workers' compensation
23 insurance on risks located in this state after deducting from such
24 gross direct premiums, return premiums, unabsorbed portions of any

1 deposit premiums, policy dividends, safety refunds, savings and
2 other similar returns paid or credited to policyholders. Such
3 payments to the Tax Commission shall be made not later than the
4 fifteenth day of the month following the close of each quarter of
5 the calendar year in which such gross direct premium is collected or
6 collectible. Contributions made by insurance carriers and
7 CompSource Oklahoma, under the provisions of this section, shall be
8 considered for the purpose of computing workers' compensation rates.

9 C. When an employer is authorized to become a self-insurer, the
10 Commission shall so notify the Tax Commission, giving the effective
11 date of such authorization. The Tax Commission shall then assess
12 and collect from the employers carrying their own risk an assessment
13 at the rate of two percent (2%) of the total compensation for
14 permanent total disability awards, permanent partial disability
15 awards and death benefits paid out during each quarter of the
16 calendar year by the employers. Such assessment shall be payable by
17 the employers and collected by the Tax Commission according to the
18 provisions of this section regarding payment and collection of the
19 assessment created in subsection C of this section.

20 D. It shall be the duty of the Tax Commission to collect the
21 payments provided for in this act. The Tax Commission is hereby
22 authorized to bring an action for the recovery of any delinquent or
23 unpaid payments required in this section. The Tax Commission may
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1 also enforce payments by proceeding in accordance with the
2 provisions of Section 98 of this ~~act~~ title.

3 E. The Tax Commission shall pay monthly to ~~the State Treasurer~~
4 ~~to the credit of the General Revenue Fund all monies collected under~~
5 ~~the provisions of this section~~:

6 1. The Workers' Compensation Commission Revolving Fund sixty
7 percent (60%) of the monies collected pursuant to the provisions of
8 this section, but not to exceed Five Million Dollars (\$5,000,000.00)
9 for the fiscal year ending June 30, 2016, and not to exceed Five
10 Million Dollars (\$5,000,000.00) for the fiscal year ending June 30,
11 2017. Any amount of revenue in excess of Five Million Dollars
12 (\$5,000,000.00) for each fiscal year shall remain in the fund; and

13 2. The Workers' Compensation Court of Existing Claims Revolving
14 Fund forty percent (40%) of the monies collected pursuant to the
15 provisions of this section, but not to exceed Four Million Dollars
16 (\$4,000,000.00) for the fiscal year ending June 30, 2016, and not to
17 exceed Four Million Dollars (\$4,000,000.00) for the fiscal year
18 ending June 30, 2017. Any amount of revenue in excess of Four
19 Million Dollars (\$4,000,000.00) for each fiscal year shall remain in
20 the fund.

21 F. The refund provisions of Sections 227 through 229 of Title
22 68 of the Oklahoma Statutes shall be applicable to any payments made
23 pursuant to this section.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 28-1 of Title 85A, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Workers' Compensation Commission to be designated the
6 "Workers' Compensation Commission Revolving Fund". The fund shall
7 be a continuing fund, not subject to fiscal year limitations, and
8 shall consist of all monies received by the Workers' Compensation
9 Commission from the revenues apportioned pursuant to Section 122 of
10 Title 85A of the Oklahoma Statutes and such other sources as may be
11 provided by law. All monies accruing to the credit of said fund are
12 hereby appropriated and may be budgeted and expended by the Workers'
13 Compensation Commission for the purpose of funding the operations of
14 the Commission and administering the Administrative Workers'
15 Compensation Act and for any other purposes related to the
16 Administrative Workers' Compensation Act that the Commission deems
17 appropriate. Expenditures from said fund shall be made upon
18 warrants issued by the State Treasurer against claims filed as
19 prescribed by law with the Director of the Office of Management and
20 Enterprise Services for approval and payment.

21 SECTION 4. AMENDATORY Section 1, Chapter 360, O.S.L.
22 2014 (85A O.S. Supp. 2014, Section 401), is amended to read as
23 follows:
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1 Section 401. There is hereby created in the State Treasury a
2 revolving fund for the Workers' Compensation Court of Existing
3 Claims to be designated the "Workers' Compensation Court of Existing
4 Claims Revolving Fund". The fund shall be a continuing fund, not
5 subject to fiscal year limitations, and shall consist of all monies
6 received by the Workers' Compensation Court of Existing Claims from
7 all fees, penalties and fines imposed by the Workers' Compensation
8 Court of Existing Claims or its Administrator and from revenues
9 apportioned pursuant to Section 122 of this title. All monies
10 accruing to the credit of said fund are hereby appropriated and may
11 be budgeted and expended by the Workers' Compensation Court of
12 Existing Claims for the purpose of defraying necessary expenses of
13 the Workers' Compensation Court of Existing Claims in performance of
14 its duties. Expenditures from said fund shall be made upon warrants
15 issued by the State Treasurer against claims filed as prescribed by
16 law with the Director of the Office of Management and Enterprise
17 Services for approval and payment.

18 ~~SECTION 5. This act shall become effective July 1, 2015.~~

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

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1 Passed the House of Representatives the 10th day of March, 2015.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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8 _____
9 Presiding Officer of the Senate