1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	2nd Session of the 56th Legislature (2018)
4	ENGROSSED SENATE BILL NO. 1411 By: Schulz of the Senate
5	-
6	and
7	McCall of the House
8	
9	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
10	
11	
12	Special Occupational Health and Safety Fund; providing for distribution of amounts in excess of
13	limitation; providing methodology for certain calculation; providing an effective date; and
14	declaring an emergency.
15	
16	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
17	SECTION 1. AMENDATORY 40 O.S. 2011, Section 418, as last
18	amended by Section 1, Chapter 354, O.S.L. 2017 (40 O.S. Supp. 2017,
19	Section 418), is amended to read as follows:
20	Section 418. (1) Each insurance carrier writing workers'
21	compensation insurance in this state and each self-insured employer
22	authorized to make workers' compensation payments directly to
23	employees shall pay to the Oklahoma Tax Commission up to a sum equal
24	to three-fourths of one percent (3/4 of 1%) of the total workers'

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

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

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

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

12 (5) The Except as otherwise provided in paragraph (7) of this section, the Oklahoma Tax Commission shall, monthly, as the same are 13 collected, pay to the State Treasurer of this state, to the credit 14 15 of the Special Occupational Health and Safety Fund, all monies collected under the provisions of this section. Monies shall be 16 paid out of said Fund exclusively for the operation and 17 administration of the Oklahoma Occupational Health and Safety 18 Standards Act and for other necessary expenses of the Department of 19 Labor pursuant to appropriations by the Oklahoma Legislature. 20

(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

24

1	employers and the present, planned and anticipated budgetary needs
2	of the program, and submit same to the Legislature.
3	(7) In no event shall the total fiscal year amount paid to the
4	credit of the Special Occupational Health and Safety Fund pursuant
5	to this section exceed the 3-year average of the total fiscal year
6	amounts apportioned fiscal years 2015, 2016 and 2017. Any amount in
7	excess of the 3-year average shall be placed to the credit of the
8	General Revenue Fund.
9	SECTION 2. This act shall become effective July 1, 2018.
10	SECTION 3. It being immediately necessary for the preservation
11	of the public peace, health or safety, an emergency is hereby
12	declared to exist, by reason whereof this act shall take effect and
13	be in full force from and after its passage and approval.
14	
15	COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 03/26/2018 - DO PASS.
16	03/20/2010 D0 FASS.
17	
18	
19	
20	
21	
22	
23	
24	