

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 703

By: Murdock of the Senate

and

Newton of the House

CONFERENCE COMMITTEE SUBSTITUTE

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; modifying payment amounts; 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

1 this title, and to fund other provisions within this title, the
2 following tax rates shall apply:

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

16 Contributions made by insurance carriers and CompSource Mutual
17 Insurance Company, under the provisions of this section, shall be
18 considered for the purpose of computing workers' compensation rates;
19 and

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

1 permanent total disability awards, permanent partial disability
2 awards and death benefits paid out during each quarter of the
3 calendar year by the employers. Such assessment shall be payable by
4 the employers and collected by the Tax Commission according to the
5 provisions of this section regarding payment and collection of the
6 assessment created in paragraph 1 of this subsection.

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

13 D. The Tax Commission shall pay monthly to the State Treasurer
14 to the credit of the Multiple Injury Trust Fund all monies collected
15 under the provisions of this section less the annual amounts which
16 shall be apportioned by the Oklahoma Tax Commission as follows:

17 1. ~~Five Million Dollars (\$5,000,000.00)~~ Five Million Five
18 Hundred Thousand Dollars (\$5,500,000.00) 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) shall~~
14 ~~be payable in equal monthly installments to the credit of the~~
15 ~~Workers' Compensation Administrative Fund established in Section~~
16 ~~401.1 of this title for the fiscal year ending June 30, 2022 June~~
17 ~~30, 2023, and for all subsequent years during the existence of the~~
18 ~~Court of Existing Claims and Two Hundred Fifty Thousand Dollars~~
19 ~~(\$250,000.00) payable in equal monthly installments to the fund for~~
20 ~~the fiscal year beginning July 1, 2023, and each subsequent fiscal~~
21 ~~year.~~

22 In the event that the fund in any one month is insufficient to
23 make the required payments, the unpaid portion shall be paid as soon
24 as funds become available.

1 E. Monies deposited in the Workers' Compensation Administrative
2 Fund shall be used by the Workers' Compensation Court of Existing
3 Claims to implement provisions provided for in this title.

4 ~~E.~~ F. The refund provisions of Sections 227 through 229 of
5 Title 68 of the Oklahoma Statutes shall be applicable to any
6 payments made pursuant to this section. All unencumbered funds
7 remaining in the Workers' Compensation Administrative Fund on July
8 1, 2027, shall be transferred to the State Treasurer to be returned
9 to the Multiple Injury Trust Fund.

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

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

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