

An Act

ENROLLED SENATE
BILL NO. 703

By: Murdock of the Senate

and

Newton of the House

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.

SUBJECT: Workers' compensation

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. Each mutual or interinsurance association, stock company, CompSource Mutual Insurance Company or other insurance carrier

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

2. When an employer is authorized to become a self-insurer, the Commission shall so notify the Tax Commission, giving the effective date of such authorization. The Tax Commission shall then assess and collect from the employers carrying their own risk an assessment at the rate of two percent (2%) of the total compensation for permanent total disability awards, permanent partial disability awards and death benefits paid out during each quarter of the calendar year by the employers. Such assessment shall be payable by the employers and collected by the Tax Commission according to the provisions of this section regarding payment and collection of the assessment created in paragraph 1 of this subsection.

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

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

1. ~~Five Million Dollars (\$5,000,000.00)~~ Five Million Five Hundred Thousand Dollars (\$5,500,000.00) shall be payable each

fiscal year in equal monthly installments to the credit of the Workers' Compensation Commission Revolving Fund established in Section 28.1 of this title ~~for the fiscal year ending June 30, 2016, Three Million Dollars (\$3,000,000.00) for the fiscal year ending June 30, 2017, and Four Million Dollars (\$4,000,000.00) for the fiscal year ending June 30, 2020, and for all subsequent years to be used to implement the provisions of this title; and~~

2. ~~Four Million Dollars (\$4,000,000.00) shall be payable in equal monthly installments to the credit of the Workers' Compensation Administrative Fund established in Section 401.1 of this title for the fiscal year ending June 30, 2016, Three Million Five Hundred Thousand Dollars (\$3,500,000.00) for the fiscal year ending June 30, 2017, Three Million Five Hundred Thousand Dollars (\$3,500,000.00) for the fiscal year ending June 30, 2018, Three Million Dollars (\$3,000,000.00) for the fiscal year ending June 30, 2019, One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) for the fiscal year ending June 30, 2020, One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) shall be payable in equal monthly installments to the credit of the Workers' Compensation Administrative Fund established in Section 401.1 of this title for the fiscal year ending June 30, 2022 June 30, 2023, and for all subsequent years during the existence of the Court of Existing Claims and Two Hundred Fifty Thousand Dollars (\$250,000.00) payable in equal monthly installments to the fund for the fiscal year beginning July 1, 2023, and each subsequent fiscal year.~~

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

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

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

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

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

Passed the Senate the 24th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____