An Act

(1ST EXTRAORDINARY SESSION)
ENROLLED HOUSE
BILL NO. 1028

By: Wallace and Martinez of the House

and

Thompson (Roger) and Hall of the Senate

An Act relating to the Administrative Workers' Compensation Act; amending 85A O.S. 2021, Section 122, which relates to costs of administering act; modifying distribution of certain funds; limiting period of certain distribution; providing for return of distributions on certain date; updating statutory reference; providing an effective date; and declaring an emergency.

SUBJECT: Administrative Workers' Compensation Act

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 Oklahoma 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 Oklahoma Tax Commission, giving the effective date of such authorization. The Oklahoma 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 Oklahoma 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 Oklahoma Tax Commission to collect the payments provided for in this title. The Oklahoma Tax Commission is hereby authorized to bring an action for the recovery of any delinquent or unpaid payments required in this section. The Oklahoma Tax Commission may also enforce payments by proceeding in accordance with the provisions of Section 98 of this title.

D. The Oklahoma 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; provided, however, if 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:

1. Five Million Five Hundred Thousand Dollars ~~($5,000,000.00)~~ ($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) 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, ~~2020, One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) for the fiscal year ending June 30, 2022, and for all subsequent years during the existence of the Court of Existing Claims~~ 2023, and Two Hundred Fifty Thousand Dollars ($250,000.00) payable in equal monthly installments to such fund for the fiscal year beginning July 1, 2023, and each subsequent fiscal year.

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. All unencumbered funds remaining in the Workers' Compensation Administration Fund on July 1, 2027, shall be transferred to the State Treasurer to be returned to the Multiple Injury Trust Fund.

E. 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.

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 House of Representatives the 24th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of May, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 4:14 o'clock p. 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 2nd

day of June, 20 23, at 9:48 o'clock A M.

By: _____

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. HB 1028x

OKLAHOMA CITY, OKLA., June 2, 2023

TIME SIGNED: _____

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 1028x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed House Bill 1028x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to HOUSE by: James Curry

Date/Time: 6/2/23; 11:37am

HOUSE:

By Collette H Haucher

Date/Time 6/2/23 11:45 am

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY
OF STATE