

Bill Summary
1st Session of the 57th Legislature

Bill No.:	SB 701
Version:	INT
Request No.:	338
Author:	Sen. Daniels
Date:	03/11/2019

Bill Analysis

SB 701 makes changes to the Administrative Workers' Compensation Act by amending exclusions to "compensable injury" to require the collection of a biological specimen to determine if a worker was injured due to alcohol or drug use and modifies exclusions of "employee" to include persons related within the second degree by blood or marriage. The measure strikes language excluding employers with an employee benefit plan from the definition of "employer."

The measure specifies that employers shall pay for the accidental injury or death of an employee arising out of his or her employment if the employee's contract of employment was made in this state or if the injury occurred within this state. The measure extends the jurisdiction of the Administrative Workers' Compensation Act to include all lands and premises within the exterior boundaries of the state. The measure deems notices sent by facsimile, electronic mail, or other electronic means as an acceptable method to provide notice for billing purposes.

The measure excludes communications between the Commissioners of the Workers' Compensation Commission from the provisions of the Oklahoma Open Meeting Act or Oklahoma Open Records Act if the communications reflect the pre-decisional deliberations of the Commissioners among each other or with Commission staff. The measure requires the Commission to comply with the Administrative Procedures Act and strikes current language governing the Commission's rule making process. The Commission is authorized by the measure to establish a petty cash fund that shall not exceed \$500.00. The measure removes the Commission's responsibility to oversee the Multiple Injury Trust Fund and the requirement for the State Treasurer to transfer sufficient funding to administrate the fund.

The measure further authorizes the Commission to institute collection proceedings independently or in district court upon a penalty becoming a final rule and places a cap of \$50,000.00 for employers who fail to secure payment of compensation for the first violation. The measure authorizes the Commission to disclose certain information to an employee if the employee is named in the report. Compensable injuries for temporary partial disabilities are capped at the temporary total disability rate. The measure bars the Oklahoma Supreme Court from reversing or vacating a decision or award made by the Commission unless certain conditions are met as outlined by the measure.

The measure repeals sections related to the Workers' Compensation Fraud Investigation Unit Funding Report, Workers' Compensation Commission Annual Published Report, and exceptions

to the limit on benefits for employees' absence from scheduled treatment appointment, and repeals the Oklahoma Employee Injury Benefit Act.

Prepared by: Kalen Taylor