

HOUSE JOURNAL

First Extraordinary Session of the Fiftieth Legislature of the State of Oklahoma

Third Legislative Day, Wednesday, June 1, 2005

The House was called to order by Speaker Pro Tempore Winchester.

The roll was called with 91 Members present.

The following Members were excused: DeWitt, Eddins, Hastings, Mass, McPeak, Nations, Newport, Peters, Shumate, Thompson.—10.

The Speaker Pro Tempore declared a quorum present.

Prayer was offered by Representative DePue.

The Journal for the last legislative day was approved.

MOTION

Representative Cargill moved that the House stand at ease until 4:45 p.m., which was the order.

Speaker Pro Tempore Winchester Presiding

GENERAL ORDER

HB 1001 by Hiett of the House was read and considered.

Coauthored by Representative(s) McMullen, Morgan (Danny), Nance, Newport

Authored by Senator Morgan (principal Senate author)

Representative Trebilcock moved that **HB 1001** be advanced from General Order, which motion was declared adopted.

By unanimous consent, upon request of Representative Trebilcock, **HB 1001** was considered engrossed and placed on Third Reading and Final Passage.

THIRD READING

HB 1001 was read at length for the third time. On passage of the measure, the roll call was as follows:

Aye: Adkins, Armes, Askins, Auffet, Balkman, Banz, Benge, Billy, Bingman, Blackburn, Blackwell, Braddock, Brannon, Brown, Calvey, Carey, Cargill, Case, Coody, Cooksey, Covey, Cox, Dank, Denney, DePue, Deutschendorf, Dorman, Duncan, Ellis, Glenn, Harrison, Hickman, Hilliard, Hyman, Jackson, Jett, Johnson, Jones, Kern, Kiesel, Lamons, Liebmann, Liotta, Martin, McCarter, McDaniel, McMullen, Miller (Doug), Miller (Ken), Miller (Ray), Morgan (Danny), Nance, Perry, Peterson (Pam), Peterson (Ron), Piatt, Plunk, Pruett, Reynolds, Richardson, Roan, Roggow, Rousselot, Sherrer, Shoemake, Smaligo, Smithson, Staggs, Steele, Sullivan, Sweeden, Terrill, Tibbs, Trebilcock, Turner, Walker, Wesselhoft, Wilt, Winchester, Worthen, Wright, Young, Mr. Speaker.--83.

Nay: Gilbert, Hamilton, Lindley, Morrissette, Shelton.--5.

Excused: DeWitt, Eddins, Hastings, Ingmire, Mass, McPeak, Morgan (Fred), Nations, Newport, Peters, Shumate, Thompson, Toure.--13.

The measure passed.

HB 1001 was referred for engrossment.

ENGROSSED AND ENROLLED MEASURES

HB 1001 was reported correctly engrossed, properly signed, in open session, and ordered transmitted to the Honorable Senate.

MESSAGE FROM THE SENATE

Announcing the passage of the following engrossed measure.

The measure was introduced and read for the first time.

SB 1 – By Morgan of the Senate and Hiett of the House.

An Act relating to workers' compensation; amending 21 O.S. 2001, Section 1663, which relates to workers' compensation fraud; increasing penalties; defining terms; authorizing use of certain rates prior to filing; requiring filing within certain time; amending

36 O.S. 2001, Section 983, as amended by Section 14, Chapter 519, O.S.L. 2004 (36 O.S. Supp. 2004, Section 983), which relates to scope of loss cost rating act; exempting certain insurance from provisions of act; amending 40 O.S. 2001, Section 554, which relates to drug testing by employers; modifying circumstances under which certain testing may occur; providing for certain income tax credits; defining terms; providing and limiting amounts of credits; authorizing Tax Commission to promulgate rules; amending 68 O.S. 2001, Section 2358, as last amended by Section 14, Chapter 322, O.S.L. 2004 (68 O.S. Supp. 2004, Section 2358), which relates to adjustments to taxable income; providing income tax deduction for certain employers that utilize a certain program offered by the Oklahoma Department of Labor; providing amount of exemption; amending 85 O.S. 2001, Sections 1.1, 1.3, 3, as amended by Section 60, Chapter 329, O.S.L. 2003, 3.5, 3.9, 3.10, 5, 12, 14, as amended by Section 1, Chapter 215, O.S.L. 2002, 14.2, 14.3, 16, 17, as amended by Section 2, Chapter 215, O.S.L. 2002, 22, 24.1, 26, 30, 43, 44, 48, 171, 172, 173, as amended by Section 4, Chapter 31, O.S.L. 2002, 175, as amended by Section 3, Chapter 145, O.S.L. 2002, and 201.1, as last amended by Section 9, Chapter 229, O.S.L. 2003 (85 O.S. Supp. 2004, Sections 3, 14, 17, 173, 175 and 201.1), which relate to burden of proof, Workers' Compensation Court Administrator, definitions, venue, wrongful discharge, workers' compensation counselors, mediation, exclusive remedy, medical attention, certified workplace medical plans, rehabilitation services, determination of disability, schedule of compensation, limitation of actions, reports, notice forms, costs, subrogation, definition of physically impaired person, the Multiple Injury Trust Fund and the Physician Advisory Committee; providing for construction of act; modifying procedure for selection and removal of the Workers' Compensation Court Administrator; providing length of term; adding and modifying definitions; modifying venue; authorizing Workers' Compensation Court to elect hearing site under certain circumstances; requiring mailing of notice under certain circumstances; clarifying effect of immunity; setting forth requirements of notice; modifying procedures for mediation; authorizing Court to order mediation under certain circumstances; modifying qualifications of mediators; prohibiting termination of employees under certain circumstances; providing consequences if partially disabled employee refuses suitable employment; modifying process for selecting certain physicians; authorizing one change of physician; requiring certain process for change of physician; eliminating certain certified workplace medical plan enrollment option; modifying procedure for setting medical fee schedule; modifying reimbursement for certain items; prohibiting certain testing with exception; requiring certain revision of medical fee schedule; requiring use of generic drugs under certain circumstances; giving deference to opinion of treating physician under certain circumstances; authorizing employers to participate in certain plans under certain circumstances; requiring implementation of site visit protocol; limiting benefits during retraining; providing requirements for medical testimony; providing burden of proof; creating rebuttable presumption in favor of certain testimony for specific purposes under certain circumstances; providing exceptions thereto; providing benefits for certain soft tissue injuries; modifying certain benefits; requiring certain evidence for award of specific benefit; stating exception; requiring Court to appoint independent medical examiner in certain circumstances; setting forth criteria for review by independent medical examiner; providing procedure for termination of certain benefits; modifying certain benefits; defining terms; making certain filings confidential; providing procedure for settlements; providing statistical value of certain data; authorizing certain lump-sum payment; specifying payment period for certain award; requiring certain evidence for award of specified benefit; authorizing attorney fees in certain circumstances; setting time limit for post-termination

injury claims; modifying time for reopening claims; authorizing certain causes of action; providing for certain permanent total disability claims against the Multiple Injury Trust Fund; clarifying language; providing CompSource Oklahoma with standing and authority to appear in certain cases; modifying certain payments to certain agencies; modifying composition and duties of the Physician Advisory Committee; making compliance with certain guidelines mandatory; providing exception to mandatory compliance; creating task force; setting forth duties, guidelines and staffing for task force; repealing 36 O.S. 2001, Section 902.1, as last amended by Section 5, Chapter 519, O.S.L. 2004 (36 O.S. Supp. 2004, Section 902.1), which relates to workers' compensation insurance rates; repealing 40 O.S. 2001, Sections 415.1 and 415.2, which relate to certificates of noncoverage; providing for codification; providing for noncodification; providing for severability of act; providing effective dates; and declaring an emergency.

Representative Cargill moved that when the clerk's desk is clear, the House stand adjourned to reconvene at 9:00 a.m., Thursday, June 2, 2005, which was the order.

Pursuant to the motion of Representative Cargill, the House was adjourned at 5:00 p.m., to reconvene Thursday, June 2, 2005, at 9:00 a.m.