

1 ENGROSSED SENATE
2 BILL NO. 901

By: Brown of the Senate

3 and

4 Sullivan of the House

5
6 [workers' compensation - schedule - wage

7 determination -

8 effective date]

9

10

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 85 O.S. 2001, Section 22, as
13 amended by Section 20, Chapter 1, 1st Extraordinary Session, O.S.L.
14 2005 (85 O.S. Supp. 2008, Section 22), is amended to read as
15 follows:

16 Section 22. The following schedule of compensation is hereby
17 established:

18 1. Permanent Total Disability. In case of total disability
19 adjudged to be permanent, seventy percent (70%) of the employee's
20 average weekly wages shall be paid to the employee during the
21 continuance of such total disability.

22 2. Temporary Total Disability. (a) With respect to injuries
23 occurring before November 4, 1994, in cases of temporary total
24 disability, seventy percent (70%) of the employee's average weekly

1 wages shall be paid to the employee during the continuance thereof,
2 but not in excess of one hundred fifty (150) weeks, except as
3 otherwise provided in the Workers' Compensation Act. Provided,
4 after compensation has been paid for a period of one hundred forty
5 (140) weeks, the employee may request a review of the case by a
6 judge of the Workers' Compensation Court for continued temporary
7 total disability benefits provided by the Workers' Compensation Act.
8 Upon a finding that benefits should be extended beyond the initial
9 one-hundred-fifty-week period, compensation may be continued for an
10 additional one hundred fifty (150) weeks.

11 (b) With respect to injuries occurring on or after November 4,
12 1994, in cases of temporary total disability, seventy percent (70%)
13 of the employee's average weekly wages shall be paid to the employee
14 during the continuance thereof, but not in excess of fifty-two (52)
15 weeks, except as otherwise provided in the Workers' Compensation
16 Act. Provided, after compensation has been paid for a period of
17 forty-two (42) weeks, the employee may request a review of the case
18 by a judge of the Court for continued temporary total disability
19 benefits provided by the Workers' Compensation Act. Upon a finding
20 that benefits should be extended beyond the initial fifty-two-week
21 period, compensation may be continued for additional successive
22 fifty-two-week periods, provided the employee has requested review
23 of the case at forty-two (42) weeks during each period involved, and
24 upon a finding by the Court that benefits should be extended. Total

1 payments of compensation for temporary total disability may not
2 exceed a maximum of three hundred (300) weeks in the aggregate.

3 (c) With respect to injuries occurring on or after November 1,
4 1997, total payments of compensation for temporary total disability
5 may not exceed a maximum of one hundred fifty-six (156) weeks in the
6 aggregate except for good cause shown, as determined by the Court.
7 Total payments of compensation for temporary total disability,
8 inclusive of consequential injuries, may not exceed a maximum of
9 three hundred (300) weeks in the aggregate.

10 3. Permanent Partial Disability. (a) With respect to injuries
11 occurring prior to November 4, 1994, in case of disability, partial
12 in character but permanent in quality, the compensation shall be
13 seventy percent (70%) of the employee's average weekly wages, and
14 shall be paid to the employee for the period named in the schedule,
15 as follows:

16 Thumb: For the loss of thumb, sixty (60) weeks.

17 First Finger: For the loss of the first finger, commonly called
18 the index finger, thirty-five (35) weeks.

19 Second Finger: For the loss of a second finger, thirty (30)
20 weeks.

21 Third Finger: For the loss of a third finger, twenty (20) weeks.

22 Fourth Finger: For the loss of a fourth finger, commonly called
23 the little finger, fifteen (15) weeks.

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1 Phalange of Thumb or Finger: The loss of the first phalange of
2 the thumb or finger shall be considered equal to the loss of one-
3 half (1/2) of such thumb or finger, and compensation shall be one-
4 half (1/2) of the amount above specified; the loss of more than one
5 phalange shall be considered as the loss of the entire thumb or
6 finger; provided, however, that in no case shall the amount received
7 for more than one finger exceed the amount provided in this schedule
8 for the loss of a hand.

9 Great Toe: For the loss of a great toe, thirty (30) weeks.

10 Other Toes: For the loss of one of the toes other than the great
11 toe, ten (10) weeks.

12 Phalange of Toe: The loss of the first phalange of any toe shall
13 be considered to be equal to the loss of one-half (1/2) of the
14 amount specified. The loss of more than one phalange shall be
15 considered as the loss of the entire toe.

16 Hand: For the loss of a hand, two hundred (200) weeks.

17 Arm: For the loss of an arm, two hundred fifty (250) weeks.

18 Foot: For the loss of a foot, two hundred (200) weeks.

19 Leg: For the loss of a leg, two hundred fifty (250) weeks.

20 Eye: For the loss of an eye, two hundred fifty (250) weeks.

21 Deafness: Deafness from industrial cause, including occupations
22 which are hazardous to hearing, accident or sudden trauma, three
23 hundred (300) weeks, and total deafness of one ear from industrial
24 cause, including occupations which are hazardous to hearing,

1 accident or sudden trauma, one hundred (100) weeks. Except as
2 otherwise provided herein, any examining physician shall only
3 evaluate deafness or hearing impairment in accordance with the
4 latest publication of the American Medical Association's "Guides to
5 the Evaluation of Permanent Impairment" in effect at the time of the
6 injury. The Physician Advisory Committee may, pursuant to Section
7 201.1 of this title, recommend the adoption of a method or system to
8 evaluate permanent impairment that shall be used in place of or in
9 combination with the American Medical Association's "Guides to the
10 Evaluation of Permanent Impairment". Such recommendation shall be
11 made to the Administrator of the Workers' Compensation Court who may
12 adopt the recommendation in part or in whole. The adopted method or
13 system shall be submitted by the Administrator to the Governor, the
14 Speaker of the House of Representatives and President Pro Tempore of
15 the Senate within the first ten (10) legislative days of a regular
16 session of the Legislature. Such method or system to evaluate
17 permanent impairment that shall be used in place of or in
18 combination with the American Medical Association's "Guides to the
19 Evaluation of Permanent Impairment" shall be subject to disapproval
20 in whole or in part by joint or concurrent resolution of the
21 Legislature during the legislative session in which submitted. Such
22 method or system shall be operative one hundred twenty (120) days
23 after the last day of the month in which the Administrator submits
24 the adopted method or system to the Legislature if the Legislature

1 takes no action or one hundred twenty (120) days after the last day
2 of the month in which the Legislature disapproves it in part. If
3 adopted, permanent impairment shall be evaluated only in accordance
4 with the latest version of the alternative method or system in
5 effect at the time of injury. Except as otherwise provided in
6 Section 11 of this title, all evaluations shall include an
7 apportionment of injury causation. However, revisions to the guides
8 made by the American Medical Association which are published after
9 January 1, 1989, and before January 1, 1995, shall be operative one
10 hundred twenty (120) days after the last day of the month of
11 publication. Revisions to the guides made by the American Medical
12 Association which are published after December 31, 1994, may be
13 adopted in whole or in part by the Administrator following
14 recommendation by the Physician Advisory Committee. Revisions
15 adopted by the Administrator shall be submitted by the Administrator
16 to the Governor, the Speaker of the House of Representatives and
17 President Pro Tempore of the Senate within the first ten (10)
18 legislative days of a regular session of the Legislature. Such
19 revisions shall be subject to disapproval in whole or in part by
20 joint or concurrent resolution of the Legislature during the
21 legislative session in which submitted. Revisions shall be
22 operative one hundred twenty (120) days after the last day of the
23 month in which the Administrator submits the revisions to the
24 Legislature if the Legislature takes no action or one hundred twenty

1 (120) days after the last day of the month in which the Legislature
2 disapproves them in part. The examining physician shall not follow
3 the guides based on race or ethnic origin. The examining physician
4 shall not deviate from said guides or any alternative thereof except
5 as may be specifically provided for in the guides or modifications
6 to the guides or except as may be specifically provided for in any
7 alternative or modifications thereto adopted by the Administrator of
8 the Workers' Compensation Court as provided for in Section 201.1 of
9 this title. The guides or modifications thereto or alternative
10 system or method of evaluating permanent impairment or modifications
11 thereto shall be the exclusive basis for testimony and conclusions
12 with regard to deafness or hearing impairment.

13 Loss of Use: Permanent loss of use of a thumb, finger, toe, arm,
14 hand, foot, leg or eye shall be considered as the equivalent of the
15 loss of such thumb, finger, toe, hand, arm, foot, leg or eye.

16 For the permanent partial loss of use of a member, loss of
17 hearing or sight of an eye, seventy percent (70%) of the employee's
18 average weekly wage during that portion of the number of weeks in
19 the foregoing schedule provided for the loss of such member or sight
20 of an eye which the partial loss of use thereof bears to the total
21 loss of use of such member, loss of hearing or sight of an eye.

22 Amputations: Amputation between the elbow and the wrist shall be
23 considered as the equivalent of the loss of a hand. Amputation
24 between the knee and the ankle shall be considered as the loss of a

1 foot. Amputation at or above the elbow shall be considered as the
2 loss of an arm. Amputation at or above the knee shall be considered
3 as the loss of a leg.

4 The compensation for the foregoing specific injuries shall be in
5 lieu of all other compensation except the benefits provided in
6 Section 14 of this title and Section 16 of this title.

7 In case of an injury resulting in serious and permanent
8 disfigurement, compensation shall be payable in an amount to be
9 determined by the Court, but not in excess of Twenty Thousand
10 Dollars (\$20,000.00); provided, that compensation for permanent
11 disfigurement shall not be in addition to the other compensation
12 provided for in this section, but shall be taken into consideration
13 in fixing the compensation otherwise provided.

14 Hernia: In case of an injury resulting in hernia, temporary
15 total compensation for fourteen (14) weeks, and the cost of an
16 operation shall be payable; provided, in any case where the injured
17 employee has been twice previously operated for hernia in the same
18 area and it is established by opinion of a competent surgeon that
19 further surgery in the same area will not result in full relief of
20 the condition, the Court may then award compensation for disability
21 resulting therefrom under paragraph 1 of this section, or, if not
22 totally and permanently disabled, then under the "Other Cases"
23 subdivision following, and, after a second surgical attempt to
24 repair hernia, the injured may not be required to submit to further

1 surgery in an effort to relieve the disability thereafter existing;
2 provided, further, the use of any artificial reinforcement or
3 device, with or without surgery, shall not be the basis of reducing
4 extent of disability to be awarded.

5 Other Cases: In all other classes of disabilities, excluding
6 only those heretofore referred to in paragraph 3 of this section,
7 which disabilities result in loss of use of any portion of an
8 employee's body, and which disabilities are permanent in quality but
9 partial in character, disability shall mean the percentage of
10 permanent impairment. The compensation ordered paid shall be
11 seventy percent (70%) of the employee's average weekly wage for the
12 number of weeks which the partial disability of the employee bears
13 to five hundred (500) weeks.

14 (b) With respect to injuries occurring after November 4, 1994,
15 through December 31, 2001, in case of disability, partial in
16 character but permanent in quality, the compensation shall be
17 seventy percent (70%) of the employee's average weekly wages, and
18 shall be paid to the employee for the period prescribed by the
19 following schedule:

20 (1) For each percent of the first nine percent (9%) of
21 disability, eighty percent (80%) of the number of weeks of
22 compensation provided by law prior to November 4, 1994;

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1 (2) For each percent of the next eleven percent (11%) of
2 disability, the identical number of weeks of compensation provided
3 by law prior to November 4, 1994;

4 (3) For each percent of the next thirty percent (30%) of
5 disability, one hundred twenty percent (120%) of the number of weeks
6 of compensation provided by law prior to November 4, 1994; and

7 (4) For each remaining percent of disability, the identical
8 number of weeks of compensation provided by law prior to November 4,
9 1994.

10 (c) With respect to injuries occurring on or after January 1,
11 2002, through December 31, 2002, in case of disability, partial in
12 character but permanent in quality, the compensation shall be
13 seventy percent (70%) of the employee's average weekly wages, and
14 shall be paid to the employee for the period prescribed by the
15 following schedule:

16 Thumb: For the loss of thumb, sixty-three (63) weeks.

17 First Finger: For the loss of the first finger, commonly called
18 the index finger, thirty-seven (37) weeks.

19 Second Finger: For the loss of a second finger, thirty-two (32)
20 weeks.

21 Third Finger: For the loss of a third finger, twenty-one (21)
22 weeks.

23 Fourth Finger: For the loss of a fourth finger, commonly called
24 the little finger, sixteen (16) weeks.

1 Phalange of Thumb or Finger: The loss of the first phalange of
2 the thumb or finger shall be considered equal to the loss of one-
3 half (1/2) of such thumb or finger, and compensation shall be one-
4 half (1/2) of the amount above specified; the loss of more than one
5 phalange shall be considered as the loss of the entire thumb or
6 finger; provided, however, that in no case shall the amount received
7 for more than one finger exceed the amount provided in this schedule
8 for the loss of a hand.

9 Great Toe: For the loss of a great toe, thirty-two (32) weeks.

10 Other Toes: For the loss of one of the toes other than the great
11 toe, eleven (11) weeks.

12 Phalange of Toe: The loss of the first phalange of any toe shall
13 be considered to be equal to the loss of one-half (1/2) of the
14 amount specified. The loss of more than one phalange shall be
15 considered as the loss of the entire toe.

16 Hand: For the loss of a hand, two hundred ten (210) weeks.

17 Arm: For the loss of an arm, two hundred sixty-three (263)
18 weeks.

19 Foot: For the loss of a foot, two hundred ten (210) weeks.

20 Leg: For the loss of a leg, two hundred sixty-three (263) weeks.

21 Eye: For the loss of an eye, two hundred sixty-three (263)
22 weeks.

23 Deafness: Deafness from industrial cause, including occupations
24 which are hazardous to hearing, accident or sudden trauma, three

1 hundred fifteen (315) weeks, and total deafness of one ear from
2 industrial cause, including occupations which are hazardous to
3 hearing, accident or sudden trauma, one hundred five (105) weeks.
4 Except as otherwise provided herein, any examining physician shall
5 only evaluate deafness or hearing impairment in accordance with the
6 latest publication of the American Medical Association's "Guides to
7 the Evaluation of Permanent Impairment" in effect at the time of the
8 injury. The Physician Advisory Committee may, pursuant to Section
9 201.1 of this title, recommend the adoption of a method or system to
10 evaluate permanent impairment that shall be used in place of or in
11 combination with the American Medical Association's "Guides to the
12 Evaluation of Permanent Impairment". Such recommendation shall be
13 made to the Administrator of the Workers' Compensation Court who may
14 adopt the recommendation in part or in whole. The adopted method or
15 system shall be submitted by the Administrator to the Governor, the
16 Speaker of the House of Representatives and President Pro Tempore of
17 the Senate within the first ten (10) legislative days of a regular
18 session of the Legislature. Such method or system to evaluate
19 permanent impairment that shall be used in place of or in
20 combination with the American Medical Association's "Guides to the
21 Evaluation of Permanent Impairment" shall be subject to disapproval
22 in whole or in part by joint or concurrent resolution of the
23 Legislature during the legislative session in which submitted. Such
24 method or system shall be operative one hundred twenty (120) days

1 after the last day of the month in which the Administrator submits
2 the adopted method or system to the Legislature if the Legislature
3 takes no action or one hundred twenty (120) days after the last day
4 of the month in which the Legislature disapproves it in part. If
5 adopted, permanent impairment shall be evaluated only in accordance
6 with the latest version of the alternative method or system in
7 effect at the time of injury. Except as otherwise provided in
8 Section 11 of this title, all evaluations shall include an
9 apportionment of injury causation. However, revisions to the guides
10 made by the American Medical Association which are published after
11 January 1, 1989, and before January 1, 1995, shall be operative one
12 hundred twenty (120) days after the last day of the month of
13 publication. Revisions to the guides made by the American Medical
14 Association which are published after December 31, 1994, may be
15 adopted in whole or in part by the Administrator following
16 recommendation by the Physician Advisory Committee. Revisions
17 adopted by the Administrator shall be submitted by the Administrator
18 to the Governor, the Speaker of the House of Representatives and
19 President Pro Tempore of the Senate within the first ten (10)
20 legislative days of a regular session of the Legislature. Such
21 revisions shall be subject to disapproval in whole or in part by
22 joint or concurrent resolution of the Legislature during the
23 legislative session in which submitted. Revisions shall be
24 operative one hundred twenty (120) days after the last day of the

1 month in which the Administrator submits the revisions to the
2 Legislature if the Legislature takes no action or one hundred twenty
3 (120) days after the last day of the month in which the Legislature
4 disapproves them in part. The examining physician shall not follow
5 the guides based on race or ethnic origin. The examining physician
6 shall not deviate from such guides or any alternative thereof except
7 as may be specifically provided for in the guides or modifications
8 to the guides or except as may be specifically provided for in any
9 alternative or modifications thereto adopted by the Administrator of
10 the Workers' Compensation Court as provided in Section 201.1 of this
11 title. The guides or modifications thereto or alternative system or
12 method of evaluating permanent impairment or modifications thereto
13 shall be the exclusive basis for testimony and conclusions with
14 regard to deafness or hearing impairment.

15 Loss of Use: Permanent loss of use of a thumb, finger, toe, arm,
16 hand, foot, leg or eye shall be considered as the equivalent of the
17 loss of such thumb, finger, toe, hand, arm, foot, leg or eye.

18 For the permanent partial loss of use of a member, loss of
19 hearing or sight of an eye, seventy percent (70%) of the employee's
20 average weekly wage during that portion of the number of weeks in
21 the foregoing schedule provided for the loss of such member or sight
22 of an eye which the partial loss of use thereof bears to the total
23 loss of use of such member, loss of hearing or sight of an eye.

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1 Amputations: Amputation between the elbow and the wrist shall be
2 considered as the equivalent of the loss of a hand. Amputation
3 between the knee and the ankle shall be considered as the loss of a
4 foot. Amputation at or above the elbow shall be considered as the
5 loss of an arm. Amputation at or above the knee shall be considered
6 as the loss of a leg.

7 The compensation for the foregoing specific injuries shall be in
8 lieu of all other compensation except the benefits provided in
9 Section 14 of this title and Section 16 of this title.

10 In case of an injury resulting in serious and permanent
11 disfigurement, compensation shall be payable in an amount to be
12 determined by the Court, but not in excess of Twenty Thousand
13 Dollars (\$20,000.00); provided, that compensation for permanent
14 disfigurement shall not be in addition to the other compensation
15 provided for in this section but shall be taken into consideration
16 in fixing the compensation otherwise provided.

17 Hernia: In case of an injury resulting in hernia, temporary
18 total compensation for six (6) weeks, and the cost of an operation
19 shall be payable, unless the employee has not been released from
20 active medical treatment, temporary total compensation not to exceed
21 nine (9) weeks, and the cost of an operation shall be payable;
22 provided, in any case where the injured employee has been twice
23 previously operated on for hernia in the same area and it is
24 established by opinion of a competent surgeon that further surgery

1 in the same area will not result in full relief of the condition,
2 the Court may then award compensation for disability resulting
3 therefrom under paragraph 1 of this section, or, if not totally and
4 permanently disabled, then under the "Other Cases" subdivision
5 following, and, after a second surgical attempt to repair hernia,
6 the injured may not be required to submit to further surgery in an
7 effort to relieve the disability thereafter existing; provided
8 further, the use of any artificial reinforcement or device, with or
9 without surgery, shall not be the basis of reducing extent of
10 disability to be awarded.

11 Other Cases: In all other classes of disabilities, excluding
12 only those heretofore referred to in this paragraph, which
13 disabilities result in loss of use of any portion of an employee's
14 body, and which disabilities are partial in character but permanent
15 in quality, disability shall mean the percentage of permanent
16 impairment. The compensation ordered paid shall be seventy percent
17 (70%) of the employee's average weekly wage for the number of weeks
18 which the partial disability of the employee bears to five hundred
19 (500) weeks.

20 (d) With respect to injuries occurring on or after January 1,
21 2003, in case of disability, partial in character but permanent in
22 quality, the compensation shall be seventy percent (70%) of the
23 employee's average weekly wages, and shall be paid to the employee
24 for the period prescribed by the following schedule:

1 Thumb: For the loss of thumb, sixty-six (66) weeks.

2 First Finger: For the loss of the first finger, commonly called
3 the index finger, thirty-nine (39) weeks.

4 Second Finger: For the loss of a second finger, thirty-three
5 (33) weeks.

6 Third Finger: For the loss of a third finger, twenty-two (22)
7 weeks.

8 Fourth Finger: For the loss of a fourth finger, commonly called
9 the little finger, seventeen (17) weeks.

10 Phalange of Thumb or Finger: The loss of the first phalange of
11 the thumb or finger shall be considered equal to the loss of one-
12 half (1/2) of such thumb or finger, and compensation shall be one-
13 half (1/2) of the amount above specified; the loss of more than one
14 phalange shall be considered as the loss of the entire thumb or
15 finger; provided, however, that in no case shall the amount received
16 for more than one finger exceed the amount provided in this schedule
17 for the loss of a hand.

18 Great Toe: For the loss of a great toe, thirty-three (33) weeks.

19 Other Toes: For the loss of one of the toes other than the great
20 toe, eleven (11) weeks.

21 Phalange of Toe: The loss of the first phalange of any toe shall
22 be considered to be equal to the loss of one-half (1/2) of the
23 amount specified. The loss of more than one phalange shall be
24 considered as the loss of the entire toe.

1 Hand: For the loss of a hand, two hundred twenty (220) weeks.

2 Arm: For the loss of an arm, two hundred seventy-five (275)
3 weeks.

4 Foot: For the loss of a foot, two hundred twenty (220) weeks.

5 Leg: For the loss of a leg, two hundred seventy-five (275)
6 weeks.

7 Eye: For the loss of an eye, two hundred seventy-five (275)
8 weeks.

9 Deafness: Deafness from industrial cause, including occupations
10 which are hazardous to hearing, accident or sudden trauma, three
11 hundred thirty (330) weeks, and total deafness of one ear from
12 industrial cause, including occupations which are hazardous to
13 hearing, accident or sudden trauma, one hundred ten (110) weeks.

14 Except as otherwise provided herein, any examining physician shall
15 only evaluate deafness or hearing impairment in accordance with the
16 latest publication of the American Medical Association's "Guides to
17 the Evaluation of Permanent Impairment" in effect at the time of the
18 injury. The Physician Advisory Committee may, pursuant to Section
19 201.1 of this title, recommend the adoption of a method or system to
20 evaluate permanent impairment that shall be used in place of or in
21 combination with the American Medical Association's "Guides to the
22 Evaluation of Permanent Impairment". Such recommendation shall be
23 made to the Administrator of the Workers' Compensation Court who may
24 adopt the recommendation in part or in whole. The adopted method or

1 system shall be submitted by the Administrator to the Governor, the
2 Speaker of the House of Representatives and President Pro Tempore of
3 the Senate within the first ten (10) legislative days of a regular
4 session of the Legislature. Such method or system to evaluate
5 permanent impairment that shall be used in place of or in
6 combination with the American Medical Association's "Guides to the
7 Evaluation of Permanent Impairment" shall be subject to disapproval
8 in whole or in part by joint or concurrent resolution of the
9 Legislature during the legislative session in which submitted. Such
10 method or system shall be operative one hundred twenty (120) days
11 after the last day of the month in which the Administrator submits
12 the adopted method or system to the Legislature if the Legislature
13 takes no action or one hundred twenty (120) days after the last day
14 of the month in which the Legislature disapproves it in part. If
15 adopted, permanent impairment shall be evaluated only in accordance
16 with the latest version of the alternative method or system in
17 effect at the time of injury. Except as otherwise provided in
18 Section 11 of this title, all evaluations shall include an
19 apportionment of injury causation. However, revisions to the guides
20 made by the American Medical Association which are published after
21 January 1, 1989, and before January 1, 1995, shall be operative one
22 hundred twenty (120) days after the last day of the month of
23 publication. Revisions to the guides made by the American Medical
24 Association which are published after December 31, 1994, may be

1 adopted in whole or in part by the Administrator following
2 recommendation by the Physician Advisory Committee. Revisions
3 adopted by the Administrator shall be submitted by the Administrator
4 to the Governor, the Speaker of the House of Representatives and
5 President Pro Tempore of the Senate within the first ten (10)
6 legislative days of a regular session of the Legislature. Such
7 revisions shall be subject to disapproval in whole or in part by
8 joint or concurrent resolution of the Legislature during the
9 legislative session in which submitted. Revisions shall be
10 operative one hundred twenty (120) days after the last day of the
11 month in which the Administrator submits the revisions to the
12 Legislature if the Legislature takes no action or one hundred twenty
13 (120) days after the last day of the month in which the Legislature
14 disapproves them in part. The examining physician shall not follow
15 the guides based on race or ethnic origin. The examining physician
16 shall not deviate from such guides or any alternative thereof except
17 as may be specifically provided for in the guides or modifications
18 to the guides or except as may be specifically provided for in any
19 alternative or modifications thereto adopted by the Administrator of
20 the Workers' Compensation Court as provided in Section 201.1 of this
21 title. The guides or modifications thereto or alternative system or
22 method of evaluating permanent impairment or modifications thereto
23 shall be the exclusive basis for testimony and conclusions with
24 regard to deafness or hearing impairment.

1 Loss of Use: Permanent loss of use of a thumb, finger, toe, arm,
2 hand, foot, leg or eye shall be considered as the equivalent of the
3 loss of such thumb, finger, toe, hand, arm, foot, leg or eye.

4 For the permanent partial loss of use of a member, loss of
5 hearing or sight of an eye, seventy percent (70%) of the employee's
6 average weekly wage during that portion of the number of weeks in
7 the foregoing schedule provided for the loss of such member or sight
8 of an eye which the partial loss of use thereof bears to the total
9 loss of use of such member, loss of hearing or sight of an eye.

10 Amputations: Amputation between the elbow and the wrist shall be
11 considered as the equivalent of the loss of a hand. Amputation
12 between the knee and the ankle shall be considered as the loss of a
13 foot. Amputation at or above the elbow shall be considered as the
14 loss of an arm. Amputation at or above the knee shall be considered
15 as the loss of a leg.

16 The compensation for the foregoing specific injuries shall be in
17 lieu of all other compensation except the benefits provided in
18 Section 14 of this title and Section 16 of this title.

19 In case of an injury resulting in serious and permanent
20 disfigurement, compensation shall be payable in an amount to be
21 determined by the Court, but not in excess of Twenty Thousand
22 Dollars (\$20,000.00) for an injury occurring before November 1,
23 2005, and not in excess of Fifty Thousand Dollars (\$50,000.00) for
24 an injury occurring on or after November 1, 2005; provided, that

1 compensation for permanent disfigurement shall not be in addition to
2 the other compensation provided for in this section but shall be
3 taken into consideration in fixing the compensation otherwise
4 provided.

5 Hernia: In case of an injury resulting in hernia, temporary
6 total compensation for six (6) weeks, and all necessary medical
7 costs including, but not limited to, the cost of an operation shall
8 be payable. A claimant who has had surgery for a hernia may
9 petition the court for one extension of temporary total compensation
10 and the court may order such an extension, not to exceed six (6)
11 additional weeks, if the treating physician indicates such an
12 extension is appropriate, or as agreed to by all parties.

13 Soft Tissue Injury: In case of a nonsurgical soft tissue injury,
14 temporary total compensation shall not exceed eight (8) weeks. A
15 claimant who has been recommended by a treating physician for
16 surgery for a soft tissue injury may petition the Court for one
17 extension of temporary total compensation and the court may order
18 such an extension, not to exceed sixteen (16) additional weeks, if
19 the treating physician indicates that such an extension is
20 appropriate or as agreed to by all parties. In the event the
21 surgery is not performed, the benefits for the extension period
22 shall be terminated. For purposes of this section, "soft tissue
23 injury" means damage to one or more of the tissues that surround
24 bones and joints. "Soft tissue injury" includes, but is not limited

1 to: sprains, strains, contusions, tendonitis, and muscle tears.

2 Cumulative trauma is to be considered a soft tissue injury. "Soft
3 tissue injury" does not include any of the following:

4 (1) Injury to or disease of the spine, spinal disks, spinal
5 nerves or spinal cord, where corrective surgery is performed;

6 (2) Brain or closed-head injury as evidenced by:

7 a. sensory or motor disturbances,

8 b. communication disturbances,

9 c. complex integrated disturbances of cerebral function,

10 d. episodic neurological disorders, or

11 e. other brain and closed-head injury conditions at least

12 as severe in nature as any condition provided in

13 subdivisions a through d of this division; or

14 (3) Total knee replacement.

15 In all cases of soft tissue injury, the employee shall only be
16 entitled to appropriate and necessary medical care and temporary
17 total disability as set out in paragraph 2 of this section, unless
18 there is objective medical evidence of a permanent anatomical
19 abnormality. In determining the existence of such an abnormality,
20 the Court may consider if there is credible medical evidence that
21 the ability of the employee to earn wages at the same level as
22 before the injury has been permanently impaired.

23 Other Cases: In all other classes of disabilities, excluding
24 only those heretofore referred to in this paragraph, which

1 disabilities result in loss of use of any portion of an employee's
2 body, and which disabilities are partial in character but permanent
3 in quality, disability shall mean the percentage of permanent
4 impairment. The compensation ordered paid shall be seventy percent
5 (70%) of the employee's average weekly wage for the number of weeks
6 which the partial disability of the employee bears to five hundred
7 (500) weeks. No permanent disability shall be awarded unless there
8 is objective medical evidence, as defined in Section 3 of this
9 title, of a permanent anatomical abnormality. In determining the
10 existence of such an abnormality, the Court may consider if there is
11 credible medical evidence that the ability of the employee to earn
12 wages at the same level as before the injury has been permanently
13 impaired.

14 4. Temporary Partial Disability. (a) With respect to injuries
15 occurring before November 4, 1994, in case of temporary partial
16 disability, except the particular cases mentioned in paragraph 3 of
17 this section, an injured employee shall receive seventy percent
18 (70%) of the difference between the employee's average weekly wages
19 and the employee's wage-earning capacity thereafter in the same
20 employment or otherwise, if less than before the injury, during
21 continuance of such partial disability, but not to exceed one
22 hundred fifty (150) weeks. Provided, after compensation has been
23 paid for a period of one hundred forty (140) weeks, the employee may
24 request a review of the case by a judge of the Court for continued

1 temporary partial disability benefits provided by the Workers'
2 Compensation Act. Upon a finding that benefits should be extended
3 beyond the initial one-hundred-fifty-week period, compensation may
4 be continued for an additional one hundred fifty (150) weeks.

5 (b) With respect to injuries occurring on or after November 4,
6 1994, in case of temporary partial disability, except the particular
7 cases mentioned in paragraph 3 of this section, an injured employee
8 shall receive seventy percent (70%) of the difference between the
9 employee's average weekly wages and the employee's wage-earning
10 capacity thereafter in the same employment or otherwise, if less
11 than before the injury, during continuance of such partial
12 disability, but not to exceed fifty-two (52) weeks. Provided, after
13 compensation has been paid for a period of forty-two (42) weeks, the
14 employee may request a review of the case by a judge of the Court
15 for continued temporary partial disability benefits provided by the
16 Workers' Compensation Act. Upon a finding that benefits should be
17 extended beyond the initial fifty-two-week period, compensation may
18 be continued for additional successive fifty-two-week periods
19 provided the employee has requested review of the case at forty-two
20 (42) weeks during each period involved, and upon a finding by the
21 Court that benefits should be extended. Total payments of
22 compensation for temporary partial disability may not exceed a
23 maximum of three hundred (300) weeks in the aggregate.

24

1 (c) With respect to injuries occurring on or after November 1,
2 1997, total payments of compensation for temporary partial
3 disability may not exceed a maximum of one hundred fifty-six (156)
4 weeks in the aggregate except for good cause shown, as determined by
5 the Court. Total payments of compensation for temporary partial
6 disability, inclusive of consequential injuries, may not exceed a
7 maximum of three hundred (300) weeks in the aggregate.

8 5. Notwithstanding any other section of the Workers'
9 Compensation Act, temporary disability shall be payable without an
10 award by the Court. The first payment of temporary disability
11 compensation shall become due on the tenth day after the employer
12 has received notice of injury as specified in Section 24.2 of this
13 title. All compensation owed on that date shall be paid and
14 thereafter payments shall be made weekly except when otherwise
15 ordered by the Court.

16 If any compensation payments owed without an award are not paid
17 within ten (10) days after becoming due, there shall be added to
18 such owed payments an amount equal to ten percent (10%) of the
19 amount due which shall be paid at the same time in addition to the
20 owed payments unless such nonpayment is excused by the Court after a
21 showing by the employer that conditions exist over which the
22 employer had no control in that either payments were not made within
23 the prescribed time or the employer denies coverage within the time
24 specified for the employer to respond.

1 6. Limitation. The compensation payments under the provisions
2 of the Workers' Compensation Act shall not exceed the sum of
3 seventy-five percent (75%) of the state's average weekly wage as
4 determined by the Oklahoma Employment Security Commission, the sum
5 of ninety percent (90%) of the state's average weekly wage beginning
6 January 1, 1995, for injuries occurring after December 31, 1994, and
7 the sum of one hundred percent (100%) of the state's average weekly
8 wage beginning January 1, 1996, for injuries occurring after
9 December 31, 1995, for temporary disability; Sixty Dollars (\$60.00)
10 per week beginning as of the effective date of the Workers'
11 Compensation Act, and Seventy Dollars (\$70.00) per week beginning
12 January 1, 1979, and Eighty Dollars (\$80.00) per week beginning
13 January 1, 1980, and Ninety Dollars (\$90.00) per week beginning
14 January 1, 1981, and to fifty percent (50%) of the state's average
15 weekly wage beginning January 1, 1982, for permanent partial
16 disability; Seventy-five Dollars (\$75.00) per week beginning as of
17 the effective date of the Workers' Compensation Act, and Ninety
18 Dollars (\$90.00) per week beginning January 1, 1979, and One Hundred
19 Ten Dollars (\$110.00) per week beginning January 1, 1980, to sixty-
20 six and two-thirds percent (66 2/3%) of the state's average weekly
21 wage beginning January 1, 1981, to seventy-five percent (75%) of the
22 state's average weekly wage beginning September 1, 1992, to ninety
23 percent (90%) of the state's average weekly wage beginning January
24 1, 1995, for injuries occurring after December 31, 1994, and to one

1 hundred percent (100%) of the state's average weekly wage beginning
2 January 1, 1996, for injuries occurring after December 31, 1995, for
3 permanent total disability, or at any time be less than Thirty
4 Dollars (\$30.00) per week; provided, however, that if the employee's
5 wages at the time of the injury are less than Thirty Dollars
6 (\$30.00) per week, the employee shall receive the employee's full
7 weekly wages; provided further, that the compensation received, as
8 provided for temporary partial disability, shall not, when added to
9 the wages received by such employee after such injury, amount to a
10 greater sum than eighty percent (80%) of the average weekly wages of
11 the employee received prior to said injury.

12 The average weekly wage in this state shall be determined by the
13 Oklahoma Employment Security Commission every ~~three (3) years~~ year
14 beginning July 1, 1984, and shall be used to establish maximum
15 benefits under the Workers' Compensation Act for injuries occurring
16 during a ~~three-year~~ one-year period, which period shall begin on the
17 first day of November after publication by the Oklahoma Employment
18 Security Commission. For the purpose of computing benefits payable
19 under the Workers' Compensation Act, the state's average weekly wage
20 shall be rounded to the nearest dollar amount.

21 The benefit level for members of the National Guard and any
22 authorized voluntary or uncompensated worker rendering services as a
23 fire fighter, peace officer or civil defense worker shall be
24

1 determined by using the earnings of the individual in the
2 individual's regular occupation.

3 7. Previous Disability. The fact that an employee has suffered
4 previous disability or impairment or received compensation therefore
5 shall not preclude the employee from compensation for a later
6 accidental personal injury or occupational disease; but in
7 determining compensation for the later accidental personal injury or
8 occupational disease the employee's average weekly wages shall be
9 such sum as will reasonably represent the employee's earning
10 capacity at the time of the later accidental personal injury or
11 occupational disease. In the event there exists a previous
12 impairment, including a previous non-work-related injury or
13 condition which produced permanent disability and the same is
14 aggravated or accelerated by an accidental personal injury or
15 occupational disease, compensation for permanent disability shall be
16 only for such amount as was caused by such accidental personal
17 injury or occupational disease and no additional compensation shall
18 be allowed for the pre-existing disability or impairment. The sum
19 of all permanent partial disability awards, excluding awards against
20 the Multiple Injury Trust Fund and awards for amputations, and
21 surgeries, shall not exceed one hundred percent (100%) permanent
22 partial disability for any individual. An individual may not
23 receive more than five hundred twenty (520) weeks' compensation for
24 permanent partial disability, but may receive other benefits under

1 the Workers' Compensation Act if otherwise eligible as provided in
2 the Workers' Compensation Act.

3 8. Income benefits for death. If the injury or occupational
4 disease causes death, income benefits shall be payable in the amount
5 and for the benefit of the persons following, subject to the maximum
6 limits specified hereafter:

7 (a) Benefit amounts for particular classes of dependents.

8 (1) If there is a surviving spouse, to such surviving spouse
9 seventy percent (70%) of the average weekly wages the deceased was
10 earning. In no event shall this spousal income benefit be
11 diminished.

12 (2) If there is a child or children, to such child or children
13 fifteen percent (15%) of the average weekly wages the deceased was
14 earning for each child. Where there are more than two such
15 children, the income benefits payable for the benefit of all
16 children shall be divided among all children, to share and share
17 alike, subject to the provisions of subparagraphs (c) and (d) of
18 this paragraph.

19 (3) In addition to the benefits theretofore paid or due, two (2)
20 years' indemnity benefit in one lump sum shall be payable to a
21 surviving spouse upon remarriage.

22 (4) To the children, if there is no surviving spouse, fifty
23 percent (50%) of the average weekly wages the deceased was earning
24 for one child, and twenty percent (20%) of such wage for each

1 additional child, divided among all children, to share and share
2 alike, subject to the provisions of subparagraphs (c) and (d) of
3 this paragraph.

4 (5) The income benefits payable for the benefit of any child
5 under this section shall cease:

6 a. when the child dies, marries, or reaches the age of
7 eighteen (18),

8 b. when the child over eighteen (18) years of age ceases
9 to be physically or mentally incapable of self-
10 support,

11 c. when the actually dependent child ceases to be
12 actually dependent, or

13 d. when the child has been enrolled as a full-time
14 student in any accredited educational institution or
15 has been receiving education by other means, including
16 education at home pursuant to Section 4 of Article
17 XIII of the Oklahoma Constitution, and the child
18 ceases to be so enrolled or educated or reaches
19 twenty-three (23) years of age. A child who
20 originally qualified as a dependent by virtue of being
21 less than eighteen (18) years of age may, upon
22 reaching eighteen (18) years of age, continue to
23 qualify if the child satisfies the tests of being
24 physically or mentally incapable of self-support,

1 actually dependent, or enrolled in an accredited
2 educational institution or being educated by other
3 means, including education at home pursuant to Section
4 4 of Article XIII of the Oklahoma Constitution.

5 (6) To each parent, if actually dependent, twenty-five percent
6 (25%) of the average weekly wages the deceased was earning subject
7 to the provisions of subparagraphs (c) and (d) of this paragraph.

8 (7) To the brothers, sisters, grandparents and grandchildren, if
9 actually dependent, twenty-five percent (25%) of the average weekly
10 wages the deceased was earning to each such dependent. If there
11 should be more than one of such dependents, the total income
12 benefits payable for the benefit of such dependents shall be divided
13 to share and share alike subject to the provisions of subparagraphs
14 (c) and (d) of this paragraph.

15 (8) The income benefits of each beneficiary under divisions (6)
16 and (7) above shall be paid until the beneficiary, if a parent or
17 grandparent, dies, marries or ceases to be actually dependent, or,
18 if a brother, sister or grandchild, dies, marries or reaches the age
19 of eighteen (18), is over the age of eighteen (18) and ceases to be
20 physically or mentally incapable of self-support or ceases to be
21 actually dependent.

22 (9) A person ceases to be actually dependent when the person's
23 income from all sources exclusive of workers' compensation income
24 benefits is such that, if it had existed at the time the original

1 determination of actual dependency was made, it would not have
2 supported a finding of dependency. If the present annual income of
3 an actually dependent person including workers' compensation income
4 benefits at any time exceeds the total annual support received by
5 the person from the deceased employee, the workers' compensation
6 benefits shall be reduced so that the total annual income is no
7 greater than such amount of annual support received from the
8 deceased employee. In all cases, a person found to be actually
9 dependent shall be presumed to be no longer actually dependent three
10 (3) years after the time as of which the person was found to be
11 actually dependent. This presumption may be overcome by proof of
12 continued actual dependency as defined in this paragraph and
13 paragraph (1) of Section 3.1 of this title.

14 (b) Change in dependents. Upon the cessation of income benefits
15 under this section to or for the benefit of any person, the income
16 benefits payable to the remaining persons who continue to be
17 entitled to income benefits for the unexpired part of the period
18 during which their income benefits are payable shall be that which
19 such persons would have received if they had been the only persons
20 entitled to income benefits at the time of the decedent's death.

21 (c) Maximum income benefits for death. For the purposes of this
22 section, the average weekly wage of the employee shall be taken as
23 not more than the average weekly wage of the state. If the average
24 weekly wages of the employee are equal to or greater than the

1 average weekly wage of the state, then the aggregate weekly income
2 benefits payable to all beneficiaries under this section shall not
3 exceed the average weekly wage of the state. If the average weekly
4 wages of the employee are less than the average weekly wage of the
5 state, the aggregate weekly income benefits payable to all
6 beneficiaries under this section shall not exceed one hundred
7 percent (100%) of the average weekly wages of the employee.

8 (d) Maximum total payment. The maximum weekly income benefits
9 payable for all beneficiaries in case of death shall not exceed one
10 hundred percent (100%) of the average weekly wages the deceased was
11 earning, subject to the maximum limits in subparagraph (c) of this
12 paragraph. The maximum aggregate limitation shall not apply in case
13 of payment of two (2) years' income benefits to the surviving spouse
14 upon remarriage, as provided under division (3) of subparagraph (a)
15 of this paragraph, to prevent the immediate recalculation and
16 payments of benefits to the remaining beneficiaries as provided
17 under subparagraph (b) of this paragraph. The weekly income
18 benefits as recalculated to the remaining beneficiaries shall not
19 exceed the weekly benefit that was or would have been payable for
20 total permanent disability to the deceased. The classes of
21 beneficiaries specified in divisions (1), (2) and (4) of
22 subparagraph (a) of this paragraph shall have priority over all
23 other beneficiaries in the apportionment of income benefits. If the
24 provisions of this subparagraph should prevent payments to other

1 beneficiaries of the income benefits to the full extent otherwise
2 provided for by this section, the gross remaining amount of income
3 benefits payable to such other beneficiaries shall be apportioned by
4 class, proportionate to the interest of each class in the remaining
5 amount. Parents shall be considered to be in one class and those
6 specified in division (7) of subparagraph (a) of this paragraph in a
7 separate class.

8 9. Where some pecuniary loss may be shown by heirs-at-law of
9 the deceased, as defined by the descent and distribution statutes of
10 Oklahoma, who are otherwise not entitled to receive benefits under
11 other provisions of this section, such heirs-at-law shall receive
12 compensation for their pecuniary loss not to exceed an aggregate of
13 Five Thousand Dollars (\$5,000.00).

14 10. For deaths occurring before November 1, 2005, in the event
15 that no benefits under other provisions of this section are paid to
16 the dependents or the heirs-at-law of the deceased, an amount not to
17 exceed Five Thousand Dollars (\$5,000.00) shall be paid for funeral
18 expenses. For deaths occurring on or after November 1, 2005, in the
19 event that no benefits under other provisions of this section are
20 paid to the dependents or the heirs-at-law of the deceased, an
21 amount not to exceed Eight Thousand Dollars (\$8,000.00) shall be
22 paid for funeral expenses.

23 11. (a) For deaths occurring before January 1, 1995, if there
24 is a surviving spouse and surviving children entitled to receive

1 death benefits herein, such survivors shall be entitled to an
2 immediate lump-sum payment of Ten Thousand Dollars (\$10,000.00) to
3 the spouse and Two Thousand Five Hundred Dollars (\$2,500.00) to each
4 surviving child not to exceed two children. For deaths occurring
5 after December 31, 1994, if there is a surviving spouse and
6 surviving children entitled to receive death benefits herein, such
7 survivors shall be entitled to an immediate lump-sum payment of
8 Twenty Thousand Dollars (\$20,000.00) to the spouse and Five Thousand
9 Dollars (\$5,000.00) to each surviving child not to exceed two
10 children. For deaths occurring on or after November 1, 2005, if
11 there is a surviving spouse and surviving children entitled to
12 receive death benefits herein, such survivors shall be entitled to
13 an immediate lump-sum payment of One Hundred Thousand Dollars
14 (\$100,000.00) to the spouse and Twenty-five Thousand Dollars
15 (\$25,000.00) to each surviving child not to exceed two children. In
16 addition, the survivors shall be entitled to receive funeral
17 benefits in an amount not to exceed Ten Thousand Dollars
18 (\$10,000.00).

19 (b) For deaths occurring before November 1, 2005, if there is no
20 surviving spouse but there are surviving children entitled to
21 receive death benefits herein, such surviving children shall be
22 entitled to a lump-sum payment of Ten Thousand Dollars (\$10,000.00)
23 to be divided among all the children to share and share alike. For
24 deaths occurring on or after November 1, 2005, if there is no

1 surviving spouse but there are surviving children entitled to
2 receive death benefits herein, each surviving child shall be
3 entitled to a lump-sum payment of Twenty-five Thousand Dollars
4 (\$25,000.00), provided the total amount of lump-sum payments shall
5 not exceed One Hundred Fifty Thousand Dollars (\$150,000.00), to be
6 divided among all the children to share and share alike. The
7 survivors shall also be entitled to receive funeral benefits in an
8 amount not to exceed Ten Thousand Dollars (\$10,000.00).

9 (c) Any claim under this paragraph shall be substantiated by the
10 filing of a properly executed and authenticated proof of loss, which
11 form shall be prescribed by the Administrator, and payment of such
12 sum shall be made within fifteen (15) days after adjudication of
13 entitlement by the Court. Such sum shall not be subject to any
14 award of attorney fees in uncontested cases, except the Court shall
15 appoint a guardian ad litem to represent known and unknown minor
16 children and said guardian ad litem shall be paid a reasonable fee
17 for the services.

18 Provided, that all judgments rendered awarding lump-sum death
19 benefits, except lump-sum attorney fee awards, may, at the
20 discretion of the Court, provide that said benefits be paid in trust
21 to an interest-bearing account in a federally insured banking
22 institution in the county wherein the judgment was rendered. The
23 banking institution may make appropriate charges to the beneficiary
24 for costs of trust management. These charges shall be fixed by

1 agreement of such institution and the judge rendering the judgment.
2 The judgment awarding lump-sum death benefits shall contain
3 instructions for regularly scheduled disbursements to be fixed by
4 the Court which may be modified by the Court upon a proper showing
5 of change of circumstance. The banking institution shall issue a
6 numbered receipt to the person paying the benefits into trust and
7 deliver a copy of the receipt to the Administrator. Each banking
8 institution receiving trust funds for deposit shall receive a
9 schedule of disbursements and shall monthly pay said disbursements
10 to the beneficiary as ordered by the Court. An annual accounting of
11 all such trust funds received and deposited shall be rendered by
12 each banking institution to the Court granting the judgment.

13 12. No payments on any permanent impairment order shall start
14 until payments on any pre-existing permanent impairment orders have
15 been completed.

16 13. (a) Any employee convicted of a misdemeanor or felony and
17 sentenced to a term of incarceration of at least ninety (90) days in
18 this state or in any other jurisdiction shall have all benefits for
19 temporary total disability awarded by the Workers' Compensation
20 Court forfeited by order of the Court on motion of the employer or
21 the employer's insurer after confirmation of the employee's
22 incarceration. The Court also may order the forfeiture of such
23 benefits on its own motion upon receipt of notice from the Director
24 of the Department of Corrections that the person awarded the

1 benefits is incarcerated as an inmate in a facility operated by or
2 under contract with the Department. The provisions of this
3 subparagraph shall not apply to any benefits awarded to an inmate
4 for compensable injuries sustained by the inmate while in the employ
5 of a private for-profit employer or while employed in private prison
6 industries, involving a for-profit employer, which deal in
7 interstate commerce or which sell products or services to the
8 federal government.

9 (b) Any employee convicted of a misdemeanor or felony and
10 sentenced to a term of incarceration of at least ninety (90) days in
11 this state shall have all benefits for permanent total disability or
12 temporary partial disability awarded by the Workers' Compensation
13 Court and paid during the period of incarceration deposited to the
14 credit of an account established pursuant to Section 549 of Title 57
15 of the Oklahoma Statutes for distribution in full to the Department
16 of Corrections for costs of incarceration. The State Board of
17 Corrections shall have the power to collect workers' compensation
18 benefits on behalf of the prisoner as provided in this subparagraph
19 and to distribute the benefits as provided by law.

20 SECTION 2. This act shall become effective November 1, 2009.
21
22
23
24

1 Passed the Senate the 10th day of March, 2009.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

7
8 _____
9 Presiding Officer of the House
10 of Representatives