

Legislative Activity

IMPORTANT INFORMATION

Disclaimer: The purpose of this section is to provide a summary of legislative activity during the 1st Regular Session of the 52nd Oklahoma Legislature (2009) relevant to the workers' compensation system. It is for informational purposes only and does not represent the views of the Workers' Compensation Court, its judges or Court Administrator. It is not intended to replace any official source. Do not rely solely on this information if it might affect your legal rights. Please refer to the printed version of the appropriate official publication or contact legal counsel of your choice. To see the full text of the enacted legislation, go to the "Enrolled Legislation" link on the "Executive Legislative" page on the Secretary of State's web site at: <http://www.sos.state.ok.us>.

Affidavit of Exempt Status

SB1234 modifies the effect of execution of an affidavit of exempt status to include a rebuttable presumption that an individual or company possessing the affidavit is in compliance and therefore not responsible for workers' compensation claims made by the executor of the affidavit. Requires the affidavit to be notarized. The measure became effective November 1, 2009. Amends 36 O.S., §924.4.

Benefit Computation

SB901 requires the state's average weekly wage, used to establish maximum benefits under the Workers' Compensation Act, to be determined annually in lieu of every 3 years. The measure became effective November 1, 2009. Amends 85 O.S., §22(6).

CompSource Oklahoma

- **SB318** requires CompSource Oklahoma to pay an annual market equalization assessment of 2.25% to the State Treasurer to the credit of the General Revenue Fund. The assessment is based on direct written premiums and certain other items reported annually to the State Treasurer. This provision became effective January 1, 2010. Codifies new law at 85 O.S., §154.
- **HB1131** places certain CompSource Oklahoma personnel in the unclassified service. The measure became effective July 1, 2009. Amends 74 O.S., §840-5.10.
- **HB1755** authorizes CompSource Oklahoma to develop a pilot program intended to capture cost savings and improve services through exemption from certain purchasing, budget and information systems provisions applicable to state agencies. The measure became effective August 25, 2009. Amends various sections in Titles 61, 62 and 74, O.S.
- **HB1963** creates a task force to study privatization of CompSource Oklahoma by December 31,

2010. The measure became effective May 22, 2009. Codifies new law at 85 O.S., §131c. Pursuant to the legislation, the Task Force on Privatization of CompSource Oklahoma met from August through November 2009 and issued its final report on December 1, 2009. To access the report, go to http://www.okhouse.gov/Information/Info_Publications.aspx.

Exemption From the Workers' Compensation Act

HB1003 makes the workers' compensation exemption for family-owned businesses with five or fewer employees, all of whom are related by blood or marriage to the employer, applicable to artificial employers. The measure became effective November 1, 2009. Amends 85 O.S., §2.6.

Insurance Verification

SB306 requires entities that issue building permits to verify that a contractor has workers' compensation coverage or an affidavit of exempt status, and general liability insurance, before issuance of a residential building permit. The measure became effective November 1, 2009. Codifies new law at 11 O.S., §43-109.2.

Senate Confirmation of Judicial Appointments

HJR1041 is a legislative referendum for a vote by the people to require Senate approval of a person chosen by the Governor to fill a position on the Workers' Compensation Court. The measure will be placed on the general election ballot in November 2010.

Worker Safety Policy Council

HB1032 repeals 40 O.S., §418.2 which relates to the Worker Safety Policy Council. The repealer became effective August 25, 2009.

House Interim Study Proposals

Three House interim study proposals were combined for consideration. The study requests were heard by the House Economic Development and Financial Services Committee on October 6, 2009 in anticipation of the 2010 legislative session.

- **House Interim Study Proposal 09-009** concerns a workers' compensation 24-hour pilot insurance program.
- **House Interim Study Proposal 09-086** involves consideration of establishing an administrative workers' compensation system.
- **House Interim Study Proposal 09-122** pertains to the workers' compensation court system, and, in particular, review of the distribution of cases between the Workers' Compensation Court's Oklahoma City and Tulsa locations and trends related to awards.