

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 1014

BY: FRANKLIN

AS INTRODUCED

AN ACT RELATING TO WORKERS' COMPENSATION; CREATING THE WORKERS' COMPENSATION COURT CASE SCREENING COMMITTEE; PROVIDING FOR MEMBERSHIP, APPOINTMENT, TERMS OF OFFICE, ELECTION OF CHAIRPERSON, MEETINGS, QUORUM AND REIMBURSEMENT; REQUIRING COMMITTEE SCREEN CERTAIN NOTICES OF INJURY AND SUBMIT ADVISORY REPORT BASED ON CERTAIN FACTORS TO WORKERS' COMPENSATION COURT; DEEMING ADVISORY REPORT COMPETENT EVIDENCE AND REQUIRING REPORT BE USED FOR CERTAIN PURPOSES; REQUIRING COURT MAINTAIN ELECTRONIC COMPILATION OF CERTAIN CLAIMS FOR USE BY COMMITTEE; REQUIRING WORKERS' COMPENSATION COURT JUDGES RUN FOR REELECTION ON STATEWIDE RETENTION BALLOT; LIMITING DISABILITY AND RESULTING COMPENSATION FOR INJURY OR COMBINATION OF INJURIES TO ONE HUNDRED PERCENT; LIMITING CERTAIN COMPENSATION; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1.2B of Title 85, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Workers' Compensation Court Case Screening Committee which shall consist of thirteen (13) members. Each member shall be appointed to a designated numbered position on the Committee as follows:

1. Position 1 shall be appointed by the Speaker of the Oklahoma State House of Representatives from the general public;

2. Position 2 shall be appointed by the President Pro Tempore of the Oklahoma State Senate from the general public;

3. Position 3 shall be appointed by the Governor from the general public;

4. Position 4 shall be appointed by the Chief Justice of the Supreme Court from the members of the State Bar Association;

5. Position 5 shall be appointed by the Governor from nominations submitted by the Oklahoma State Chapter of the AFL-CIO;

6. Position 6 shall be appointed by the Governor from private businesses with less than one hundred employees;

7. Position 7 shall be appointed by the Governor from private businesses with more than one hundred employees;

8. Position 8 shall be appointed by the Governor from members of the public who are affiliated with church organizations;

9. Position 9 shall be appointed by the Governor from private businesses with more than one hundred employees;

10. Position 10 shall be appointed by the Chief Justice of the Supreme Court from the members of the State Bar Association;

11. Position 11 shall be appointed by the Governor from nominations submitted by the Oklahoma State Chapter of the AFL-CIO;

12. Position 12 shall be appointed by the Governor from private businesses with less than one hundred employees; and

13. Position 13 shall be appointed by the Governor from members of the public who are affiliated with church organizations.

B. Members initially appointed to the Committee shall serve for terms of office beginning January 1, 1993 and expiring as follows:

1. The initial terms of office of Positions 1, 2, 3 and 4 shall expire on December 31, 1993;

2. The initial terms of office of Positions 5, 6, 7 and 8 shall expire on December 31, 1994;

3. The initial terms of office of Positions 9, 10, 11 and 12 shall expire on December 31, 1995; and

4. The initial term of office of Position 13 shall expire on December 31, 1996.

Thereafter, each position shall be filled by a member appointed to serve a three-year term. Each member shall continue to serve until a successor has been appointed and qualified.

C. Within thirty (30) days after appointments have been completed, the Committee shall meet for the purpose of electing a chairperson. The Committee shall meet at the call of the chairperson. A quorum of seven members shall be required for conducting the official business of the Committee. Each member shall be reimbursed for reasonable and necessary expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

D. The Committee shall screen each notice of injury filed in the Workers' Compensation Court after January 1, 1993 other than those claims based upon loss of limb or visible disfigurement, and submit to the Court a pre-hearing advisory report in writing based upon, but not limited to, the following factors developed from interviews and public and private business records:

1. The safety conditions in the workplace;

2. The number of previous claims made by the claimant;

3. Any negligence or carelessness in the workplace conduct of the claimant; and

4. Relevant statements made by the claimant both prior and subsequent to the alleged injury or disease.

E. The pre-hearing advisory report of the Committee shall be deemed competent evidence before any Judge or panel of Judges of the Workers' Compensation Court. The report shall be used for the purposes of screening out fraudulent or duplicate claims and reducing awards commensurate with the degree to which the negligence or carelessness of the employee contributed to the injury.

F. The Workers' Compensation Court shall maintain a current electronic compilation of claims filed by each claimant dating from January 1, 1983 for the use of the screening committee.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1.2A of Title 85, unless there is created a duplication in numbering, reads as follows:

Notwithstanding the provisions of Section 1.2 of Title 85 of the Oklahoma Statutes, each Judge of the Workers' Compensation Court shall not succeed himself in office unless he runs for reelection on a statewide retention ballot at the last general election preceding the expiration of his term of office.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22.1 of Title 85, unless there is created a duplication in numbering, reads as follows:

The disability, and resulting compensation, to any one part of the body of a claimant for any one injury or combination of injuries, shall not exceed one hundred percent (100%). Compensation paid to a claimant or to a dependent pursuant to the provisions of Section 48 of Title 85 of the Oklahoma Statutes, or to the claimant and the dependent together, shall not exceed the total amount awarded for the disability.

SECTION 4. This act shall become effective July 1, 1992.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and 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.

43-2-1812

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