

SHORT TITLE: Unemployment benefits; modifying procedures for  
judicial review; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 309

By: Leftwich

AS INTRODUCED

An Act relating to unemployment compensation;  
amending 40 O.S. 1991, Section 2-610, which relates  
to judicial review of decisions of the Board of  
Review; modifying procedures for commencement of  
proceedings for judicial review; increasing time to  
file petition in district court; requiring filing  
of petition with Board of Review within certain  
time; making all parties to certain proceedings  
parties to judicial review; eliminating requirement  
for service; providing for modification of a  
petition; requiring Board of Review to give certain  
notice within certain time; requiring Board of  
Review to file the administrative record within  
certain time; clarifying language; and providing an  
effective date.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 2-610, is  
amended to read as follows:

Section 2-610. JUDICIAL REVIEW. ~~(1) Within the ten (10)~~ A. A  
civil action for judicial review of a decision of the Board of  
Review of the Oklahoma Employment Security Commission may be  
commenced by filing a petition in the district court within twenty  
(20) days after the day a notice of decision of the Board of Review

is mailed to the parties, ~~the Commission, or any party to the~~  
~~proceedings before the Board of Review, may obtain judicial review~~  
~~thereof by filing.~~ A copy of the petition shall be filed with the  
Board of Review within ten (10) days after filing of the petition in  
district court. All parties to the proceedings before the Board of  
Review shall be made parties to a civil action for judicial review  
whether or not named in the petition.

B. The venue for an action for judicial review shall be in the  
district court of the county in which the claimant resides, or if  
the claimant is not a resident of ~~the State of Oklahoma~~ this state  
then in the district court of Oklahoma County, ~~a petition for review~~  
~~of such decision, against the Board of Review. In such petition for~~  
~~review all other parties to the proceeding before the Board of~~  
~~Review and the Commission shall be made codefendants. Such~~

C. A petition for review need not be verified but shall state  
specifically the grounds upon which ~~such~~ review is sought. ~~A copy~~  
~~of the petition for review shall be served upon a member of the~~  
~~Board of Review or upon such persons as the Board of Review may~~  
~~designate and the petitioner shall also deliver to the person so~~  
~~served as many copies of the petition as there are defendants. A~~  
petition may be modified by leave of the district court or by  
written consent of all adverse parties.

D. The Board of Review shall ~~forthwith send by,~~ within five (5)  
business days of receipt of a petition, mail to each other party to  
the proceeding a copy of ~~such~~ the petition, ~~and such mailing which~~  
shall be deemed to be service upon all such parties.

E. Any party may file an answer to the petition for review  
within ten (10) days after receipt of the petition.

F. In any proceeding under this section, the findings of the  
Board of Review as to the facts, if supported by evidence, shall be  
conclusive and the jurisdiction of ~~said~~ the court shall be confined  
to questions of law. No additional evidence shall be received by

the court, but the court may remand the case and order additional evidence to be taken before the Board of Review, and the Board may, after hearing ~~such~~ additional evidence, modify its findings of fact or conclusions, and file ~~such~~ additional or modified findings and conclusions, together with the transcript of the additional record, with the court.

~~(2) With its answer to the petition~~ G. Within thirty (30) days after filing or receiving a petition for review, the Board of Review shall certify and file with the court a certified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the Board of Review's findings, conclusions, and decision therein.

~~(3) Such proceedings shall be heard~~ H. Proceedings in the district court shall be conducted in a summary manner and shall be given precedence over all other civil cases.

I. An appeal may be taken from the decision of the district court to the Supreme Court of this state in the same manner as is provided in other civil cases.

J. It shall not be necessary as a condition precedent to judicial review of any decision of the Board of Review to enter exceptions to the rulings of ~~such~~ the Board, and no bond shall be required as a condition of initiating a proceeding for judicial review or ~~entering an appeal~~ appealing from the decision of the district court ~~upon such review.~~

K. Upon the final termination of ~~such~~ a judicial review proceeding, the Board of Review shall enter an order in accordance with the ~~mandate~~ orders of the district court.

SECTION 2. This act shall become effective November 1, 1997.

46-1-0230

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