

THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 2010

ENGROSSED
Senate Joint
Resolution No. 66
As Amended

ENGROSSED SENATE JOINT RESOLUTION NO. 66 - By: COFFEE of the Senate and SULLIVAN of the House.

[workers' compensation - claims for services - providing ballot title - directing filing]

~~BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:~~

1 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution,
2 there is hereby ordered the following legislative referendum which shall be filed with the
3 Secretary of State and addressed to the Governor of the state, who shall submit the same
4 to the people for their approval or rejection at the next General Election.

5 SECTION 2. AMENDATORY 85 O.S. 2001, Section 30, as amended by Section
6 23, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 30), is
7 amended to read as follows:

1 Section 30. A. 1. If the Workers' Compensation Court before which any
2 proceedings for compensation or concerning an award of compensation have been
3 brought, under the Workers' Compensation Act, determines that such proceedings have
4 not been brought on a reasonable ground, or that denial of benefits has not been based on
5 a reasonable ground, the Court shall assess the total cost of the proceedings on the party,
6 who has brought them or the party who has unreasonably denied payment of benefits.

7 2. In the event a respondent fails to pay travel expenses as required by an order of
8 the Court within twenty-five (25) business days of such order, the Court shall assess a
9 Five Hundred Dollar (\$500.00) penalty against the respondent and payable to the
10 claimant.

11 B. Claims for services or treatment rendered or supplies furnished pursuant to
12 Section 14 of this title shall not be enforceable unless approved by the Court. If
13 approved, such claim shall become a lien upon the compensation awarded, but shall be
14 paid therefrom only in the manner fixed by the Court.

15 C. A claim for legal services shall be determined by the Court pursuant to the
16 provisions of this subsection.

17 1. A claim for legal services in ~~contested~~ temporary disability cases shall not exceed
18 ten percent (10%) of the amount of the award ~~for temporary disability. Legal service fees~~
19 ~~paid in uncontested cases for temporary total disability shall not exceed ten percent~~
20 ~~(10%) as ordered by the Court~~ in excess of the amount specified in the schedule of
21 compensation set forth in the Workers' Compensation Act.

1 2. A claim for legal services shall not exceed twenty percent (20%) of the amount of
2 the award for permanent disability or death benefits in excess of the amount specified in
3 the schedule of compensation set forth in the Workers' Compensation Act.

4 D. Claims for legal services for temporary disability awards shall be paid
5 periodically. Claims for legal fees for permanent total disability awards shall be paid
6 periodically at the rate of twenty percent (20%) of each weekly check to the claimant
7 until the attorney fee is satisfied, based upon a maximum of four hundred (400) weeks of
8 compensation. The right to any such attorney fee shall be vested at the time the award
9 therefor becomes final. Claims for legal services for permanent partial disability awards
10 may be paid in a lump sum the same to be deducted from the end of the award. Claims
11 for legal services for death awards may be paid in a lump sum which shall be deducted
12 from the periodic compensation payments at a rate of ten percent (10%) per payment
13 until the attorney fee is satisfied.

14 E. In any claim in which the respondent has admitted compensability of an
15 accidental injury within twenty (20) days of the filing of an Employee's First Notice of
16 Accidental Injury and Claim for Compensation, has not disputed medical treatment, and
17 has made a settlement offer in writing within fifteen (15) days after the claimant reaches
18 maximum medical improvement, the attorney fee shall be limited to thirty-five percent
19 (35%) of the amount of any award or settlement of permanent partial disability which is
20 greater than the amount of the offer. In addition, an attorney fee shall be awarded for
21 other contested benefits obtained on behalf of the claimant at any time during the
22 pendency of the claim and shall be based upon a reasonable hourly rate. In no event

1 shall the total attorney fee be in excess of twenty percent (20%) of the total permanent
2 partial disability award or settlement. All attorney fees shall be deducted from the
3 award or settlement to the claimant.

4 F. Claims for legal services for workers' compensation benefits filed on or after
5 November 1, 2010, shall not exceed twenty percent (20%) of the amount in dispute to the
6 employee exclusive of medical and rehabilitation expenses.

7 SECTION 3. The Ballot Title for the proposed act shall be in the following form:

8 BALLOT TITLE

9 Legislative Referendum No. _____ State Question No. _____

10 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

11 This measure amends the Oklahoma Statutes. It would amend Section 30 of Title
12 85. It would limit claims for legal services for workers' compensation benefits. For
13 temporary disability cases, the claim could not exceed 10% of an amount. This
14 amount is the amount of the award which is more than the amount in the schedule
15 set out by law. For permanent disability or death cases, the claim could not exceed
16 20% of an amount. This amount is the amount of the award which is more than the
17 amount in the schedule set out by law.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL — YES _____

20 AGAINST THE PROPOSAL — NO _____

21 SECTION 4. The President Pro Tempore of the Senate shall, immediately after the
22 passage of this order for legislative referendum, prepare and file in accordance with

1 Section 3 of Article V of the Oklahoma Constitution, one copy of this order for legislative
2 referendum, including the Ballot Title set forth in SECTION 3, with the Secretary of
3 State and one copy with the Attorney General.

4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
5 FINANCIAL SERVICES, dated 04-07-10 - DO PASS, As Amended.