

SB 609

THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 609
As Amended

SENATE BILL NO. 609 - By: Lamb of the Senate and Sullivan of the House.

[Workers' Compensation Court - modifying positions - effective date]

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

SECTION 1. AMENDATORY 85 O.S. 2001, Section 1.2, is amended to read as follows:

Section 1.2. A. There is hereby created the Workers' Compensation Court which shall consist of ~~ten (10)~~ seven (7) judges. Each judge of the Court shall be appointed to a designated numbered position on the Court. The positions shall be numbered one through ~~ten~~ seven, four of which shall be permanently assigned to the Oklahoma City Workers' Compensation Court and three of which shall be permanently assigned to the Tulsa Workers' Compensation Court.

The initial terms of the judges by position number shall expire on the following dates:

~~Position 1 shall expire 7-1-84.~~

~~Position 2 shall expire 7-1-84.~~

~~Position 3 shall expire 7-1-84.~~

Position 4 shall expire 7-1-82.

1 Position 5 shall expire 7-1-82.

2 Position 6 shall expire 7-1-80.

3 Position 7 shall expire 7-1-80.

4 Position 8 shall expire 7-1-88.

5 Position 9 shall expire 7-1-88.

6 Position 10 shall expire 7-1-96 after being appointed under the
7 provisions hereinafter set forth effective September 1, 1993.

8 Thereafter, each position shall be filled by a judge appointed
9 to serve a six-year term.

10 Provided the judges serving unexpired terms on the State
11 Industrial Court shall serve on the Workers' Compensation Court
12 until their terms expire only as provided herein. The judges of the
13 State Industrial Court whose terms expire March 14, 1979, shall
14 serve in Positions 6 and 7 until that date, and the judge whose term
15 expires March 14, 1981, shall serve in Position 5 until that date.
16 Upon expiration of these terms, the Governor shall appoint judges to
17 serve the remainder of the initial terms designated in this section.
18 When a vacancy on the Court occurs or is certain to occur or for
19 initial appointments to the Court, the Judicial Nominating
20 Commission shall choose and submit to the Governor and the Chief
21 Justice of the Supreme Court the names of three persons, in addition
22 to the name of the incumbent judge, if any, for each appointment,
23 each of whom has previously notified the Commission in writing that

1 he or she will serve as a judge if appointed. The Governor shall
2 appoint one of the nominees to fill the vacancy which shall be
3 subject to confirmation by a majority of the Senate, but if the
4 Governor fails to do so within sixty (60) days, the Chief Justice of
5 the Supreme Court shall appoint one of the nominees which shall be
6 subject to confirmation by a majority of the Senate, the appointment
7 to be certified to the Secretary of State. If the Senate is not in
8 session when the appointment is made, the Senate must confirm such
9 appointment during its next regular session. If the Senate fails to
10 confirm such appointment, the Governor shall ask the Judicial
11 Nominating Commission for the names of three persons, which shall
12 not include the name of the candidate not confirmed, and shall
13 submit a new candidate to the Senate for confirmation within thirty
14 (30) days of receipt of such nominees.

15 B. A judge of the Court shall have been licensed to practice
16 law in this state for a period of not less than five (5) years prior
17 to appointment. Each judge, before entering upon the duties of
18 office, shall take and subscribe to an oath of office and file the
19 same with the Secretary of State. Each judge shall continue to
20 serve until his or her successor has been appointed and qualified.
21 A judge shall be eligible for reappointment, provided that the judge
22 may be removed for cause by the Court on the Judiciary prior to the
23 expiration of his or her term.

1 C. Each judge shall receive a salary equal to that paid to a
2 district judge of this state, and shall devote full time to his or
3 her duties and shall not engage in the private practice of law
4 during the term in office.

5 D. The Governor shall appoint from among the judges of the
6 Workers' Compensation Court a presiding judge of that Court who
7 shall serve for a two-year term commencing with the initial
8 appointment beginning January 1, 1987. Any judge so appointed shall
9 not serve more than two times in succession. The presiding judge
10 shall preside at all hearings held by the Court, preside at such
11 meetings of the judges of the Court as may be necessary and perform
12 such other supervisory duties as the needs of the Court may require.
13 The presiding judge may designate one of the other judges to act as
14 presiding judge in his or her place whenever necessary during the
15 disqualification, disability, or absence of the presiding judge.
16 During the disqualification, disability, or absence of the presiding
17 judge, the acting presiding judge shall exercise all of the powers
18 of the presiding judge.

19 E. The Court shall have the authority to adopt reasonable rules
20 within its respective areas of responsibility including the rules of
21 procedure for the Court en banc, after notice and public hearing,
22 for effecting the purposes of the Workers' Compensation Act. All of
23 the judges of the Court shall be present at all meetings wherein

1 rules are adopted or amended. All rules, upon adoption, shall be
2 submitted to the Supreme Court, which shall either approve or
3 disapprove them within thirty (30) days. All rules, upon approval
4 by the Supreme Court, shall be published and be made available to
5 the public and, if not inconsistent with the law, shall be binding
6 in the administration of the Workers' Compensation Act.

7 F. The Court is hereby designated and confirmed as a court of
8 record, with respect to any matter within the limits of its
9 jurisdiction, and within such limits the judges thereof shall
10 possess the powers and prerogatives of the judges of the other
11 courts of record of this state, including the power to punish for
12 contempt those persons who disobey a subpoena, or refuse to be sworn
13 or to answer as a witness, when lawfully ordered to do so.

14 G. The principal office of the Court shall be situated in the
15 City of Oklahoma City in quarters assigned by the Department of
16 Central Services. The Court may hold hearings in any city of this
17 state.

18 H. All county commissioners and presiding district judges of
19 this state shall make quarters available for the conducting of
20 hearings by a judge of the Court upon request by the Court.

21 I. The judges of the Court shall determine the qualifications
22 necessary for the job of Administrator. Said qualifications shall

1 be submitted to the Chief Justice of the Supreme Court for approval,
2 disapproval or modification.

3 J. Judges of the Workers' Compensation Court may punish for
4 direct contempt pursuant to Sections 565, 565.1 and 566 of Title 21
5 of the Oklahoma Statutes.

6 SECTION 2. This act shall become effective November 1, 2009.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
8 PASS, As Amended and Coauthored.