

STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

2ND CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2652

By: Sullivan, McCullough,  
Moore, Duncan and Osborn of  
the House

and

Coffee of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the workers' compensation court;  
amending 85 O.S. 2001, Section 1.2, which relates to  
membership and terms of workers' compensation court  
judges; decreasing number of certain judges;  
providing for permanent assignment of certain  
positions; modifying expiration dates of certain  
terms; increasing term of certain judges; authorizing  
reapplication for certain positions after specified  
time period; authorizing salary and benefits for  
certain judges; modifying procedures for filling of  
certain vacancies; providing for Senate confirmation  
of certain appointees; requiring certain experience;  
requiring legislative approval for the closure of  
certain court; and providing an 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:

1 Section 1.2 A. There is hereby created the Workers'  
2 Compensation Court which shall consist of ~~ten (10)~~ eight (8) judges.  
3 Each judge of the Court shall be appointed to a designated numbered  
4 position on the Court. The positions shall be numbered one through  
5 ~~ten~~ eight, five of which shall be permanently assigned to the  
6 Oklahoma City Workers' Compensation Court and three of which shall  
7 be permanently assigned to the Tulsa Workers' Compensation Court.

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

10 Position 1 shall expire ~~7-1-84~~ 2-1-14.

11 Position 2 shall expire ~~7-1-84~~ 2-1-14.

12 Position 3 shall expire ~~7-1-84~~ 2-1-14.

13 Position 4 shall expire ~~7-1-82~~ 2-1-12.

14 Position 5 shall expire ~~7-1-82~~ 2-1-12.

15 Position 6 shall expire ~~7-1-80~~ 2-1-16.

16 Position 7 shall expire ~~7-1-80~~ 2-1-16.

17 Position 8 shall expire ~~7-1-88~~ 2-1-12.

18 Position 9 shall expire ~~7-1-88~~ 2-1-12.

19 Position 10 shall expire ~~7-1-96 after being appointed under the~~  
20 ~~provisions hereinafter set forth effective September 1, 1993~~ 2-1-14.

21 The next two positions to become vacant on or after November 1,  
22 2010, shall not be refilled.

23 Thereafter, each position shall be filled by a judge appointed  
24 to serve ~~a six-year~~ an eight-year term. After a judge serves an

1 eight-year term, such judge shall be eligible to reapply for an  
2 additional term after the lapse of a period of not less than three  
3 (3) years.

4        Provided, the judges serving unexpired terms on the State  
5 ~~Industrial Court~~ effective date of this act shall ~~serve on the~~  
6 ~~Workers' Compensation Court until their terms expire only as~~  
7 ~~provided herein. The judges of the State Industrial Court whose~~  
8 ~~terms expire March 14, 1979, shall serve in Positions 6 and 7 until~~  
9 ~~that date, and the judge whose term expires March 14, 1981, shall~~  
10 ~~serve in Position 5 until that date. Upon expiration of these~~  
11 ~~terms, the Governor shall appoint judges to serve the remainder of~~  
12 ~~the initial terms designated in this section~~ be eligible upon  
13 expiration of such terms for appointment to one term of eight (8)  
14 years pursuant to this section. A judge serving an unexpired term  
15 on the effective date of this act who serves until such term expires  
16 shall be deemed to have served a full six-year term. If the judge  
17 is not reappointed, such judge shall receive full salary, benefits,  
18 vesting rights and judicial service for retirement purposes during  
19 active judicial service for a period of not less than five (5)  
20 months. When a vacancy on the Court occurs or is certain to occur  
21 or for initial appointments to the Court, the Judicial Nominating  
22 Commission shall choose and submit to the Governor and the Chief  
23 Justice of the Supreme Court the names of three persons, ~~in addition~~  
24 ~~to the name of the incumbent judge, if any,~~ for each appointment,

1 each of whom has previously notified the Commission in writing that  
2 he or she will serve as a judge if appointed. The Governor shall  
3 appoint one of the nominees to fill the vacancy, ~~but if~~ with the  
4 advice and consent of the Senate. If the Senate fails to confirm  
5 within ninety (90) days, the Governor may select from the two  
6 remaining nominees or request three additional nominees from the  
7 Judicial Nominating Commission. If the Governor fails to do so  
8 within sixty (60) days, the Chief Justice of the Supreme Court shall  
9 appoint one of the nominees with the advice and consent of the  
10 Senate, the appointment to be certified to the Secretary of State.

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

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

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

15 E. The Court shall have the authority to adopt reasonable rules  
16 within its respective areas of responsibility including the rules of  
17 procedure for the Court en banc, after notice and public hearing,  
18 for effecting the purposes of the Workers' Compensation Act. All of  
19 the judges of the Court shall be present at all meetings wherein  
20 rules are adopted or amended. All rules, upon adoption, shall be  
21 submitted to the Supreme Court, which shall either approve or  
22 disapprove them within thirty (30) days. All rules, upon approval  
23 by the Supreme Court, shall be published and be made available to  
24

1 the public and, if not inconsistent with the law, shall be binding  
2 in the administration of the Workers' Compensation Act.

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

10 G. The principal office of the Court shall be situated in the  
11 City of Oklahoma City in quarters assigned by the Department of  
12 Central Services. The Court may hold hearings in any city of this  
13 state. The Tulsa Workers' Compensation Court shall not be closed  
14 without the approval of the Legislature.

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

18 I. The judges of the Court shall determine the qualifications  
19 necessary for the job of Administrator. Said qualifications shall  
20 be submitted to the Chief Justice of the Supreme Court for approval,  
21 disapproval or modification.

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

SECTION 2. This act shall become effective November 1, 2010.

52-2-10989 SDR 05/26/10