

**FLOOR AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1462

			Of the printed Bill
Page	Section	Lines	
			Of the Engrossed Bill

On page 10, line 16 and 19; page 24, lines 10, 11, 12 and 15; page 28, lines 9 and 21; page 29, lines 16 and 19; page 30, line 14, 16, and 19; page 31, lines 3 and 19; page 32, lines 6, 16, 20 and 21; page 37, lines 11 and 14; page 40, lines 18, 20, 22 and 24; page 51, line 11; page 52, lines 13 and 22; page 53, line 7; page 58, lines 13, 14 and 21; page 60, line 14; page 62, line 9; page 64, line 22; page 70, line 20; page 71, line 4; page 80, line 3; page 81, lines 5 and 6; page 82, line 14; page 84, lines 3, 5 and 6; page 85, lines 12, 17, 20 and 22; page 95, lines 4 and 11; page 96, line 2; page 119, lines 12 and 13; page 121, line 11; page 123, line 17; page 124, line 12; page 127, lines 5 and 14; page 128, line 12; page 129, line 17; page 131, lines 3 and 18; page 132, lines 1 and 20; page 137, line 10; page 151, line 17; page 158, lines 5 and 6; page 163, lines 7 and 21; page 183, line 22; page 185, lines 3 and 17; page 196, line 20; page 197, lines 9 and 20; and page 201, lines 9 and 10, delete word "title" and restore the stricken word "act";

On page 22, lines 13-16, delete the new language and restore the stricken language;

On page 32, line 6; page 57, line 14; page 65, line 2; page 85, line 15; page 87, line 15; page 159, line 8; and page 160, line 21, by adding after the word "Compensation" and before the word "Fund" the language "Commission Revolving";

On page 15, line 19, by striking the words "an incorporator", after the stricken word "~~or~~" and before the word "of" and adding in lieu thereof the language "any shareholder owning fifty percent (50%) or more of the stock of the corporation"

On page 31, lines 1 and 2, by deleting the new language;

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jon Echols

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

On page 53, line 2, by deleting the new language and restoring the stricken language;

On page 57, lines 19-21, by restoring the stricken language;

On page 61, line 19, by striking the word "and" after the semicolon ";"

On page 64, line 23, by adding after the word "administrators" and before the word "an" the words "and marketing firms";

On page 99, line 13, by striking the words "current edition" after the word "the" and before the word "of" and adding in lieu thereof the words "Sixth Edition";

On page 156, line 8, by deleting the language beginning with the word "administrative" through the word "advisor" before the word "shall" and adding in lieu thereof the word "Commission";

On page 156, line 17, by deleting the words "hearing officer or" after the word "the" and before the word "Commission";

On page 157, line 17 by deleting the words "the hearing officer or" before the words "the Commission";

On page 175, line 4, by striking the language "July 1, 2014" after the word "by and before the language ", an" and adding in lieu thereof the language "January 1, 2018";

On page 196, line 3, by striking the word "Court" after the word "Compensation" and before the period "." and add in lieu thereof the word "Commission";

On page 196, line 7, by striking the language "CompSource Oklahoma," after the language "carrier," and before the word "or";

On page 196, line 20, by adding the following language after the word "Petition" and before the word "authorized" "medical fee dispute, claim for discrimination or retaliation, or claim for benefits under the Multiple Injury Trust Fund";

On page 201, lines 1-4, by striking subsection L;

On page 203, line 12, by striking the words and figure "Three Million Dollars (\$3,000,000.00)" and adding in lieu thereof the words and figure "Five Million Dollars (\$5,000,000.00)";

On page 204, line 23, and on page 205, line 1, by deleting the numeral "36" after the word "Sections" and inserting in lieu thereof the numeral 15;

By deleting Sections 3, 4, 8, 9, 10, 12, 16, 18, 19, 21, 27, 28, 29, 30, 32, 33, 38, 39, 41, 51, 55, 59, 61, 64, 65, 66, 67, 69, 70, 71, 72, 73, 75, 78, 79, 85 and 86 from the bill; and

By adding 18 new sections per the attachment as follows:

Section 1 of the attachment shall be added on page 26, line 10 (replaces current Section 3);

Section 2 of the attachment shall be added on page 58, line 17 (replaces current Section 18);

Section 3 of the attachment shall be added on page 79, line 1 (replaces current Section 28);

Section 4 of the attachment shall be added on page 80, line 19 (replaces current Section 29)

Section 5 of the attachment shall be added on page 152, line 12 (replaces current Section 55)

Section 6 of the attachment shall be added on page 161, line 2 1/2;

Section 7 of the attachment shall be added on page 166, line 18 1/2;

Section 8 of the attachment shall be added on page 169, line 4 (replaces current Section 66);

Section 9 of the attachment shall be added on page 172, line 15 (replaces current Section 67);

Section 10 of the attachment shall be added on page 177, line 11 (replaces current Section 72);

Section 11 of the attachment shall be added on page 183, line 16 (replaces current Section 75);

Section 12 of the attachment shall be added on page 198, line 1/2;

Section 13 of the attachment shall be added on page 198, line 1/2 immediately after Section 12 of attachment;

Sections 14-18 of the attachment shall be added on page 204, line 14 1/2.

Renumber sections accordingly.

1 "SECTION 1. AMENDATORY Section 3, Chapter 208, O.S.L.  
2 2013 (85A O.S. Supp. 2016, Section 3), is amended to read as  
3 follows:

4 Section 3. A. Every employer ~~and every employee, unless~~  
5 ~~otherwise specifically provided in this act, shall be~~ subject and  
6 bound to the provisions of the Administrative Workers' Compensation  
7 Act shall pay or provide benefits according to the provisions of  
8 this act for the accidental injury or death of an employee arising  
9 out of and in the course of his or her employment, without regard to  
10 fault for such injury, if the employee's contract of employment was  
11 made or if the injury occurred within this state. If an employee  
12 makes claim for an injury in another jurisdiction and a final  
13 adjudication is entered in the case, the employee is precluded from  
14 his or her right of action under the Administrative Workers'  
15 Compensation Act of this state. If the employee brings an action in  
16 this state prior to a final adjudication in another jurisdiction,  
17 any receipt of benefits in the other jurisdiction shall not bar the  
18 action in this state; provided, however, in no event shall the  
19 Workers' Compensation Commission grant benefits that duplicate those  
20 paid by the employer or insurance carrier in the other jurisdiction.  
21 ~~However, nothing~~ Nothing in this act shall be construed to conflict  
22 with any valid Act of Congress governing the liability of employers  
23 for injuries received by their employees.

1       B. The State of Oklahoma accepts the provisions of the Acts of  
2 Congress designated as 40 U.S.C., Section 3172, formerly 40 U.S.C.,  
3 Section 290, and hereby extends the territorial jurisdiction of the  
4 Administrative Workers' Compensation Act to all lands and premises  
5 within the exterior boundaries of this state which the Government of  
6 the United States of America owns or holds by deed or act of  
7 cession, and to all purchases, projects, buildings, constructions,  
8 improvements and property within the exterior boundaries of this  
9 state belonging to the Government of the United States of America,  
10 in the same way and to the same extent as if the premises were under  
11 the exclusive jurisdiction of this state, subject only to the  
12 limitations placed thereon by the Acts of Congress.

13       C. This act shall apply only to claims for injuries and death  
14 based on accidents which occur on or after ~~the effective date of~~  
15 ~~this act~~ February 1, 2014.

16       ~~C.~~ D. The Workers' Compensation Code in effect before ~~the~~  
17 ~~effective date of this act~~ February 1, 2014, shall govern all rights  
18 in respect to claims for injuries and death based on accidents  
19 occurring before ~~the effective date of this act~~ February 1, 2014.

20       E. If an employee files a workers' compensation claim or  
21 receives benefits in another jurisdiction, the employee is not  
22 eligible to receive benefits under this title for the same injury.  
23  
24

1       SECTION 2.       AMENDATORY       Section 22, Chapter 208, O.S.L.

2       2013 (85A O.S. Supp. 2016, Section 22), is amended to read as  
3       follows:

4       Section 22.   A.   1.   For the purpose of administering the  
5       provisions of this ~~act~~ title, the Workers' Compensation Commission  
6       is authorized:

7               a.    to make rules necessary for the administration and  
8                    operation of the Commission,

9               b.    to appoint and fix the compensation of temporary  
10                   technical assistants, medical and legal advisers,  
11                   clerical assistants and other officers and employees,  
12                   and

13              c.    to make such expenditures, including those for  
14                   personal service, rent, books, periodicals, office  
15                   equipment, and supplies, and for printing and binding  
16                   as may be necessary.

17       2.    a.    ~~Before~~ The Commission shall vote on any substantive  
18                   change to any form and the effective date of such  
19                   substantive change.

20              b.    The Commission shall comply with the provisions of the  
21                   Administrative Procedures Act applicable to the filing  
22                   and publication requirements for rules before the  
23                   adoption, prescription, amendment, modification, or  
24                   repeal of any rule, ~~regulation, or form, the~~

~~Commission shall give at least thirty (30) days' notice of its intended action.~~

~~b. The notice shall include a statement of the terms or substance of the intended action or description of the subjects and issues involved, and the time, place, and manner in which interested persons may present their views thereon.~~

~~c. The notice shall be mailed to any person specified by law or who shall have requested advance notice of rule-making proceedings.~~

~~3. The Commission shall afford all interested persons a reasonable opportunity to submit written data, views, or arguments, and, if the Commission in its discretion shall so direct, oral testimony or argument.~~

~~4. Each rule, regulation, or form adopted by the Commission shall be effective twenty (20) days after adoption unless a later date is specified by law or in the rule itself.~~

~~5. All expenditures of the Commission in the administration of this act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission.~~

B. 1. The Commission may appoint as many persons as may be necessary to be administrative law judges and in addition may appoint such examiners, investigators, medical examiners, clerks,

1 and other employees as it deems necessary to effectuate the  
2 provisions of this ~~act~~ title.

3 2. Employees appointed under this subsection shall receive an  
4 annual salary to be fixed by the Commission.

5 C. Additionally, the Commission shall have the following powers  
6 and duties:

7 1. To hear and approve compromise settlements;

8 2. To review and approve own-risk applications and group self-  
9 insurance association applications;

10 3. To monitor own-risk, self-insurer and group self-insurance  
11 programs, in accordance with the rules of the Commission;

12 ~~4. To contract with an appropriate state governmental entity,~~  
13 ~~insurance carrier or approved service organization to process,~~  
14 ~~investigate and pay valid claims against an impaired self-insurer~~  
15 ~~which fails, due to insolvency or otherwise, to pay its workers'~~  
16 ~~compensation obligations, charges for which shall be paid from the~~  
17 ~~proceeds of security posted with the Commission as provided in~~  
18 ~~Section 38 of this act;~~

19 ~~5.~~ To establish a toll-free telephone number in order to  
20 provide information and answer questions about the Commission;

21 ~~6.~~ 5. To hear and determine claims concerning disputed medical  
22 bills;

23 ~~7.~~ 6. To promulgate necessary rules for administering this ~~act~~  
24 title and develop uniform forms and procedures for use by



1 administrative law judges. Such rules shall be reviewable by the  
2 Legislature;

3 ~~8.~~ 7. To invest funds on behalf of the Multiple Injury Trust  
4 Fund;

5 ~~9.~~ 8. To appoint a Commission Mediator to conduct informal  
6 sessions to attempt to resolve assigned disputes; ~~and~~

7 9. To establish a petty cash fund in an amount not to exceed  
8 Five Hundred Dollars (\$500.00) to be used to make change for persons  
9 purchasing printed or electronic materials from the Commission,  
10 paying fees and fines, and transacting other business with the  
11 Commission. The fund shall be established and replenished from any  
12 monies available to the Commission for operating expenses and shall  
13 be administered pursuant to Section 195 of Title 62 of the Oklahoma  
14 Statutes; and

15 10. Such other duties and responsibilities authorized by law.

16 D. It shall be the duty of an administrative law judge, under  
17 the rules adopted by the Commission, to hear and determine claims  
18 for compensation and to conduct hearings and investigations and to  
19 make such judgments, decisions, and determinations as may be  
20 required by any rule or judgment of the Commission.

21 SECTION 3. AMENDATORY Section 36, Chapter 208, O.S.L.  
22 2013 (85A O.S. Supp. 2016, Section 36), is amended to read as  
23 follows:  
24

1       Section 36. A. If ~~a subcontractor~~ an individual or business  
2 entity fails to secure compensation required by this ~~act~~ title, the  
3 ~~prime contractor~~ party for whom work is being performed shall be  
4 liable for compensation to the employees of the ~~subcontractor~~  
5 individual or business entity unless there is an intermediate  
6 ~~subcontractor~~ individual or business entity who has workers'  
7 compensation coverage.

8       B. 1. Any ~~contractor or the contractor's~~ party for whom work  
9 is being performed or the party's insurance carrier who shall become  
10 liable for the payment of compensation on account of injury to or  
11 death of an employee of ~~his or her subcontractor~~ an individual or  
12 business entity may recover from the ~~subcontractor~~ individual or  
13 business entity the amount of the compensation paid or for which  
14 liability is incurred.

15       2. The claim for the recovery shall constitute a lien against  
16 any monies due or to become due to the ~~subcontractor~~ individual or  
17 business entity from the ~~prime contractor~~ party for whom work is  
18 being performed.

19       3. A claim for recovery shall not affect the right of the  
20 injured employee or the dependents of the deceased employee to  
21 recover compensation due from the ~~prime contractor~~ party for whom  
22 work is being performed or his or her insurance carrier.

23       C. 1. a. ~~When a sole proprietorship or partnership fails to~~  
24 ~~elect to cover the sole proprietor or partners under~~

~~this act, the prime contractor is not liable under this act for injuries sustained by the sole proprietor or partners if the sole proprietor or partners are not employees of the prime contractor.~~

- b. ~~(1) A sole proprietor or the partners of a partnership who do not elect to be covered by this act and be deemed employees thereunder and who deliver to the prime contractor a current certification of noncoverage issued by the Commission shall be conclusively presumed not to be covered by the law or to be employees of the prime contractor during the term of his or her certification or any renewals thereof.~~
- ~~(2) A certificate of noncoverage may not be presented to a subcontractor who does not have workers' compensation coverage.~~
- ~~(3) This provision shall not affect the rights or coverage of any employees of the sole proprietor or of the partnership.~~

~~2. The prime contractor's insurance carrier shall not be liable for injuries to the sole proprietor or partners described in this section who have provided a current certification of noncoverage, and the carrier shall not include compensation paid by the prime~~

1 ~~contractor to the sole proprietor or partners described above in~~  
2 ~~computing the insurance premium for the prime contractor.~~

3       3.    a.   ~~Any prime contractor who after being presented with a~~  
4             ~~current certification of noncoverage by a sole~~  
5             ~~proprietor or partnership compels the sole proprietor~~  
6             ~~or partnership to pay or contribute to workers'~~  
7             ~~compensation coverage of that sole proprietor or~~  
8             ~~partnership shall be guilty of a misdemeanor.~~

9        b.   ~~Any prime contractor who compels a sole proprietor or~~  
10            ~~partnership to obtain a certification of noncoverage~~  
11            ~~when the sole proprietor or partnership does not~~  
12            ~~desire to do so shall be guilty of a misdemeanor.~~

13       c.   ~~Any applicant who makes a false statement when~~  
14            ~~applying for a certification of noncoverage or any~~  
15            ~~renewals thereof shall be guilty of a felony.~~

16       D. 1. ~~A certification of noncoverage issued by the Commission~~  
17 ~~shall be valid for two (2) years after the effective date stated~~  
18 ~~thereon. Both the effective date and the expiration date shall be~~  
19 ~~listed on the face of the certificate by the Commission. The~~  
20 ~~certificate shall expire at midnight two (2) years from its issue~~  
21 ~~date, as noted on the face of the certificate.~~

22       2. ~~The Commission may assess a fee not to exceed Fifty Dollars~~  
23 ~~(\$50.00) with each application for a certification of noncoverage or~~  
24 ~~any renewals thereof.~~

1       ~~3. Any certification of noncoverage issued by the Commission~~  
2 ~~shall contain the social security number and notarized signature of~~  
3 ~~the applicant. The notarization shall be in a form and manner~~  
4 ~~prescribed by the Commission.~~

5       ~~4. The Commission may prescribe by rule forms and procedures~~  
6 ~~for issuing or renewing a certification of noncoverage.~~

7       ~~E. If work is performed by an independent contractor on a~~  
8 ~~single-family residential dwelling occupied by the owner, or the~~  
9 ~~premises of such dwelling, or for a farmer whose cash payroll for~~  
10 ~~wages, excluding supplies, materials and equipment, for the~~  
11 ~~preceding calendar year did not exceed One Hundred Thousand Dollars~~  
12 ~~(\$100,000.00), such owner or farmer shall not be liable for~~  
13 ~~compensation under this act for injuries to the independent~~  
14 ~~contractor or his or her employees~~ Any individual or business entity  
15 that is not required to be covered under a workers' compensation  
16 insurance policy or other plan for the payment of workers'  
17 compensation may execute an Affidavit of Exempt Status under the  
18 Administrative Workers' Compensation Act. The affidavit shall be a  
19 form prescribed by the Workers' Compensation Commission and shall be  
20 available on the Commission's website. The Commission may assess a  
21 fee not to exceed Fifty Dollars (\$50.00) for each affidavit  
22 executed.

23       D. Execution of the affidavit shall establish a rebuttable  
24 presumption that the executor or executor's agent is not an employee

1 for purposes of the Administrative Workers' Compensation Act and  
2 that an individual or company possessing the affidavit is in  
3 compliance and shall not be responsible for workers' compensation  
4 claims made by the executor.

5 E. The execution of an affidavit shall not affect the rights or  
6 coverage of any employee of the individual executing the affidavit.

7 F. 1. Knowingly providing false information on a notarized  
8 Affidavit of Exempt Status under the Administrative Workers'  
9 Compensation Act shall constitute a misdemeanor punishable by a fine  
10 not to exceed One Thousand Dollars (\$1,000.00).

11 2. Affidavits shall conspicuously state on the front thereof in  
12 at least ten-point, boldface print that it is a crime to falsify  
13 information on the form.

14 3. The Commission shall immediately notify the Workers'  
15 Compensation Fraud Unit in the Office of the Attorney General of any  
16 violations or suspected violations of this section. The Commission  
17 shall cooperate with the Fraud Unit in any investigation involving  
18 affidavits executed pursuant to this section.

19 G. Fees collected pursuant to subsection C of this section  
20 shall be deposited in the State Treasury to the credit of the  
21 Workers' Compensation Commission Revolving Fund.

22 H. If any employer relies in good faith on proof of a valid  
23 workers' compensation insurance policy issued to a contractor of any  
24 tier or on proof of an Affidavit of Exempt Status under this

1 section, the employer shall not be liable for injuries of any  
2 employees of the contractor.

3 SECTION 4. AMENDATORY Section 38, Chapter 208, O.S.L.  
4 2013 (85A O.S. Supp. 2016, Section 38), is amended to read as  
5 follows:

6 Section 38. A. An employer shall secure compensation to  
7 employees under ~~this act~~ the Administrative Workers' Compensation  
8 Act in one of the following ways:

9 1. By insuring and keeping insured the payment of compensation  
10 with any stock corporation, mutual association, or other concerns  
11 authorized to transact the business of workers' compensation  
12 insurance in this state. When an insurer issues a policy to provide  
13 workers' compensation benefits under the provisions of ~~this act~~ the  
14 Administrative Workers' Compensation Act, it shall file a notice  
15 with the Workers' Compensation Commission containing the name,  
16 address, and principal occupation of the employer, the number,  
17 effective date, and expiration date of the policy, and such other  
18 information as may be required by the Commission. The notice shall  
19 be filed by the insurer within thirty (30) days after the effective  
20 date of the policy. Any insurer who does not file the notice  
21 required by this paragraph shall be subject to a fine by the  
22 Commission of not more than One Thousand Dollars (\$1,000.00);

23 2. By obtaining and keeping in force guaranty insurance with  
24 any company authorized to do guaranty business in this state. Each

1 company that issues workers' compensation guaranty insurance shall  
2 file a copy of the contract with the Commission within thirty (30)  
3 days after the effective date of the contract. Any company that  
4 does not file a copy of the contract as required by this paragraph  
5 shall be subject to a fine by the Commission of not more than One  
6 Thousand Dollars (\$1,000.00);

7 3. By furnishing satisfactory proof to the Commission of the  
8 employer's financial ability to pay the compensation. The  
9 Commission, ~~under rules adopted by the Insurance Department,~~ shall  
10 require any employer that has:

- 11 a. less than one hundred employees or less than One  
12 Million Dollars (\$1,000,000.00) in net assets to:
- 13 (1) deposit with the Commission securities, an  
14 irrevocable letter of credit or a surety bond  
15 payable to the state, in an amount determined by  
16 the Commission which shall be at least an average  
17 of the yearly claims for the last three (3)  
18 years, or
- 19 (2) provide proof of excess coverage with such terms  
20 and conditions as is commensurate with their  
21 ability to pay the benefits required by the  
22 provisions of this act, and
- 23 b. one hundred or more employees and One Million Dollars  
24 (\$1,000,000.00) or more in net assets to:



- (1) secure a surety bond payable to the state, or an irrevocable letter of credit, in an amount determined by the Commission which shall be at least an average of the yearly claims for the last three (3) years, or
- (2) provide proof of excess coverage with terms and conditions that are commensurate with their ability to pay the benefits required by the provisions of this act;

4. By forming a group self-insurance association consisting of two or more employers which shall have a common interest and which shall have entered into an agreement to pool their liabilities under the Administrative Workers' Compensation Act. Such agreement shall be subject to rules of the Commission. Any employer, upon application to become a member of a group self-insurance association, shall file with the Commission a notice, in such form as prescribed by the Commission, acknowledging that the employer accepts joint and several liability. Upon approval by the Commission of such application for membership, said member shall be a qualified self-insured employer; or

5. By any other security as may be approved by the Commission and the Insurance Department.

B. The Commission may waive the requirements of this section in an amount which is commensurate with the ability of the employer to

1 pay the benefits required by the provisions of this act.

2 Irrevocable letters of credit required by this subsection shall  
3 contain such terms as may be prescribed by the Commission and shall  
4 be issued for the benefit of the state by a financial institution  
5 whose deposits are insured by the Federal Deposit Insurance  
6 Corporation.

7 C. An employer who does not fulfill the requirements of this  
8 section is not relieved of the obligation to pay compensation under  
9 ~~this act~~ the Administrative Workers' Compensation Act. The security  
10 required under this section, including any interest, shall be  
11 maintained by the ~~Commission~~ Self-insurance Guaranty Fund Board as  
12 provided in ~~this act~~ Section 99 of this title until each claim for  
13 benefits is paid, settled, or lapses under ~~this act~~ the  
14 Administrative Workers' Compensation Act, and costs of  
15 administration of such claims are paid.

16 D. Failure on the part of any employer to secure the payment of  
17 compensation provided in ~~this act~~ the Administrative Workers'  
18 Compensation Act shall have the effect of enabling the ~~Commission~~  
19 Self-insurance Guaranty Fund Board to assert the rights of an  
20 injured employee against the employer.

21 E. Any employer that knowingly provides false information to  
22 the Commission for purposes of securing or maintaining a self-  
23 insurance permit shall be guilty of a felony and subject to a  
24 maximum fine of Ten Thousand Dollars (\$10,000.00).

1       SECTION 5.       AMENDATORY       Section 71, Chapter 208, O.S.L.

2       2013 (85A O.S. Supp. 2016, Section 71), is amended to read as  
3       follows:

4       Section 71. A. ~~Notice.~~ Within ten (10) days after ~~a~~ an  
5       Employee's Notice of Claim for Compensation or other claim for  
6       ~~compensation~~ benefits has been filed, the Workers' Compensation  
7       Commission shall notify the employer and any other interested person  
8       of the filing of the claim.

9       B. Investigation - Hearing.

10      ~~1.~~ The Commission shall assign the claim to an administrative  
11      law judge who shall hold a hearing on application of any interested  
12      party, or on its own motion. If within six (6) months after the  
13      filing of a claim for compensation no bona fide request for a  
14      hearing has been made with respect to the claim, the claim may, on  
15      motion and after hearing, be dismissed with prejudice. The  
16      Commission shall conduct disposition dockets which shall bring forth  
17      for disposition hearing all claims for which no bona fide request  
18      for hearing has been made within six (6) months of the last  
19      prehearing conference or trial. After notice and hearing the  
20      Commission may dismiss any such claim without prejudice.

21      ~~2. An application for a hearing shall clearly set forth the~~  
22      ~~specific issues of fact or law in controversy and the contentions of~~  
23      ~~the party applying for the hearing.~~

1       ~~3. If any party is not represented by a lawyer, the~~  
2 ~~administrative law judge shall define the issues to be heard.~~

3       ~~4. If a hearing on the claim is ordered, the administrative law~~  
4 ~~judge shall give the claimant and other interested parties ten (10)~~  
5 ~~days' notice of the hearing served personally on the claimant and~~  
6 ~~other parties, or by registered mail. The hearing shall be held in~~  
7 ~~Tulsa or Oklahoma County, as determined by the Commission.~~

8       ~~5. The award, together with the statement of the findings of~~  
9 ~~fact and other matters pertinent to the issues, shall be filed with~~  
10 ~~the record of the proceedings, and a copy of the award shall~~  
11 ~~immediately be sent to the parties in or to counsels of record, if~~  
12 ~~any.~~

13       C. Hearings and trials shall not be continued, absent  
14 extraordinary circumstances as determined by the Commission.

15       D. Evidence and Construction.

16       1.   a.   At the hearing the ~~claimant~~ employee and the employer  
17               may each present evidence relating to the claim.  
18               Evidence may be presented by any person authorized in  
19               writing for such purpose. The evidence may include  
20               verified medical reports which shall be accorded such  
21               weight as may be warranted when considering all  
22               evidence in the case.

1           b. Any determination of the existence or extent of  
2           physical ~~impairment~~ disability shall be supported by  
3           objective ~~and measurable physical or mental~~ findings.

4           2. When deciding any issue, administrative law judges and the  
5 Commission shall determine, on the basis of the record as a whole,  
6 whether the party having the burden of proof on the issue has  
7 established it by a preponderance of the evidence.

8           3. Administrative law judges, the Commission, and any reviewing  
9 courts shall strictly construe the provisions of this ~~act~~ title.

10          4. In determining whether a party has met the burden of proof  
11 on an issue, administrative law judges and the Commission shall  
12 weigh the evidence impartially and without giving the benefit of the  
13 doubt to any party.

14          ~~D. Judgment.~~ E. The judgment denying the claim or making the  
15 award shall be filed in the office of the Commission, and a copy  
16 shall be sent by registered mail, facsimile, electronic mail or by  
17 other electronic means with confirmation of receipt to the ~~claimant~~  
18 employee and to the employer or to their attorneys.

19          ~~E.~~ F. No compensation for disability of an injured employee  
20 shall be payable for any period beyond his or her death; provided,  
21 however, an award of compensation for disability may be made after  
22 the death of the injured employee for the period of disability  
23 preceding death.

24          G. Conduct of Hearing or Inquiry.

1       1. In making an investigation or inquiry or conducting a  
2 hearing, the administrative law judges and the Commission shall not  
3 be bound by technical or statutory rules of evidence or by technical  
4 or formal rules of procedure, except as provided by this title. The  
5 administrative law judges and the Commission may make such  
6 investigation or inquiry, or conduct the hearing, in a manner as  
7 shall best ascertain the rights of the parties.

8       2. Declarations of a deceased employee concerning the injury  
9 may be received in evidence and may, if corroborated by other  
10 evidence, be sufficient to establish the injury.

11       3. When deciding any issue, administrative law judges and the  
12 Commission shall determine, on the basis of the record as a whole,  
13 whether the party having the burden of proof on the issue has  
14 established the proof by a preponderance of evidence.

15       4. Administrative law judges are required to make specific, on-  
16 the-record findings of ultimate facts responsive to the issues  
17 shaped by the evidence as well as conclusions of law on which  
18 judgment is to be rested.

19       H. Hearings to be Public - Records.

20       1. a. Hearings before the Commission shall be open to the  
21 public and shall be stenographically reported. The  
22 Commission is authorized to contract for the reporting  
23 of the hearings.

1           b.    The Commission shall, by rule, provide for the  
2                   preparation of a record of all hearings and other  
3                   proceedings before it.

4           2.   The Commission shall not be required to stenographically  
5           report or prepare a record of joint petition hearings.   The  
6           administrative law judge or legal advisor shall record the hearing  
7           at no cost to the parties.

8           I.   Introduction of Evidence.

9           1.   All oral evidence or documentary evidence shall be presented  
10           to the designated representative of the Commission at the initial  
11           hearing on a controverted claim.   The oral evidence shall be  
12           stenographically reported.   Each party shall present all evidence at  
13           the initial hearing.   Further hearings for the purpose of  
14           introducing additional evidence shall be granted only at the  
15           discretion of the hearing officer or Commission.   A request for a  
16           hearing for the introduction of additional evidence shall show the  
17           substance of the evidence desired to be presented.

18           2.   a.   Any party proposing to introduce medical reports or  
19                   testimony of physicians at the hearing of a  
20                   controverted claim shall, as a condition precedent to  
21                   the right to do so, furnish to the opposing party and  
22                   to the Commission copies of the written reports of the  
23                   physicians of their findings and opinions at least  
24                   seven (7) days before the date of the hearing.   If no

1           written reports are available to a party, the party  
2           shall notify in writing the opposing party and the  
3           Commission of the name and address of the physicians  
4           proposed to be used as witnesses and the substance of  
5           their testimony at least seven (7) days before the  
6           hearing.

7           b. If the opposing party desires to cross-examine the  
8           physician, he or she should notify the party who  
9           submits a medical report to him or her as soon as  
10           practicable, in order that he or she may make every  
11           effort to have the physician present for the hearing.

12           3. A party failing to observe the requirements of this  
13           subsection may not be allowed to introduce medical reports or  
14           testimony of physicians at a hearing, except in the discretion of  
15           the hearing officer or the Commission.

16           4. The time periods may be waived by the consent of the  
17           parties.

18           J. Expert testimony shall not be allowed unless it satisfies  
19           the requirements of Federal Rule of Evidence 702 with annotations  
20           and amendments.

21           SECTION 6.           AMENDATORY           Section 80, Chapter 208, O.S.L.  
22           2013 (85A O.S. Supp. 2016, Section 80), is amended to read as  
23           follows:  
24



1       Section 80. A. Except where a joint petition settlement has  
2 been approved, the Workers' Compensation Commission may reopen for  
3 review any compensation judgment, award, or decision. Such review  
4 based on a change of physical condition may be done at any time  
5 within six (6) months ~~of termination of the compensation period~~  
6 ~~fixed in the original compensation judgment or award~~ from the date  
7 of the last order in which monetary benefits or active medical  
8 treatment was provided, on the Commission's own motion or on the  
9 application of any party in interest, ~~on the ground of a change in~~  
10 ~~physical condition or on proof of erroneous wage rate~~ and unless  
11 filed within such period of time, shall be forever barred. On  
12 review, the Commission may make a judgment or award terminating,  
13 continuing, decreasing, or increasing for the future the  
14 compensation previously awarded, subject to the maximum limits  
15 provided for in this act. An order denying an application to reopen  
16 a claim shall not extend the period of the time set out in this  
17 section for reopening the case. A failure to comply with a medical  
18 treatment plan ordered by the Commission shall bar reopening of a  
19 claim.

20       B. The review and subsequent judgment or award shall be made in  
21 accordance with the procedure prescribed in Sections 69 through 78  
22 of this ~~act~~ title. No review shall affect any compensation paid  
23 under a prior order, judgment or award.

1 C. The Commission may correct any clerical error in any  
2 compensation judgment or award within one (1) year from the date of  
3 its issuance.

4 D. Aging and the effects of aging on a compensable injury are  
5 not to be considered in determining whether there has been a change  
6 in physical condition. Aging or the effect of aging on a  
7 compensable injury shall not be considered in determining permanent  
8 disability under this section or any other section in this act.

9 SECTION 7. AMENDATORY Section 90, Chapter 208, O.S.L.  
10 2013 (85A O.S. Supp. 2016, Section 90), is amended to read as  
11 follows:

12 Section 90. A. The Workers' Compensation Commission may  
13 require any employer to make a deposit or bond with the Commission  
14 to secure the prompt and convenient payment of compensation, and  
15 payments shall be made on judgment of the Commission.

16 B. No proceeding to reverse, vacate or modify any order,  
17 decision or award of the Commission en banc or administrative law  
18 judge of the Commission wherein compensation has been awarded to an  
19 injured employee shall be entertained by the Supreme Court unless  
20 the Executive Director of the Commission shall take a written  
21 undertaking to the claimant executed on the part of the respondent  
22 or insurance carrier, or both, with one or more sureties to be  
23 approved by the Executive Director, to the effect that the appellant  
24 will pay the amount of the award rendered therein, together with

1 interest thereon from the date of the award by the administrative  
2 law judge of the Commission and all costs of the proceeding, or on  
3 the further order of the Commission en banc or administrative law  
4 judge of the Commission after the appeal has been decided by the  
5 Supreme Court. Municipalities and other political subdivisions of  
6 this state shall be exempt from making such written undertakings.

7 SECTION 8. AMENDATORY Section 98, Chapter 208, O.S.L.  
8 2013, as amended by Section 4, Chapter 169, O.S.L. 2014 (85A O.S.  
9 Supp. 2016, Section 98), is amended to read as follows:

10 Section 98. The Self-insurance Guaranty Fund shall be derived  
11 from the following sources:

12 1. Any unexpended funds, including interest thereon, held by  
13 the State Treasurer in the Workers' Compensation Self-insurance  
14 Guaranty Fund transferred to the Self-insurance Guaranty Fund as  
15 provided in Section 124 of this title;

16 2. ~~Until the Self-insurance Guaranty Fund contains Two Million~~  
17 ~~Dollars (\$2,000,000.00) or in~~ In the event the amount in the net  
18 fund balance falls below One Million Dollars (\$1,000,000.00) Seven  
19 Hundred Fifty Thousand Dollars (\$750,000.00), the Workers'  
20 Compensation Commission shall make an assessment against each  
21 private self-insurer and group self-insurance association based on  
22 an assessment rate to be determined by the commissioners, not  
23 exceeding ~~one percent (1%)~~ two percent (2%) per annum of actual paid  
24 losses of the self-insurer during the preceding calendar year,

1 payable to the Tax Commission for deposit to the fund. The  
2 assessment against private self-insurers shall be determined using a  
3 rate equal to the proportion that the deficiency in the fund  
4 attributable to private self-insurers bears to the actual paid  
5 losses of all private self-insurers for the year period of January 1  
6 through December 31 preceding the assessment. The assessment  
7 against group self-insurance associations shall be determined using  
8 a rate equal to the proportion that the deficiency in excess of the  
9 surplus of the Group Self-Insurance Association Guaranty Fund at the  
10 date of the transfer attributable to group self-insurance  
11 associations bears to the actual paid losses of all group self-  
12 insurance associations cumulatively for any calendar year preceding  
13 the assessment. Each self-insurer shall provide the Workers'  
14 Compensation Commission with such information as the Commission may  
15 determine is necessary to effectuate the purposes of this paragraph.  
16 For purposes of this paragraph, "actual paid losses" means all  
17 medical and indemnity payments, including temporary disability,  
18 permanent disability, and death benefits, and excluding loss  
19 adjustment expenses and reserves.

- 20           a. The assessment shall be paid within thirty (30)  
21           calendar days after the date the commissioners notify  
22           the self-insurer of the assessment.
- 23           b. A private employer or group self-insurance association  
24           which ceases to be a self-insurer shall remain liable

1           for any and all assessments of the self-insurer as  
2           provided in this paragraph based on actual paid losses  
3           for the calendar year period preceding the assessment.

4           c.   Failure of a self-insurer to pay, or timely pay, an  
5           assessment required by this paragraph, or to report  
6           payment of the same to the Commission within ten (10)  
7           days of payment, shall be grounds for revocation by  
8           the Commission of the self-insurer's permit to self-  
9           insure in this state, after notice and hearing. A  
10          former self-insurer failing to make payments required  
11          by this paragraph promptly and correctly, or failing  
12          to report payment of the same to the Commission within  
13          ten (10) days of payment, shall be subject to  
14          administrative penalties as allowed by law, including  
15          but not limited to, a fine in the amount of Five  
16          Hundred Dollars (\$500.00) or an amount equal to one  
17          percent (1%) of the unpaid amount, whichever is  
18          greater, to be paid and deposited to the credit of the  
19          Workers' Compensation Fund created in Section 28 of  
20          this title. It shall be the duty of the Tax  
21          Commission to collect the assessment provided for in  
22          this paragraph. The Tax Commission is authorized to  
23          bring an action for recovery of any delinquent or  
24          unpaid assessments, and may enforce payment of the

assessment by proceeding in accordance with Section 79 of this title.

d. An impaired self-insurer shall be exempt from assessments beginning on the date of the Commission's designation until the Commission determines the self-insurer is no longer impaired.

e. The Tax Commission shall determine the fund balance as of March 1 and September 1 of each year, and when otherwise requested by the Workers' Compensation Commission, and shall advise the Workers' Compensation Commission in writing within thirty (30) days of each such determination; ~~and~~

3. Any excess funds, including interest thereon, transferred to the Self-insurance Guaranty Fund as provided in Section 99 of this title; and

4. Any interest accruing on monies paid into the fund.

SECTION 9. AMENDATORY Section 99, Chapter 208, O.S.L. 2013, as amended by Section 5, Chapter 169, O.S.L. 2014 (85A O.S. Supp. 2016, Section 99), is amended to read as follows:

Section 99. A. On determination by the Workers' Compensation Commission that a self-insurer has become an impaired self-insurer, the Commission shall promptly secure release of the security required by Section 38 of this title ~~and~~, advise the Self-insurance Guaranty Fund Board of the impairment. ~~Claims administration,~~

1 ~~including processing, investigating and paying valid claims against~~  
2 ~~an impaired self-insurer under the Administrative Workers'~~  
3 ~~Compensation Act, may include payment by the surety that issued the~~  
4 ~~surety bond or be under a contract between the Commission and an~~  
5 ~~insurance carrier, appropriate state governmental entity or an~~  
6 ~~approved service organization, as approved by the Commission, and~~  
7 transfer the proceeds of the security to the Self-insurance Guaranty  
8 Fund Board to be maintained in a segregated account for  
9 administering workers' compensation obligations of the impaired  
10 self-insurer. The Self-insurance Guaranty Fund Board shall be the  
11 fiduciary of the account.

12 B. Proceeds from the released security shall be used for  
13 administering the workers' compensation obligations of the impaired  
14 self-insurer. Claims administration includes, but is not limited  
15 to, processing, investigating and paying claims; actuarial studies;  
16 attorney fees incurred for filing a proof of claim in the bankruptcy  
17 of the impaired self-insurer; and a pro rata portion of the staff  
18 expenses of the Self-insurance Guaranty Fund Board.

19 C. Except as otherwise provided by law or agreement of the  
20 parties, excess proceeds from the security remaining after each  
21 claim for benefits of an impaired self-insurer has been paid,  
22 settled or lapsed under the Administrative Workers' Compensation  
23 Act, and costs of administration of such claims have been paid, as  
24 determined by the Self-insurance Guaranty Fund Board, shall be

1 transferred to the Self-insurance Guaranty Fund by the Commission or  
2 Board, as appropriate.

3 SECTION 10. AMENDATORY Section 105, Chapter 208, O.S.L.  
4 2013 (85A O.S. Supp. 2016, Section 105), is amended to read as  
5 follows:

6 Section 105. A. No employee of the Workers' Compensation  
7 Commission shall be competent to testify on any matter concerning  
8 any information the employee has received through the performance of  
9 the employee's duties under the provisions of this act, except for  
10 employees in the Compliance Division regarding their investigations,  
11 custodians of the Commission's records, and if the Commission or any  
12 employees of the Commission are a named party in the matter.

13 B. The commissioners and employees of the Commission shall not  
14 solicit employment for any attorney or physician nor shall they  
15 recommend or refer any ~~claimant~~ employee or employer to an attorney  
16 or physician. If any employee of the Commission makes such a  
17 solicitation, recommendation or reference, that person, upon  
18 conviction, shall be guilty of a misdemeanor punishable, for each  
19 offense, by a fine of not more than One Thousand Dollars (\$1,000.00)  
20 or by imprisonment in the county jail not to exceed one (1) year, or  
21 by both such fine and imprisonment. The Commission shall  
22 immediately terminate the employment of any employee who is guilty  
23 of such solicitation, recommendation or reference. A commissioner  
24



1 guilty of such solicitation, recommendation or reference shall be  
2 subject to removal from office.

3 C. No administrative law judge shall engage in any ex parte  
4 communication with any party to an action pending before the  
5 Commission or with any witness or medical provider regarding the  
6 merits of a specific matter pending before the judge for resolution.  
7 Any violation of this provision shall subject the judge to  
8 disqualification from the action or matter upon presentation of an  
9 application for disqualification.

10 SECTION 11. AMENDATORY Section 152, Chapter 208, O.S.L.  
11 2013 (85A O.S. Supp. 2016, Section 109), is amended to read as  
12 follows:

13 Section 109. A. The Workers' Compensation Commission shall  
14 establish a workers' compensation counselor or ombudsman program to  
15 assist injured ~~workers~~ employees, employers and persons claiming  
16 death benefits in obtaining benefits under this act. A special  
17 effort shall be made to equip counselors or ombudsmen with  
18 sufficient resources to assist injured workers through the system  
19 without the necessity of retaining legal representation.

20 B. Workers' compensation counselors or ombudsmen shall provide  
21 information to injured ~~workers~~ employees; investigate complaints;  
22 communicate with employers, insurance carriers, self-insurers, and  
23 health care providers; provide informational seminars and workshops  
24 on workers' compensation for medical providers, insurance adjustors,

1 and employee and employer groups; and develop informational  
2 materials for employees, employers and medical providers.

3 C. The Commission shall ~~mail a notice to the injured worker~~  
4 ~~within ten (10) days of the filing of an Employer's First Notice of~~  
5 ~~Injury. The notice shall advise the injured worker of~~ publish on  
6 its website the availability of the services of the Commission's  
7 counselor or ombudsman program and of the availability of mediation  
8 and other forms of alternative dispute resolution to assist the  
9 injured ~~worker~~ employee. ~~The Commission shall provide additional~~  
10 ~~information as the Commission may determine necessary.~~

11 D. The Commission shall develop a program that provides for  
12 annual training for own-risk employers and claims representatives  
13 handling workers' compensation claims in Oklahoma. The training  
14 shall include information about the alternative dispute resolution  
15 program, including counselor and ombudsman programs, mediation, and  
16 other services provided by the Commission.

17 SECTION 12. AMENDATORY Section 162, Chapter 208, O.S.L.  
18 2013 (85A O.S. Supp. 2016, Section 119), is amended to read as  
19 follows:

20 Section 119. A. Persons requesting and receiving copies of  
21 documents on file with the Workers' Compensation Commission shall  
22 pay a fee to the Commission of One Dollar (\$1.00) for each page  
23 copied. All fees so collected shall be deposited in the State  
24 Treasury in the Workers' Compensation Commission Revolving Fund.

1 B. All penalties and fines imposed by the Commission, upon  
2 collection, shall be deposited to the credit of the Workers'  
3 Compensation Commission Revolving Fund.

4 SECTION 13. AMENDATORY Section 163, Chapter 208, O.S.L.  
5 2013 (85A O.S. Supp. 2016, Section 120), is amended to read as  
6 follows:

7 Section 120. A. Except as otherwise provided by state or  
8 federal law and subject to the provisions of this section, an  
9 employer may inquire about previous workers' compensation claims  
10 paid to an employee while the employee was employed by a previous  
11 employer. If the employee fails to answer truthfully about any  
12 previous permanent partial disability awards made pursuant to  
13 workers' compensation claims, the employee shall be subject to  
14 discharge by the employer.

15 B. 1. All requests ~~made to the Workers' Compensation~~  
16 ~~Commission~~ for information on ~~prior~~ workers' compensation claims  
17 involving ~~a worker~~ an employee, including written inquiries about  
18 prior claims and requests to access a worker's compensation claim  
19 file, must be in writing, on a form prescribed by the Workers'  
20 Compensation Commission, and accompanied by a fee of One Dollar  
21 (\$1.00) per search request, not to exceed One Dollar (\$1.00) per  
22 claims record of a particular ~~worker~~ employee. The fee shall be  
23 deposited to the credit of the Workers' Compensation Commission  
24 Revolving Fund. The form shall require identification of the person

1 requesting the information, and the person for whom a search is  
2 being made if different from the requester. The form must contain  
3 an affidavit signed by the requester under penalty of perjury that  
4 the information sought is not requested for a purpose in violation  
5 of state or federal law. The form must be used by all repositories  
6 of archived Court claim files. All request forms shall be  
7 maintained by the Commission as a public record, together with a  
8 record of a worker's written authorization permitting a search  
9 indexed by the worker's Social Security number as required by  
10 Section 3113 of Title 74 of the Oklahoma Statutes. The request  
11 forms and authorizations shall be indexed alphabetically by the last  
12 name of the ~~worker~~ employee.

13 2. This subsection shall not apply:

- 14 a. to requests for claims information made by a public  
15 officer or by a public employee in the performance of  
16 his or her duties on behalf of a governmental entity  
17 or as may be allowed by law,
- 18 b. to requests for claims information made by an insurer,  
19 self-insured employer, third-party claims  
20 administrator, or a legal representative thereof, when  
21 necessary to process or defend a workers' compensation  
22 claim,

- 1           c.    when ~~a worker~~ an employee or the ~~worker's~~ employee's  
2                representative requests review of the ~~worker's~~  
3                employee's claims information,
- 4           d.    when the disclosure is made for educational or  
5                research purposes and in such a manner that the  
6                disclosed information cannot be used to identify any  
7                ~~worker~~ employee who is the subject of a claim,
- 8           e.    to requests for claims information made by a health  
9                care or rehabilitation provider or the provider's  
10               legal representative when necessary to process payment  
11               of health care or rehabilitation services rendered to  
12               ~~a worker~~ an employee, and
- 13          f.    to requests for claims information made by an employer  
14                or personnel service company, including but not  
15                limited to an individual or entity, ~~where~~ if the  
16                ~~worker~~ employee executes a written authorization  
17                permitting the search and designating the employer or  
18                personnel service company as the ~~worker's~~ employee's  
19                representative for that purpose; however, nothing in  
20                this subparagraph shall relieve the employer or  
21                personnel service company from complying with the  
22                requirements of utilizing the form set forth in  
23                paragraph 1 of this subsection.
- 24

1       SECTION 14.       AMENDATORY       Section 167, Chapter 208, O.S.L.

2   2013, as amended by Section 7, Chapter 169, O.S.L. 2014 (85A O.S.  
3   Supp. 2016, Section 124), is amended to read as follows:

4       Section 124.   A.   1.   All unexpended funds, assets, property,  
5   records, personnel and any outstanding financial obligations and  
6   encumbrances of the Workers' Compensation Court before February 1,  
7   2014, are hereby transferred to the Workers' Compensation  
8   Commission, except for personnel transferred to the Workers'

9   Compensation Court of Existing Claims on July 9, 2014.   The

10   personnel transferred to the Commission and retained by the

11   Commission shall retain leave, sick and annual time earned and any

12   retirement and longevity benefits which have accrued during their

13   employment with the state.   The salaries of employees who are

14   transferred shall not be reduced as a direct and immediate result of

15   the transfer.   There shall be no reduction-in-force as a result of

16   the transfer.   The Workers' Compensation Court of Existing Claims

17   shall pay the expense of maintaining the Court's records so long as

18   the Legislature appropriates funding for the Court independent of

19   the Commission.

20       2.   Any unexpended funds, including interest thereon, held by

21   the State Treasurer in an interest-bearing division special account

22   maintained by the Workers' Compensation Court before February 1,

23   2014, from which a self-insured employer's workers' compensation

24   obligations are paid following nonpayment by the self-insured

1 employer for any reason, including insolvency, shall be transferred  
2 to the Workers' Compensation Commission. Such funds shall be  
3 expended by the Commission only for the purpose of paying workers'  
4 compensation obligations of the self-insured employer, and costs  
5 related to the administration of such obligations, to the extent of  
6 the availability of such funds.

7 B. 1. All unexpended funds, assets, property, and records and  
8 any outstanding financial obligations and encumbrances of the  
9 Workers' Compensation Self-insurance Guaranty Fund Board before  
10 February 1, 2014, are hereby transferred to the Self-insurance  
11 Guaranty Fund Board created in the Administrative Workers'  
12 Compensation Act.

13 2. Any unexpended funds, including interest thereon, held by  
14 the State Treasurer in the Workers' Compensation Self-insurance  
15 Guaranty Fund before February 1, 2014, shall be transferred to the  
16 Self-insurance Guaranty Fund Board created by the Administrative  
17 Workers' Compensation Act. Such funds shall be expended by the  
18 Board only as authorized in the Administrative Workers' Compensation  
19 Act.

20 3. Any claim existing or action or proceeding pending by,  
21 against or before the Workers' Compensation Self-insurance Guaranty  
22 Fund Board when the Board ceased existence may be continued as if  
23 the Self-insurance Guaranty Fund Board was not created, or the Self-  
24 insurance Guaranty Fund Board may be substituted in the matter. The

1 Self-insurance Guaranty Fund Board shall be responsible and liable  
2 for all liabilities and obligations of the Workers' Compensation  
3 Self-insurance Guaranty Fund Board.

4 C. All property and records of the Physician Advisory Committee  
5 before February 1, 2014, are hereby transferred to the Physician  
6 Advisory Committee created in the Administrative Workers'  
7 Compensation Act.

8 D. All property and records of the Advisory Council on Workers'  
9 Compensation before February 1, 2014, are hereby transferred to the  
10 Advisory Council on Workers' Compensation created in the  
11 Administrative Workers' Compensation Act.

12 E. All unexpended funds, assets, property, records, personnel  
13 and any outstanding financial obligations and encumbrances of the  
14 Multiple Injury Trust Fund before February 1, 2014, are hereby  
15 transferred to the Multiple Injury Trust Fund created in the  
16 Administrative Workers' Compensation Act. The personnel transferred  
17 shall retain leave, sick and annual time earned and any retirement  
18 and longevity benefits which have accrued during their employment  
19 with the state. The salaries of employees who are transferred shall  
20 not be reduced as a direct and immediate result of the transfer.  
21 There shall be no reduction-in-force as a result of the transfer.

22 F. The Director of the Office of Management and Enterprise  
23 Services is hereby directed to coordinate the transfer of funds,  
24 allotments, purchase orders, outstanding financial obligations or



1 encumbrances provided for in subsections A and E of this section,  
2 and the transfer of funds, outstanding financial obligations or  
3 encumbrances provided for in subsection B of this section.

4 SECTION 15. AMENDATORY Section 128, Chapter 208, O.S.L.  
5 2013 (85A O.S. Supp. 2016, Section 307), is amended to read as  
6 follows:

7 Section 307. A. On application and motion of a person showing  
8 an agreement to arbitrate and alleging another person's refusal to  
9 arbitrate under the agreement:

10 1. If the refusing party does not appear or does not oppose the  
11 motion, the Workers' Compensation Commission shall order the parties  
12 to arbitrate; and

13 2. If the refusing party opposes the motion, the Commission  
14 shall proceed summarily to decide the issue and order the parties to  
15 arbitrate unless it finds that there is no enforceable agreement to  
16 arbitrate. The Commission may also assess costs against the party  
17 opposing the motion if it concludes the opposition was not brought  
18 in good faith to be deposited in the Workers' Compensation  
19 Commission Revolving Fund created by ~~the Administrative Workers'~~  
20 ~~Compensation Act~~ Section 28.1 of this title.

21 B. On motion of a person alleging that an arbitration  
22 proceeding has been initiated or threatened but that there is no  
23 agreement to arbitrate, the Commission shall proceed summarily to  
24 decide the issue. If the Commission finds that there is an

1 enforceable agreement to arbitrate, it shall order the parties to  
2 arbitrate. The Commission may also assess costs against the party  
3 opposing the motion if the Commission concludes the opposition was  
4 not brought in good faith to be deposited in the Workers'  
5 Compensation Commission Revolving Fund created by ~~the Administrative~~  
6 ~~Workers' Compensation Act~~ Section 28.1 of this title.

7 C. If the Commission finds that the parties have not entered  
8 into an enforceable arbitration agreement, the dispute shall be  
9 resolved under the Administrative Workers' Compensation Act.

10 D. If an action is initiated in district court to determine  
11 whether an enforceable arbitration agreement exists, on motion by  
12 the responding party, that proceeding shall be transferred to the  
13 Commission for determination.

14 E. If a party challenges the enforceability of an arbitration  
15 agreement, the underlying claim, including all benefits, shall be  
16 stayed until the Commission determines whether an enforceable  
17 arbitration agreement exists.

18 SECTION 16. AMENDATORY Section 169, Chapter 208, O.S.L.  
19 2013 (85A O.S. Supp. 2016, Section 400), is amended to read as  
20 follows:

21 Section 400. A. The Workers' Compensation Court shall be  
22 renamed the Workers' Compensation Court of Existing Claims for the  
23 purpose of hearing disputes relating to claims that arise before  
24 February 1, 2014. The Court shall consist of the existing judges

1 for the remainder of his or her term. Each judge of the Court shall  
2 continue to serve as the appointment to a designated numbered  
3 position on the Court. The positions shall be numbered one through  
4 ten. The terms of the judges by position number shall expire on the  
5 following dates:

6 Position 1 shall expire 7-1-14.

7 Position 2 shall expire 7-1-14.

8 Position 3 shall expire 7-1-14.

9 Position 4 shall expire 7-1-20.

10 Position 5 shall expire 7-1-20.

11 Position 6 shall expire 7-1-16.

12 Position 7 shall expire 7-1-16.

13 Position 8 shall expire 7-1-20.

14 Position 9 shall expire 7-1-20.

15 Position 10 shall expire 7-1-14.

16 Provided, judges who are serving unexpired terms on the Workers'  
17 Compensation Court on the effective date of this section shall serve  
18 on the Court created by this section until their respective terms  
19 expire as provided in this ~~act~~ section. Thereafter, each position  
20 shall be dissolved. After a judge serves this term, such judge  
21 shall be eligible to reapply for an administrative law judge with  
22 the Workers' Compensation Commission.

23 When a vacancy on the Court occurs or is certain to occur, the  
24 Workers' Compensation Commission shall assign administrative law

1 judges from the Commission to assist in the duties of the Workers'  
2 Compensation Court of Existing Claims.

3 B. A judge may be removed for cause by the Court on the  
4 Judiciary prior to the expiration of his or her term.

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

9 D. The Court shall operate by the rules adopted by the Workers'  
10 Compensation Court prior to the effective date of this act.

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

18 F. The principal office of the Court shall be situated in the  
19 City of Oklahoma City in quarters assigned by the Office of  
20 Management and Enterprise Services. The Court may hold hearings in  
21 any city of this state.

22 G. All county commissioners and presiding district judges of  
23 this state shall make quarters available for the conducting of  
24 hearings by a judge of the Court upon request by the Court.

1 H. Judges of the Workers' Compensation Court of Existing Claims  
2 may punish for direct contempt pursuant to Sections 565, 565.1 and  
3 566 of Title 21 of the Oklahoma Statutes.

4 I. The Court shall be vested with jurisdiction over all claims  
5 filed pursuant to the Workers' Compensation Code. All claims so  
6 filed shall be heard by the judge sitting without a jury. The Court  
7 shall have full power and authority to determine all questions in  
8 relation to payment of claims for compensation under the provisions  
9 of the Workers' Compensation Code. The Court, upon application of  
10 either party, shall order a hearing. Upon a hearing, either party  
11 may present evidence and be represented by counsel. The decision of  
12 the Court shall be final as to all questions of fact and law;  
13 provided, the decision of the Court may be appealed to the  
14 Commission. The decision of the Court shall be issued within sixty  
15 (60) days following the submission of the case by the parties. The  
16 power and jurisdiction of the Court over each case shall be  
17 continuing and it may, from time to time, make such modifications or  
18 changes with respect to former findings or orders relating thereto  
19 if, in its opinion, it may be justified.

20 ~~J. Any appeal of an order by the Workers' Compensation Court of~~  
21 ~~Existing Claims shall be heard by the Commission en banc. The~~  
22 ~~Commission shall review the decision using an abuse of discretion~~  
23 ~~standard of review. Orders by the Commission may be appealed in~~  
24 ~~accordance with Section 78 of this act.~~

1       ~~K.~~ To protect the integrity of the transition from the Workers'  
2 Compensation Court to the administrative system created by this act,  
3 and to protect all rights and privileges of parties to claims  
4 adjudicated by the Workers' Compensation Court, the Commission shall  
5 retain all remedies and responsibilities of the Workers'  
6 Compensation Court for as long as cases involving claims for  
7 compensation accruing before the effective date of this act but  
8 filed thereafter or which were pending before or adjudicated by the  
9 Workers' Compensation Court shall remain open.

10       ~~L. K.~~ For an injury occurring before the ~~effective date of this~~  
11 ~~act~~ February 1, 2014, all benefits and procedures to obtain benefits  
12 shall be determined by the workers' compensation law of this state  
13 in effect on the date of the injury. ~~Administrative law judges of~~  
14 ~~the Commission shall enforce all final orders of the Workers'~~  
15 ~~Compensation Court in a manner to secure for all parties the due~~  
16 ~~process and equal protection guarantees of the Constitution of the~~  
17 ~~State of Oklahoma.~~

18       ~~M. L.~~ All accrued rights and penalties incurred pursuant to a  
19 final order of the Workers' Compensation Court shall be preserved.  
20 Administrative law judges of the Commission shall be authorized to  
21 issue orders and conduct legal proceedings to enforce all such  
22 accrued rights and penalties incurred. No accrued right, penalty  
23 incurred, or proceeding begun by virtue of a statute repealed by  
24 this act shall be abrogated by the terms of this act.

1       SECTION 17.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 402 of Title 85A, unless there  
3 is created a duplication in numbering, reads as follows:

4       All notices, pleadings, orders or other correspondence may be  
5 delivered to or by the Workers' Compensation Court of Existing  
6 Claims by the United States Postal Service, in person, or, as may be  
7 determined by the Administrator of the Court, by facsimile, email or  
8 other electronic means.

9       SECTION 18.       AMENDATORY       62 O.S. 2011, Section 195, as  
10 amended by Section 458, Chapter 304, O.S.L. 2012 (62 O.S. Supp.  
11 2016, Section 195), is amended to read as follows:

12       Section 195. A. 1. There is hereby created a petty cash fund  
13 at each of the following institutions: Oklahoma School for the  
14 Blind, Muskogee, Oklahoma; Oklahoma School for the Deaf, Sulphur,  
15 Oklahoma; Griffin Memorial Hospital, Norman, Oklahoma; Eastern State  
16 Hospital, Vinita, Oklahoma; Northern Oklahoma Resource Center of  
17 Enid, Enid, Oklahoma; Southern Oklahoma Resource Center of Pauls  
18 Valley, Pauls Valley, Oklahoma; Western State Psychiatric Center,  
19 Fort Supply, Oklahoma; Central Oklahoma Juvenile Treatment Center,  
20 Tecumseh, Oklahoma; L.E. Rader Children's Diagnostic and Evaluation  
21 Center, Sand Springs, Oklahoma; L.E. Rader Intensive Treatment  
22 Center, Sand Springs, Oklahoma; the Southwest Oklahoma Juvenile  
23 Center, Manitou, Oklahoma; the Office of Juvenile Affairs' Boys'  
24 Group Home, Enid, Oklahoma; the Office of Juvenile Affairs' Boys'

1 Group Home, Lawton, Oklahoma; the Office of Juvenile Affairs' Girls'  
2 Group Home, Tulsa, Oklahoma; the Oklahoma Medical Center; and the  
3 J.D. McCarty Center for Children with Developmental Disabilities.

4 2. The Director of the Office of Management and Enterprise  
5 Services and the head of the institution involved are hereby  
6 authorized and it shall be their duty to fix the maximum amount of  
7 the petty cash funds. The Director of the Office of Management and  
8 Enterprise Services shall prescribe all forms, systems, and  
9 procedures for administering the petty cash funds of the  
10 institution.

11 B. 1. There is hereby created a petty cash fund in the legal  
12 division of the Department of Human Services which fund shall be  
13 used solely to pay court costs, filing fees, witness fees, and  
14 expenses related to any case or proceeding within the responsibility  
15 of the legal division.

16 2. There is hereby created a petty cash fund in the Child  
17 Support Enforcement Division of the Department of Human Services.  
18 The fund shall be used solely to pay litigation expenses, including  
19 court costs, filing fees, witness fees, and expenses related to any  
20 case or proceeding within the responsibility of the Child Support  
21 Enforcement Division.

22 3. The Director of the Office of Management and Enterprise  
23 Services and the Director of the Department of Human Services are  
24 hereby authorized and it shall be their duty to fix the maximum



1 amount of the petty cash funds. The Director of the Office of  
2 Management and Enterprise Services shall prescribe all forms,  
3 systems, and procedures for administering the petty cash funds.

4 C. 1. There is hereby created a petty cash fund in the finance  
5 department of the Corporation Commission which shall be used solely  
6 to pay litigation expenses of the legal division, including court  
7 costs, filing fees, witness fees, and other expenses related to any  
8 case, proceeding, or matter within the responsibility of the legal  
9 division.

10 2. The Director of the Office of Management and Enterprise  
11 Services and the Corporation Commission are hereby authorized and it  
12 shall be their duty to fix the maximum amount of the petty cash  
13 fund, not to exceed Five Hundred Dollars (\$500.00). The Director of  
14 the Office of Management and Enterprise Services shall prescribe all  
15 forms, systems, and procedures for administering the petty cash  
16 fund.

17 D. 1. There is hereby created a petty cash fund for the  
18 Property Distribution Division of the Office of Management and  
19 Enterprise Services.

20 2. The amount of the Property Distribution petty cash fund  
21 shall not exceed Five Hundred Dollars (\$500.00). The initial amount  
22 shall be drawn by warrant from the State Surplus Property Revolving  
23 Fund. The Director of the Office of Management and Enterprise  
24

1 Services is authorized to prescribe forms, systems and procedures  
2 for the administration of the Property Distribution petty cash fund.

3 E. 1. There is hereby created a petty cash fund in the legal  
4 division of the Oklahoma Health Care Authority which fund shall be  
5 used solely to pay for court costs, filing fees, witness fees, and  
6 expenses related to any case or proceeding within the responsibility  
7 of the legal division.

8 2. The Director of the Office of Management and Enterprise  
9 Services and the Chief Executive Officer of the Oklahoma Health Care  
10 Authority are hereby authorized and it shall be their duty to fix  
11 the maximum amount of the petty cash fund, not to exceed Five  
12 Hundred Dollars (\$500.00). The Director of the Office of Management  
13 and Enterprise Services shall prescribe all forms, systems, and  
14 procedures for administering the petty cash fund.

15 F. 1. The Director of the Office of Management and Enterprise  
16 Services is hereby authorized, upon request by the State  
17 Commissioner of Health, to establish a petty cash fund for the State  
18 Department of Health in an amount not to exceed One Thousand Dollars  
19 (\$1,000.00), to be used for the purpose of making change for persons  
20 obtaining licenses, paying fees and fines, and transacting other  
21 such business with the Department.

22 2. The fund shall be established and replenished from any  
23 monies available to the Department for operating expenses.  
24

1        3. The Director of the Office of Management and Enterprise  
2 Services shall prescribe all forms, systems, and procedures for  
3 administering the fund.

4        G. There is hereby created a petty cash fund for the Workers'  
5 Compensation Commission which shall be used to make change for  
6 persons purchasing printed or electronic materials from the  
7 Commission, paying fees and fines, and transacting other business  
8 with the Commission. The fund shall be established and replenished  
9 from any monies available to the Commission for operating expenses.  
10 The Director of the Office of Management and Enterprise Services and  
11 the Workers' Compensation Commission are hereby authorized and it  
12 shall be their duty to fix the maximum amount of the petty cash  
13 fund, not to exceed Five Hundred Dollars (\$500.00). The Director of  
14 the Office of Management and Enterprise Services shall prescribe all  
15 forms, systems and procedures for administering the petty cash  
16 fund."

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