

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

February 20, 2018

**AS AMENDED**

SENATE BILL NO. 1065

By: Bergstrom

```
[ workers' compensation - Oklahoma Workers'
Compensation Commission - number of commissioners -
commission membership part-time - salary requirements
- reimbursement - effective date ]
```

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

SECTION 1. AMENDATORY Section 19, Chapter 208, O.S.L. 2013, as amended by Section 4, H.J.R. No. 1096, O.S.L. 2014 (85A O.S. Supp. 2017, Section 19), is amended to read as follows:

Section 19. A. There is hereby created the Oklahoma Workers' Compensation Commission, an executive agency of the State of Oklahoma, which shall have the exclusive responsibility and duty to carry out the provisions of ~~this act~~ the Administrative Workers' Compensation Act, except as otherwise provided.

B. The Commission shall consist of ~~three (3) full-time~~ five (5) part-time commissioners, each of whom ~~must~~ shall have been involved in the workers' compensation field for at least three (3) years, appointed by the Governor: one of whom is chosen from a slate of three selected by the Speaker of the House of Representatives, one of whom is chosen from a slate of three selected by the President

1 Pro Tempore of the Senate, with all ~~three~~ **five** confirmed by the  
2 Senate. The term of each appointee shall be six (6) years to  
3 administer the provisions of ~~this act~~ the Administrative Workers'  
4 Compensation Act. The Governor may request a subsequent slate of  
5 nominees from the Speaker of the House of Representatives or the  
6 President Pro Tempore of the Senate if a suitable nominee is not  
7 found. Any or all of the commissioners may be reappointed for  
8 additional six-year terms upon reconfirmation by the Senate.  
9 However, the initial commissioners shall serve staggered terms of  
10 two (2), four (4), and six (6) years, respectively, as determined by  
11 the Governor. If the Legislature is not in session at the time of  
12 appointment, the appointment shall be subject to confirmation by the  
13 Senate upon convening of the next regular session of the  
14 Legislature. Membership on the Commission shall be a ~~full-time~~  
15 part-time position ~~and no commissioner shall have any other~~  
16 ~~employment, unless authorized or excused by law. Each commissioner~~  
17 ~~shall receive a salary equal to that paid to a district judge of~~  
18 ~~this state; provided however, the commissioners shall not receive~~  
19 ~~any increase in salary as a result of the provisions of Section 1 of~~  
20 ~~this resolution~~ Commissioners shall receive necessary traveling  
21 expenses while in the performance of their duties in accordance with  
22 the State Travel Reimbursement Act.

23 C. The Commission shall have the authority to adopt reasonable  
24 rules within its respective areas of responsibility including the

1 rules of procedure for administrative hearings, after notice and  
2 public hearing, for effecting the purposes of ~~this act~~ the  
3 Administrative Workers' Compensation Act, in accordance with the  
4 Oklahoma Administrative Procedures Act. All rules, upon adoption,  
5 shall be published and be made available to the public and, if not  
6 inconsistent with the law, shall be binding in the administration of  
7 this act.

8 D. The principal office of the Commission shall be situated in  
9 the City of Oklahoma City in quarters assigned by the Office of  
10 Management and Enterprise Services. The Commission shall maintain  
11 and keep open, during reasonable business hours, the office in  
12 Oklahoma City, for the transaction of business, at which office its  
13 official records and papers shall be kept. The Commission or any  
14 commissioner may hold hearings in any city of this state.

15 E. The Governor shall appoint one of the commissioners to be  
16 chair of the Commission. In addition to other duties, the chair of  
17 the Commission shall have the following powers and duties:

18 1. To organize, direct and develop the administrative work of  
19 the administrative law judges, including but not limited to  
20 docketing, clerical, technical and financial work and establishment  
21 of hours of operation;

22 2. To employ administrative staff for the Commission, within  
23 budgetary limitation; and  
24

1        3. Such other duties and responsibilities authorized by law or  
2 as the Commission may prescribe.

3        F. All appeals or disputes arising from actions of the  
4 Commission shall be governed by provisions of this act and the  
5 Commission shall not be subject to the provisions of the Oklahoma  
6 Administrative Procedures Act, except as provided in this act.

7        G. When any commissioner of the Commission is disqualified for  
8 any reason to hear and participate in the determination of any  
9 matter pending before the Commission, the Governor shall appoint a  
10 qualified person to hear and participate in the decision on the  
11 particular matter. The special commissioner so appointed shall have  
12 all authority and responsibility with respect to the particular  
13 matter before the Commission as if the person were a regular  
14 commissioner of the Commission but shall have no authority or  
15 responsibility with respect to any other matter before the  
16 Commission. A person appointed as a special commissioner of the  
17 Commission under the provisions of this subsection shall be entitled  
18 to receive a ~~per diem equal to the annual salary of the~~  
19 ~~commissioners prorated for the number of days he or she serves in~~  
20 ~~the capacity of a special commissioner of the Commission~~ necessary  
21 traveling expenses while in the performance of his or her duties in  
22 accordance with the State Travel Reimbursement Act. Furthermore,  
23 when a vacancy on the Commission occurs or is certain to occur, the  
24 position shall be filled pursuant to the provisions of this section.

SECTION 2. This act shall become effective November 1, 2018.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
February 20, 2018 - DO PASS AS AMENDED