

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1065

By: Bergstrom

6 AS INTRODUCED

7 An Act relating to workers' compensation; amending
8 Section 19, Chapter 208, O.S.L. 2013, as amended by
9 Section 4, H.J.R. No. 1096, O.S.L. 2014 (85A O.S.
10 Supp. 2017, Section 19), which relates to the
11 Oklahoma Workers' Compensation Commission; increasing
12 number of commissioners; modifying selection
13 procedure; making commission membership part-time;
14 removing prohibition on certain employment; removing
15 salary requirements; authorizing travel
16 reimbursement; updating statutory references; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY Section 19, Chapter 208, O.S.L.
20 2013, as amended by Section 4, H.J.R. No. 1096, O.S.L. 2014 (85A
21 O.S. Supp. 2017, Section 19), is amended to read as follows:

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

27 B. The Commission shall consist of ~~three (3) full-time~~ five (5)
28 part-time commissioners, each of whom ~~must~~ shall have been involved

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

1 receive necessary traveling expenses while in the performance of
2 their duties in accordance with the State Travel Reimbursement Act.

3 C. The Commission shall have the authority to adopt reasonable
4 rules within its respective areas of responsibility including the
5 rules of procedure for administrative hearings, after notice and
6 public hearing, for effecting the purposes of ~~this act~~ the
7 Administrative Workers' Compensation Act, in accordance with the
8 Oklahoma Administrative Procedures Act. All rules, upon adoption,
9 shall be published and be made available to the public and, if not
10 inconsistent with the law, shall be binding in the administration of
11 this act.

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

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

22 1. To organize, direct and develop the administrative work of
23 the administrative law judges, including but not limited to
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1 docketing, clerical, technical and financial work and establishment
2 of hours of operation;

3 2. To employ administrative staff for the Commission, within
4 budgetary limitation; and

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

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

11 G. When any commissioner of the Commission is disqualified for
12 any reason to hear and participate in the determination of any
13 matter pending before the Commission, the Governor shall appoint a
14 qualified person to hear and participate in the decision on the
15 particular matter. The special commissioner so appointed shall have
16 all authority and responsibility with respect to the particular
17 matter before the Commission as if the person were a regular
18 commissioner of the Commission but shall have no authority or
19 responsibility with respect to any other matter before the
20 Commission. A person appointed as a special commissioner of the
21 Commission under the provisions of this subsection shall be entitled
22 to receive ~~a per diem equal to the annual salary of the~~
23 ~~commissioners prorated for the number of days he or she serves in~~
24 ~~the capacity of a special commissioner of the Commission~~ necessary

1 traveling expenses while in the performance of his or her duties in
2 accordance with the State Travel Reimbursement Act. Furthermore,
3 when a vacancy on the Commission occurs or is certain to occur, the
4 position shall be filled pursuant to the provisions of this section.

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

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