

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1561

By: Echols

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5
6 AS INTRODUCED

7 An Act relating to workers' compensation; amending
8 Section 169, Chapter 208, O.S.L. 2013 (85A O.S. Supp.
9 2016, Section 400), which relates to the Workers'
10 Compensation Court of Existing Claims; eliminating
11 appeal of Court orders to the Workers' Compensation
12 Commission; and providing an effective date.

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

14 SECTION 1. AMENDATORY Section 169, Chapter 208, O.S.L.
15 2013 (85A O.S. Supp. 2016, Section 400), is amended to read as
16 follows:

17 Section 400. A. The Workers' Compensation Court shall be
18 renamed the Workers' Compensation Court of Existing Claims for the
19 purpose of hearing disputes relating to claims that arise before
20 February 1, 2014. The Court shall consist of the existing judges
21 for the remainder of his or her term. Each judge of the Court shall
22 continue to serve as the appointment to a designated numbered
23 position on the Court. The positions shall be numbered one through
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1 ten. The terms of the judges by position number shall expire on the
2 following dates:

3 Position 1 shall expire 7-1-14.

4 Position 2 shall expire 7-1-14.

5 Position 3 shall expire 7-1-14.

6 Position 4 shall expire 7-1-20.

7 Position 5 shall expire 7-1-20.

8 Position 6 shall expire 7-1-16.

9 Position 7 shall expire 7-1-16.

10 Position 8 shall expire 7-1-20.

11 Position 9 shall expire 7-1-20.

12 Position 10 shall expire 7-1-14.

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

20 When a vacancy on the Court occurs or is certain to occur, the
21 Workers' Compensation Commission shall assign administrative law
22 judges from the Commission to assist in the duties of the Workers'
23 Compensation Court of Existing Claims.

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

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

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

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

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

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

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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.

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SECTION 2. This act shall become effective November 1, 2017.

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