

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1866

By: Treat of the Senate

and

McCall of the House

AS INTRODUCED

An Act relating to workers' compensation; amending 85A O.S. 2021, Section 400, which relates to the Workers' Compensation Court of Existing Claims; modifying composition of court; increasing term of certain appointment; extending operation of court; deleting obsolete references; and declaring an emergency.

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

SECTION 1. AMENDATORY 85A O.S. 2021, Section 400, is amended to read as follows:

Section 400. A. The Workers' Compensation Court shall be renamed the Workers' Compensation Court of Existing Claims for the purpose of hearing disputes relating to claims that arise before February 1, 2014. ~~The Court shall consist of the existing judges for the remainder of his or her term. Each judge of the Court shall continue to serve as the appointment to a designated position on the Court. The terms of the judges by position number shall expire on the following dates:~~

1 ~~Position 4 shall expire 7-1-20.~~

2 ~~Position 5 shall expire 7-1-20.~~

3 ~~Position 8 shall expire 7-1-20.~~

4 ~~Position 9 shall expire 7-1-20.~~

5 B. ~~Effective July 1, 2020, the~~ The Workers' Compensation Court
6 of Existing Claims shall consist of one judge to be appointed by the
7 Governor, with confirmation by the Senate. The judge shall be
8 appointed for a term to expire on July 1, ~~2022~~ 2023. For the
9 purpose of continued operation of the Court of Existing Claims until
10 July 1, 2027, the existing judge on the effective date of this act
11 shall continue to serve, with the term to expire on July 1, 2027.

12 The Governor shall select the judge from a list of three applicants
13 submitted to the Governor by the Judicial Nominating Commission. If
14 the list is not acceptable to the Governor, the Governor may request
15 from the Judicial Nominating Commission a list of names of three
16 additional applicants. Any present judge of the Court of Existing
17 Claims may apply to the Judicial Nominating Commission for
18 appointment to fill any position authorized by this section.

19 C. A judge may be removed for cause by the Court on the
20 Judiciary prior to the expiration of his or her term.

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

1 E. If a vacancy occurs on the Court of Existing Claims, the
2 Governor shall appoint a judge to serve the remainder of the term
3 from a list of three applicants submitted to the Governor by the
4 Judicial Nominating Commission, with confirmation of the State
5 Senate. If the list is not acceptable to the Governor, the Governor
6 may request from the Judicial Nominating Commission a list of the
7 names of three additional applicants.

8 F. 1. ~~Effective January 1, 2020, the~~ The Governor shall
9 appoint an Administrator of the Court of Existing Claims, who shall
10 serve at the pleasure of the Governor. The Administrator shall be
11 appointed by the Governor with the advice and consent of the Senate.
12 The compensation for the Administrator shall be set at ninety
13 percent (90%) of the compensation of a district court judge.

14 2. The Administrator shall employ and supervise the work of
15 employees of the Court and shall have the authority to expend funds
16 and contract on behalf of the Court. The Administrator may contract
17 with the Workers' Compensation Commission to provide support
18 services or personnel needs necessary to carry out the purposes of
19 the Court and shall supervise the work of any such personnel as
20 necessary to maintain the Court as a Court of Record.

21 G. The Court of Existing Claims shall contract with the
22 Workers' Compensation Commission to integrate its case management
23 and records Information Technology System into the system of the
24 Workers' Compensation Commission with such integration to be

1 completed on or before July 1, 2022. The Court shall be entitled to
2 any fees generated for the retrieval of such data.

3 H. The Court shall operate by the rules adopted by the Workers'
4 Compensation Court prior to February 1, 2014.

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

12 J. The principal office of the Court shall be situated in the
13 City of Oklahoma City in quarters assigned by the Office of
14 Management and Enterprise Services. The Court may hold hearings in
15 any city of this state.

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

19 L. Judges of the Workers' Compensation Court of Existing Claims
20 may punish for direct contempt pursuant to Sections 565, 565.1 and
21 566 of Title 21 of the Oklahoma Statutes.

22 M. The Court shall be vested with jurisdiction over all claims
23 filed pursuant to the Workers' Compensation Code or previous statute
24 in effect on the date of an injury that occurred before February 1,

1 2014. All claims so filed shall be heard by the judge sitting
2 without a jury. The Court shall have full power and authority to
3 determine all questions in relation to payment of claims for
4 compensation under the provisions of the Workers' Compensation Code
5 or previous statute in effect on the date of an injury that occurred
6 before February 1, 2014. The Court, upon application of either
7 party, shall order a hearing. Upon a hearing, either party may
8 present evidence and be represented by counsel. The decision of the
9 Court shall be final as to all questions of fact and law; provided,
10 the decision of the Court may be appealed to the Court en banc or
11 the Supreme Court as provided by the Workers' Compensation Code or
12 previous statute in effect on the date of an injury that occurred
13 before February 1, 2014. In the event that an insufficient number
14 of active judges are available to comprise the three-judge en banc
15 panel, retired or former judges of the district court, Workers'
16 Compensation Court or Workers' Compensation Court of Existing Claims
17 may be designated by the Presiding Judge of the Court of Existing
18 Claims as eligible to serve on such panel. The Governor shall
19 provide to the Court of Existing Claims a list of designated judges
20 eligible for service on the Court en banc. The decision of the
21 Court shall be issued within thirty (30) days following the
22 submission of the case by the parties. The power and jurisdiction
23 of the Court over each case shall be continuing and it may, from
24 time to time, make such modifications or changes with respect to

1 former findings or orders relating thereto if, in its opinion, it
2 may be justified.

3 N. For an injury occurring before February 1, 2014, all
4 benefits and procedures to obtain benefits shall be determined by
5 the workers' compensation law of this state in effect on the date of
6 the injury.

7 O. All accrued rights and penalties incurred pursuant to a
8 final order of the Workers' Compensation Court shall be preserved.
9 No accrued right, penalty incurred, or proceeding begun by virtue of
10 a statute repealed by this act shall be abrogated by the terms of
11 this act.

12 P. Annually, on or before the first day of July, ~~commencing~~
13 ~~with July 2019,~~ the Administrator shall prepare and submit a report
14 for the prior calendar year to the Governor, the Chief Justice of
15 the Supreme Court, the President Pro Tempore of the Senate and the
16 Speaker of the House of Representatives which shall include a
17 statement of the number of awards made and the causes of the
18 accidents leading to the injuries for which the awards were made,
19 total work load data of the Court, a detailed report of the work
20 load of the judges of the Court, a detailed statement of the
21 expenses of the office of the Administrator of Workers' Compensation
22 Court of Existing Claims, together with any other matter which the
23 Administrator deems proper to report to the Governor including any
24 recommendations he or she may desire to make.

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Q. Subject to the availability of funds, the Judge of the Court of Existing Claims may employ one at-will full- or part-time special workers' compensation judge with jurisdiction to hear cases as set forth in subsection M of this section and as may be assigned by the Judge. The special workers' compensation judge shall receive compensation for such services in accordance with the provisions of Section 92.1A of Title 20 of the Oklahoma Statutes.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force from and after its passage and approval.

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