

1 ENGROSSED SENATE
2 BILL NO. 1065

By: Bergstrom of the Senate

3 and

4 McEntire of the House

5
6 [workers' compensation - Oklahoma Workers'
7 Compensation Commission - number of commissioners -
8 commission membership part-time - salary requirements
9 - reimbursement - effective date]

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

11 SECTION 1. AMENDATORY Section 19, Chapter 208, O.S.L.
12 2013, as amended by Section 4, H.J.R. No. 1096, O.S.L. 2014 (85A
13 O.S. Supp. 2017, Section 19), is amended to read as follows:

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

19 B. The Commission shall consist of ~~three (3) full-time~~ five (5)
20 part-time commissioners, each of whom ~~must~~ shall have been involved
21 in the workers' compensation field for at least three (3) years,
22 appointed by the Governor: one of whom is chosen from a slate of
23 three selected by the Speaker of the House of Representatives, one
24 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.

1 SECTION 2. This act shall become effective November 1, 2018.
2 Passed the Senate the 8th day of March, 2018.

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4 _____
5 Presiding Officer of the Senate

6 Passed the House of Representatives the ____ day of _____,
7 2018.

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9 _____
10 Presiding Officer of the House
11 of Representatives