An Act

ENROLLED HOUSE
BILL NO. 2652

By: Sullivan, McCullough, Moore, Duncan, Osborn, Tibbs, Derby and Faught of the House

and

Coffee, Coates and Branan of the Senate

An Act relating to the Workers' Compensation Court; amending 85 O.S. 2001, Section 1.2, which relates to membership and terms of Workers' Compensation Court judges; decreasing number of certain judges; providing for permanent assignment of certain positions; modifying expiration dates of certain terms; increasing term of certain judges; authorizing reapplication for certain positions after specified time period; authorizing salary and benefits for certain judges; modifying procedures for filling of certain vacancies; providing for Senate confirmation of certain appointees; requiring certain experience; requiring legislative approval for the closure of certain court; and providing an effective date.

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

SECTION 1. AMENDATORY 85 O.S. 2001, Section 1.2, is amended to read as follows:

Section 1.2 A. There is hereby created the Workers' Compensation Court which shall consist of ~~ten (10)~~ eight (8) judges. Each judge of the Court shall be appointed to a designated numbered position on the Court. The positions shall be numbered one through ~~ten~~ eight, five of which shall be permanently assigned to the Oklahoma City Workers' Compensation Court and three of which shall be permanently assigned to the Tulsa Workers' Compensation Court.

The initial terms of the judges by position number shall expire on the following dates:

Position 1 shall expire ~~7-1-84~~ 2-1-14.

Position 2 shall expire ~~7-1-84~~ 2-1-14.

Position 3 shall expire ~~7-1-84~~ 2-1-14.

Position 4 shall expire ~~7-1-82~~ 2-1-12.

Position 5 shall expire ~~7-1-82~~ 2-1-12.

Position 6 shall expire ~~7-1-80~~ 2-1-16.

Position 7 shall expire ~~7-1-80~~ 2-1-16.

Position 8 shall expire ~~7-1-88~~ 2-1-12.

Position 9 shall expire ~~7-1-88~~ 2-1-12.

Position 10 shall expire ~~7-1-96 after being appointed under the provisions hereinafter set forth effective September 1, 1993~~ 2-1-14. The next two positions to become vacant on or after November 1, 2010, shall not be refilled.

Thereafter, each position shall be filled by a judge appointed to serve ~~a six year~~ an eight-year term. After a judge serves an eight-year term, such judge shall be eligible to reapply for an additional term after the lapse of a period of not less than three (3) years.

Provided, the judges serving unexpired terms on the ~~State Industrial Court~~ effective date of this act shall ~~serve on the Workers' Compensation Court until their terms expire only as provided herein. The judges of the State Industrial Court whose terms expire March 14, 1979, shall serve in Positions 6 and 7 until that date, and the judge whose term expires March 14, 1981, shall serve in Position 5 until that date. Upon expiration of these terms, the Governor shall appoint judges to serve the remainder of the initial terms designated in this section~~ be eligible upon expiration of such terms for appointment to one term of eight (8) years pursuant to this section. A judge serving an unexpired term on the effective date of this act who serves until such term expires shall be deemed to have served a full six-year term. If the judge

is not reappointed, such judge shall receive full salary, benefits, vesting rights and judicial service for retirement purposes during active judicial service for a period of not less than five (5) months. When a vacancy on the Court occurs or is certain to occur or for initial appointments to the Court, the Judicial Nominating Commission shall choose and submit to the Governor and the Chief Justice of the Supreme Court the names of three persons~~, in addition to the name of the incumbent judge, if any,~~ for each appointment, each of whom has previously notified the Commission in writing that he or she will serve as a judge if appointed. The Governor shall appoint one of the nominees to fill the vacancy~~, but if~~ with the advice and consent of the Senate. If the Senate fails to confirm within ninety (90) days, the Governor may select from the two remaining nominees or request three additional nominees from the Judicial Nominating Commission. If the Governor fails to do so within sixty (60) days, the Chief Justice of the Supreme Court shall appoint one of the nominees with the advice and consent of the Senate, the appointment to be certified to the Secretary of State.

B. A judge of the Court shall have been licensed to practice law in this state for a period of not less than five (5) years and shall have not less than five (5) years of workers' compensation experience prior to appointment. Each judge, before entering upon the duties of office, shall take and subscribe to an oath of office and file the same with the Secretary of State. Each judge shall continue to serve until his or her successor has been appointed and qualified. A judge ~~shall be eligible for reappointment, provided that the judge~~ may be removed for cause by the Court on the Judiciary prior to the expiration of his or her term.

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

D. The Governor shall appoint from among the judges of the Workers' Compensation Court a presiding judge of that Court who shall serve for a two-year term commencing with the initial appointment beginning January 1, 1987. Any judge so appointed shall not serve more than two times in succession. The presiding judge shall preside at all hearings held by the Court, preside at such meetings of the judges of the Court as may be necessary and perform such other supervisory duties as the needs of the Court may require. The presiding judge may designate one of the other judges to act as presiding judge in his or her place whenever necessary during the

disqualification, disability, or absence of the presiding judge. During the disqualification, disability, or absence of the presiding judge, the acting presiding judge shall exercise all of the powers of the presiding judge.

E. The Court shall have the authority to adopt reasonable rules within its respective areas of responsibility including the rules of procedure for the Court en banc, after notice and public hearing, for effecting the purposes of the Workers' Compensation Act. All of the judges of the Court shall be present at all meetings wherein rules are adopted or amended. All rules, upon adoption, shall be submitted to the Supreme Court, which shall either approve or disapprove them within thirty (30) days. All rules, upon approval by the Supreme Court, shall be published and be made available to the public and, if not inconsistent with the law, shall be binding in the administration of the Workers' Compensation Act.

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

G. The principal office of the Court shall be situated in the City of Oklahoma City in quarters assigned by the Department of Central Services. The Court may hold hearings in any city of this state. The Tulsa Workers' Compensation Court shall not be closed without the approval of the Legislature.

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

I. The judges of the Court shall determine the qualifications necessary for the job of Administrator. Said qualifications shall be submitted to the Chief Justice of the Supreme Court for approval, disapproval or modification.

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

SECTION 2. This act shall become effective November 1, 2010.

Passed the House of Representatives the 27th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 28th

day of May, 20 10,

at 11:27 **o'clock** A **M.**

By:

Approved by the Governor of the State of Oklahoma the 10th **day of**

June, 20 10, **at** 2:42 **o'clock** A **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

11th **day of** June, 20 10,

at 4:18 **o'clock** P **M.**

By: M. Susan Savage