

1 **SENATE FLOOR VERSION**

February 28, 2024

2 **AS AMENDED**

3 SENATE BILL NO. 1456

By: Treat of the Senate

4 and

5 Kannady of the House

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7  
8 **[ Workers' Compensation Court of Existing Claims -**  
9 **divisions - jurisdiction - costs - duty - appointment**  
10 **- rules - authority - appeal - report - funds -**  
11 **effective date -**  
12 **emergency ]**

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

14 SECTION 1. AMENDATORY 20 O.S. 2021, Section 30.14, is  
15 amended to read as follows:

16 Section 30.14. A. 1. In addition to the provisions of  
17 Sections 30.1 through ~~30.12~~ 30.19 of Title 20 of the Oklahoma  
18 Statutes, and in addition to the four permanent divisions  
19 established by Section 30.2 of Title 20 of the Oklahoma Statutes,  
20 the Court of Civil Appeals shall consist of as many additional  
21 divisions as the Supreme Court may deem advisable to convene for  
22 prompt disposition of its docket. Each division shall consist of  
23 three Judges, at least two of whom shall concur in any decision. In  
24 the exercise of its powers granted by Article VII, Section 6 of the

1 Oklahoma Constitution, the Supreme Court shall make temporary  
2 assignments of judicial officers, active or retired, and lawyers,  
3 having prior to their assignment the qualifications of a district  
4 judge, to sit on a division of the Court of Civil Appeals convened  
5 under the authority of this ~~act~~ section. Each division of the Court  
6 of Civil Appeals shall select its presiding Judge. The Supreme  
7 Court may prescribe by rule where the division shall sit and how  
8 that Court shall conduct its business and practice before it.

9 2. The Court of Civil Appeals shall establish a division to be  
10 referred to as the Court of Existing Claims (CEC) Division of the  
11 Court of Civil Appeals which shall be vested with jurisdiction over  
12 all claims filed pursuant to the Workers' Compensation Code or  
13 previous statute in effect on the date of an injury that occurred  
14 before February 1, 2014. In no event does the CEC Division have  
15 jurisdiction over any claim arising on or after the effective date  
16 of this act.

17 B. Each division of the Court of Civil Appeals convened under  
18 the authority of this ~~act~~ section shall have jurisdiction to  
19 determine or otherwise dispose of any case assigned to it by the  
20 Supreme Court, and its decisions, when final, shall be neither  
21 appealable to the Supreme Court nor be subject to reexamination by  
22 another division of the Court of Civil Appeals or by the Judges of  
23 that Court sitting en banc. The Supreme Court may recall a case  
24 from the Court of Civil Appeals; it may review a decision of the

1 Court of Civil Appeals when a majority of its Justices direct that  
2 certiorari be granted. In any case assigned to it by the Supreme  
3 Court, the Court of Civil Appeals shall have the power to issue  
4 writs of habeas corpus, mandamus, quo warranto, certiorari, and  
5 prohibition.

6 C. The opinions of the Court of Civil Appeals shall be written  
7 in the form prescribed by the Supreme Court. No opinion of the  
8 Court of Civil Appeals shall be binding or cited as a precedent  
9 unless it has been approved by the Supreme Court for publication in  
10 the official reporter. The Supreme Court shall prescribe by rule  
11 which opinion or decision, if any, of the Court of Civil Appeals  
12 shall be published in the unofficial reporter.

13 D. The jurisdiction, powers, duties and procedures of the Court  
14 of Civil Appeals shall be as provided by rules of the Supreme Court  
15 unless otherwise provided by statute.

16 E. No judicial officer, except as otherwise authorized by law,  
17 temporarily assigned to sit on the Court of Civil Appeals shall be  
18 entitled to additional compensation for judicial service on that  
19 Court. Expenses of judicial officers and lawyers assigned to the  
20 Court of Civil Appeals incurred in performing their duties shall be  
21 reimbursed pursuant to the State Travel Reimbursement Act, Section  
22 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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1 F. The Supreme Court shall prescribe by rule the scope of  
2 review it will afford when a petition for certiorari to the Court of  
3 Civil Appeals is filed.

4 SECTION 2. AMENDATORY 85A O.S. 2021, Section 122, as  
5 amended by Section 1, Chapter 19, 1st Extraordinary Session, O.S.L.  
6 2023 (85A O.S. Supp. 2023, Section 122), is amended to read as  
7 follows:

8 Section 122. A. The Workers' Compensation Commission Revolving  
9 Fund established by Section 28.1 of this title shall be used for the  
10 costs of administering the Administrative Workers' Compensation Act  
11 and for other purposes as authorized by law.

12 B. For the purpose of providing funds for the Workers'  
13 Compensation Commission Revolving Fund, for the Workers'  
14 Compensation Court of Existing Claims (CEC) Division of the Court of  
15 Civil Appeals Administrative Fund created in Section 401.1 of this  
16 title, for the Multiple Injury Trust Fund created in Section 28 of  
17 this title, and to fund other provisions within this title, the  
18 following tax rates shall apply:

19 1. Each mutual or interinsurance association, stock company,  
20 CompSource Mutual Insurance Company or other insurance carrier  
21 writing workers' compensation insurance in this state shall pay to  
22 the Oklahoma Tax Commission an assessment at a rate of one percent  
23 (1%) of all gross direct premiums written during each quarter of the  
24 calendar year for workers' compensation insurance on risks located

1 in this state after deducting from such gross direct premiums,  
2 return premiums, unabsorbed portions of any deposit premiums, policy  
3 dividends, safety refunds, savings and other similar returns paid or  
4 credited to policyholders. Such payments to the Oklahoma Tax  
5 Commission shall be made not later than the fifteenth day of the  
6 month following the close of each quarter of the calendar year in  
7 which such gross direct premium is collected or collectible.  
8 Contributions made by insurance carriers and CompSource Mutual  
9 Insurance Company, under the provisions of this section, shall be  
10 considered for the purpose of computing workers' compensation rates;  
11 and

12 2. When an employer is authorized to become a self-insurer, the  
13 Commission shall so notify the Oklahoma Tax Commission, giving the  
14 effective date of such authorization. The Oklahoma Tax Commission  
15 shall then assess and collect from the employers carrying their own  
16 risk an assessment at the rate of two percent (2%) of the total  
17 compensation for permanent total disability awards, permanent  
18 partial disability awards and death benefits paid out during each  
19 quarter of the calendar year by the employers. Such assessment  
20 shall be payable by the employers and collected by the Oklahoma Tax  
21 Commission according to the provisions of this section regarding  
22 payment and collection of the assessment created in paragraph 1 of  
23 this subsection.

24

1 C. It shall be the duty of the Oklahoma Tax Commission to  
2 collect the payments provided for in this title. The Oklahoma Tax  
3 Commission is hereby authorized to bring an action for the recovery  
4 of any delinquent or unpaid payments required in this section. The  
5 Oklahoma Tax Commission may also enforce payments by proceeding in  
6 accordance with the provisions of Section 98 of this title.

7 D. The Oklahoma Tax Commission shall pay monthly to the State  
8 Treasurer to the credit of the Multiple Injury Trust Fund all monies  
9 collected under the provisions of this section, less the annual  
10 amounts which shall be apportioned by the Oklahoma Tax Commission,  
11 as follows; provided, however, if the fund in any one month is  
12 insufficient to make the required payments, the unpaid portion shall  
13 be paid as soon as funds become available:

14 1. Five Million Five Hundred Thousand Dollars (\$5,500,000.00)  
15 shall be payable each fiscal year in equal monthly installments to  
16 the credit of the Workers' Compensation Commission Revolving Fund  
17 established in Section 28.1 of this title to be used to implement  
18 the provisions of this title; and

19 2. One Million Seven Hundred Fifty Thousand Dollars  
20 (\$1,750,000.00) shall be payable in equal monthly installments to  
21 the credit of the Workers' Compensation Court of Existing Claims  
22 (CEC) Division of the Court of Civil Appeals Administrative Fund  
23 established in Section 401.1 of this title for the fiscal year  
24 ending June 30, 2023, and Two Hundred Fifty Thousand Dollars

1 (\$250,000.00) payable in equal monthly installments to such fund for  
2 the fiscal year beginning July 1, 2023, and each subsequent fiscal  
3 year.

4 Monies deposited in the Workers' Compensation Court of Existing  
5 Claims (CEC) Division of the Court of Civil Appeals Administrative  
6 Fund shall be used by the Workers' Compensation Court of Existing  
7 Claims (CEC) Division to implement provisions provided for in this  
8 title. All unencumbered funds remaining in the Workers'  
9 Compensation Administration Court of Existing Claims (CEC) Division  
10 of the Court of Criminal Appeals Administrative Fund on July 1,  
11 2027, shall be transferred to the State Treasurer to be returned to  
12 the Multiple Injury Trust Fund.

13 E. The refund provisions of Sections 227 through 229 of Title  
14 68 of the Oklahoma Statutes shall be applicable to any payments made  
15 pursuant to this section.

16 SECTION 3. AMENDATORY 85A O.S. 2021, Section 400, is  
17 amended to read as follows:

18 Section 400. A. The Workers' Compensation Court of Existing  
19 Claims (CEC) shall be renamed the ~~Workers' Compensation~~ Court of  
20 Existing Claims (CEC) Division of the Court of Civil Appeals as  
21 established by Section 30.14 of Title 20 of the Oklahoma Statutes  
22 for the purpose of hearing disputes relating to claims that ~~arise~~  
23 arose before February 1, 2014. ~~The Court shall consist of the~~  
24 ~~existing judges for the remainder of his or her term. Each judge of~~

1 ~~the Court shall continue to serve as the appointment to a designated~~  
2 ~~position on the Court. The terms of the judges by position number~~  
3 ~~shall expire on the following dates:~~

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

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

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

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

8 B. ~~Effective July 1, 2020~~ July 1, 2024, the Workers'  
9 ~~Compensation Court of Existing Claims~~ CEC Division of the Court of  
10 Civil Appeals shall consist of one judge ~~to be appointed by the~~  
11 ~~Governor, with confirmation by the Senate. The judge shall be~~  
12 ~~appointed for a term to expire on July 1, 2022. The Governor shall~~  
13 ~~select the judge from a list of three applicants submitted to the~~  
14 ~~Governor by the Judicial Nominating Commission. If the list is not~~  
15 ~~acceptable to the Governor, the Governor may request from the~~  
16 ~~Judicial Nominating Commission a list of names of three additional~~  
17 ~~applicants. Any present judge of the Court of Existing Claims may~~  
18 ~~apply to the Judicial Nominating Commission for appointment to fill~~  
19 ~~any position authorized by this section~~ who currently serves as a  
20 member of the Court of Civil Appeals on a rotational basis as  
21 determined by the Chief Justice of the Supreme Court. Such  
22 appointment shall be an additional duty requirement.

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



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

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

12       ~~F. 1. Effective January 1, 2020 July 1, 2024, the Governor~~  
13 ~~shall appoint an appointment of the Administrator of the Court of~~  
14 ~~Existing Claims, who shall serve at the pleasure of the Governor.~~  
15 ~~The Administrator shall be appointed by the Governor with the advice~~  
16 ~~and consent of the Senate. The compensation for the Administrator~~  
17 ~~shall be set at ninety percent (90%) of the compensation of a~~  
18 ~~district court judge shall terminate, with all duties to be assumed~~  
19 ~~by the Administrative Director of the Courts.~~

20       2. The ~~Administrator~~ Director shall employ and supervise the  
21 work of employees of the CEC Division of the Court of Civil Appeals  
22 and shall have the authority to expend funds and contract on behalf  
23 of the Court CEC Division. The ~~Administrator~~ Director may contract  
24 with the Oklahoma Workers' Compensation Commission to provide

1 support services or personnel needs necessary to carry out the  
2 purposes of the ~~Court~~ CEC Division and shall supervise the work of  
3 any such personnel as necessary to maintain the CEC Division of the  
4 Court of Civil Appeals as a Court of Record.

5 ~~G.~~ D. The CEC Division of the Court of Existing Claims Civil  
6 Appeals shall contract with the Oklahoma Workers' Compensation  
7 Commission to integrate its case management and records Information  
8 Technology System into the system of the Oklahoma Workers'  
9 Compensation Commission with such integration to be completed on or  
10 before ~~July 1, 2022~~ July 1, 2024. The CEC Division shall contract  
11 with the Oklahoma Workers' Compensation Commission to pay for the  
12 cost of such integration and costs associated with the maintenance  
13 and upgrades to the system. The ~~Court~~ Commission shall be entitled  
14 to any fees generated for the retrieval of such data.

15 ~~H.~~ E. The ~~Court~~ CEC Division shall operate by the rules adopted  
16 by the Workers' Compensation Court prior to February 1, 2014.

17 ~~I.~~ F. The Court of Civil Appeals is hereby designated and  
18 confirmed as a court of record for any and all cases of the Court of  
19 Existing Claims Division, with respect to any matter within the  
20 limits of its jurisdiction, and within such limits the judges  
21 thereof shall possess the powers and prerogatives of the judges of  
22 the other courts of record of this state including the power to  
23 punish for contempt those persons who disobey a subpoena, or refuse  
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1 to be sworn or to answer as a witness, when lawfully ordered to do  
2 so.

3 J. G. The ~~principal office~~ CEC Division of the Court ~~shall be~~  
4 ~~situated in the City of Oklahoma City in quarters assigned by the~~  
5 ~~Office of Management and Enterprise Services. The Court of Civil~~  
6 Appeals may hold hearings in any city of this state.

7 K. H. All county commissioners, ~~and~~ presiding district judges  
8 of this state, or institutions of higher education shall make  
9 quarters available for the conducting of hearings by a judge of the  
10 ~~Court~~ CEC Division upon request by the Court.

11 L. I. Judges The designated judge of the ~~Workers' Compensation~~  
12 CEC Division of the Court of Existing Claims Civil Appeals may  
13 punish for direct contempt pursuant to Sections 565, 565.1 and 566  
14 of Title 21 of the Oklahoma Statutes.

15 M. J. The CEC Division of the Court of Civil Appeals as  
16 established by Section 30.14 of Title 20 of the Oklahoma Statutes  
17 shall be vested with jurisdiction over all claims filed pursuant to  
18 the Workers' Compensation Code or previous statute in effect on the  
19 date of an injury that occurred before February 1, 2014. In no  
20 event does the CEC Division have jurisdiction over any claim arising  
21 on or after the effective date of this act. All claims so filed  
22 shall be heard by the judge sitting without a jury. The ~~Court~~ CEC  
23 Division shall have full power and authority to determine all  
24 questions in relation to payment of claims for compensation under

1 the provisions of the Workers' Compensation Code or previous statute  
2 in effect on the date of an injury that occurred before February 1,  
3 2014. The ~~Court~~ CEC Division, upon application of either party,  
4 shall order a hearing. Upon a hearing, either party may present  
5 evidence and be represented by counsel. The decision of the ~~Court~~  
6 designated judge of the CEC Division shall be final as to all  
7 questions of fact and law; provided, the decision of the ~~Court~~ judge  
8 may be appealed to ~~the~~ a division of the Court en-banc of Civil  
9 Appeals of which the judge is not a member, or the Supreme Court as  
10 provided by the Workers' Compensation Code or previous statute in  
11 effect on the date of an injury that occurred before February 1,  
12 2014. ~~In the event that an insufficient number of active judges are~~  
13 ~~available to comprise the three-judge en banc panel, retired or~~  
14 ~~former judges of the district court, Workers' Compensation Court or~~  
15 ~~Workers' Compensation Court of Existing Claims may be designated by~~  
16 ~~the Presiding Judge of the Court of Existing Claims as eligible to~~  
17 ~~serve on such panel. The Governor shall provide to the Court of~~  
18 ~~Existing Claims a list of designated judges eligible for service on~~  
19 ~~the Court en banc.~~ The decision of the ~~Court~~ judge of the CEC  
20 Division shall be issued within thirty (30) days following the  
21 submission of the case by the parties. The power and jurisdiction  
22 of the Court over each case shall be continuing and it may, from  
23 time to time, make such modifications or changes with respect to  
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1 former findings or orders relating thereto if, in its opinion, it  
2 may be justified.

3 ~~N.~~ K. 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 ~~Θ.~~ L. All accrued rights and penalties incurred pursuant to a  
8 final order of the Workers' Compensation Court or the CEC Division  
9 of the Court of Civil Appeals shall be preserved. No accrued right,  
10 penalty incurred, or proceeding begun by virtue of a statute  
11 repealed by this act shall be abrogated by the terms of this act.

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

1 the ~~Administrator~~ Director deems proper to report to the Governor  
2 including any recommendations he or she may desire to make.

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

10 SECTION 4. AMENDATORY 85A O.S. 2021, Section 401, is  
11 amended to read as follows:

12 Section 401. There is hereby created in the State Treasury a  
13 revolving fund for the ~~Workers' Compensation~~ Court of Existing  
14 Claims (CEC) Division of the Court of Civil Appeals to be designated  
15 the "~~Workers' Compensation~~ Court of Existing Claims (CEC) Division  
16 of the Court of Civil Appeals Revolving Fund". The fund shall be a  
17 continuing fund, not subject to fiscal year limitations, and shall  
18 consist of all monies received by the ~~Workers' Compensation~~ CEC  
19 Division of the Court of Existing Claims Civil Appeals from all  
20 fees, penalties and fines imposed by the ~~Workers' Compensation~~ CEC  
21 Division of the Court of Existing Claims Civil Appeals or its  
22 ~~Administrator~~ the Administrative Director of the Courts. All monies  
23 accruing to the credit of ~~said~~ such fund are hereby appropriated and  
24 may be budgeted and expended by the ~~Workers' Compensation~~ CEC

1 Division of the Court of Existing Claims Civil Appeals for the  
2 purpose of defraying necessary expenses of the ~~Workers' Compensation~~  
3 ~~Court of Existing Claims~~ CEC Division in performance of its duties.  
4 Expenditures from ~~said~~ such fund shall be made upon warrants issued  
5 by the State Treasurer against claims filed as prescribed by law  
6 with the Director of the Office of Management and Enterprise  
7 Services for approval and payment.

8 SECTION 5. AMENDATORY 85A O.S. 2021, Section 401.1, is  
9 amended to read as follows:

10 Section 401.1. There is hereby created in the State Treasury a  
11 revolving fund for the ~~Workers' Compensation~~ Court of Existing  
12 Claims (CEC) Division of the Court of Civil Appeals to be designated  
13 the "~~Workers' Compensation~~ Court of Existing Claims (CEC) Division  
14 of the Court of Civil Appeals Administrative Fund". The fund shall  
15 be a continuing fund, not subject to fiscal year limitations, and  
16 shall consist of all monies received by the Workers' Compensation  
17 Court of Existing Claims from revenues apportioned pursuant to  
18 Section 122 of Title 85A of the Oklahoma Statutes. All monies  
19 accruing to the credit of ~~said~~ such fund are hereby appropriated and  
20 may be budgeted and expended by the ~~Workers' Compensation~~ CEC  
21 Division of the Court of Existing Claims Civil Appeals for the  
22 purpose of ~~funding the operations of the Court, for~~ administering  
23 the provisions of Titles 85 and 85A of the Oklahoma Statutes,  
24 contracting with the Oklahoma Workers' Compensation Commission to

1 provide support services or personnel needs necessary to carry out  
2 the purposes of the CEC Division of the Court of Civil Appeals, and  
3 for any other purpose related to the Administrative Workers'  
4 Compensation Act that the Court deems appropriate. Expenditures  
5 from ~~said~~ such fund shall be made upon warrants issued by the State  
6 Treasurer against claims filed as prescribed by law with the  
7 Director of the Office of Management and Enterprise Services for  
8 approval and payment.

9 SECTION 6. This act shall become effective July 1, 2024.

10 SECTION 7. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
15 February 28, 2024 - DO PASS

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