

HCS HBs 248 & 262 -- WORKERS' COMPENSATION

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 5. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 3.

After August 28, 2019, all administrative law judges of the Division of Workers' Compensation shall be subject to a defined term. The term for those currently serving is set based upon total months of service. Thereafter, the term of service shall be six years. A judge shall not serve beyond his or her term unless reappointed by the division.

The bill provides that each judge, depending on months of service, shall be subject to a retention vote, and every three years thereafter. A judge who has received two successive recommendations of no confidence shall not receive a vote of retention. This bill allows the division to set the salaries of administrative law judges, subject to appropriations.

This bill is the same as HB 262 (2019).

PROPONENTS: Supporters say that this forces certain reviews of Administrative Law Judges. Many of them would like a review so they receive a vote of confidence to use later on in their careers. This sets up terms for these judges rather than their having lifetime appointments. They are part of the executive branch, not the judicial branch, so the legislature is able to set terms to remove them. These judges need to have more accountability and the time line established in the review committee is meant to provide that accountability.

Testifying for the bill were Representative Schroer and the Department of Labor.

OPPONENTS: Those who oppose the bill say that judges need to be independent and attacking their salaries makes them dependent. There is already a review process in place. The board is meant to meet, but it never does. Because there is no due process procedure in this legislation, it is unconstitutional. The judges should not be removed after receiving only two votes of no confidence. Judges should not be worried that their decisions will get them removed from their positions.

Testifying against the bill were Missouri Organization of Defense Lawyers; Elizabeth W. Skinner; and Missouri Association of Trial

Attorneys.