

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE JOINT
4 RESOLUTION 20

By: Sparks

5
6 AS INTRODUCED

7 A Joint Resolution relating to labor; ordering a
8 legislative referendum pursuant to the Oklahoma
9 Constitution; amending 40 O.S. 2001, Section 197.2
10 and 197.4, which relate to the minimum wage; updating
11 language; increasing the minimum wage of this state;
12 providing for the adjustment of the minimum wage of
13 this state if there is a certain change in the
14 Consumer Price Index-All Urban Consumers; requiring
15 the Commissioner of Labor to certify certain changes;
16 providing for the minimum wage of this state if the
17 federal minimum wage changes; modifying definition of
18 employee; repealing 40 O.S. 2001, Section 197.17,
19 which relates to credit for uniforms; providing
20 ballot title; and directing filing.

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23 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
24 1ST SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
Constitution, there is hereby ordered the following legislative
referendum which shall be filed with the Secretary of State and
addressed to the Governor of the state, who shall submit the same to
the people for their approval or rejection at the next General
Election.

1 SECTION 2. AMENDATORY 40 O.S. 2001, Section 197.2, is
2 amended to read as follows:

3 Section 197.2 It shall be unlawful to employ workers in any
4 industry or occupation within ~~the State of Oklahoma~~ this state under
5 conditions of labor detrimental to their health or morals and it
6 shall be unlawful to employ workers in any industry within ~~the State~~
7 ~~of Oklahoma~~ this state at wages which are not adequate for their
8 maintenance. Except as otherwise provided in the Oklahoma Minimum
9 Wage Act, no employer within the State of Oklahoma shall pay any
10 employee a wage of less than the current federal minimum wage for
11 all hours worked plus an additional One Dollar (\$1.00) per hour
12 beginning January 1, 2008, and an additional One Dollar (\$1.00) per
13 hour beginning January 1, 2009. Thereafter, the minimum hourly wage
14 rate shall be adjusted, rounding to the nearest multiple of five
15 cents (\$.05) effective on July 1, 2009, and effective July 1 of each
16 year thereafter. Such annual adjustment shall be based on the
17 annual percentage change, if any, between January 1 and December 31
18 of the calendar year ending prior to the adjustment in the Consumer
19 Price Index-All Urban Consumers (CPI-U) or a successor index,
20 compiled by the Bureau of Labor Statistics of the United States
21 Department of Labor. The Commissioner of the Oklahoma Department of
22 Labor shall certify the amount no later than sixty (60) days prior
23 to the July 1 adjustment, provided, if the federal minimum wage is
24 raised at any time, then the minimum wage in this state shall be the

1 higher of the federal minimum wage or the current minimum wage of
2 this state.

3 SECTION 3. AMENDATORY 40 O.S. 2001, Section 197.4, is
4 amended to read as follows:

5 Section 197.4 As used in this act:

6 (a) "Commissioner" means the Commissioner of Labor;

7 (b) "Wage" means compensation due to an employee by reason of
8 his employment, payable in legal tender of the United States or
9 checks on banks convertible into cash on demand at full face value,
10 subject to such deductions, charges or allowances as may be
11 permitted by law;

12 (c) "Employ" includes to suffer or to permit to work;

13 (d) "Employer" means any individual, partnership, association,
14 corporation, business trust, or any person or group of persons,
15 hiring more than ten full-time employees or equivalent at any one
16 location or place of business; provided, however, if an employer has
17 less than ten full-time employees or equivalent at any one location
18 or place of business but does a gross business of more than One
19 Hundred Thousand Dollars (\$100,000.00) annually, said employer shall
20 not be exempt under the provisions of this act.

21 This act shall not apply to employers subject to the Fair Labor
22 Standards Act of 1938, as amended, and who are paying the minimum
23 wage under the provisions of said act, nor to employers whose
24 employees are exempt under paragraph (e) of this section.

1 (e) "Employee" includes any individual employed by an employer
2 but shall not include:

3 ~~(1) An individual employed on a farm, in the employ of~~
4 ~~any person, in connection with the cultivation of the soil, or in~~
5 ~~connection with raising or harvesting any agricultural commodity,~~
6 ~~including raising, shearing, feeding, caring for, training, and~~
7 ~~management of livestock, bees, poultry, and furbearing animals and~~
8 ~~wildlife, or in the employ of the owner or tenant or other operator~~
9 ~~of a farm in connection with the operation, management,~~
10 ~~conservation, improvement or maintenance of such farm and its tools~~
11 ~~and equipment;~~

12 ~~(2) Any individual employed in domestic service in or~~
13 ~~about a private home;~~

14 ~~(3) Any individual employed by the United States~~
15 ~~government;~~

16 ~~(4) (2) Any individual working as a volunteer in a~~
17 ~~charitable, religious or other nonprofit organization;~~

18 ~~(5) (3) Any newspaper vendor or carrier;~~

19 ~~(6) (4) Any employee of any carrier subject to regulation by~~
20 ~~Part I of the Interstate Commerce Act;~~

21 ~~(7) (5) Any employee of any employer who is subject to the~~
22 ~~provisions of any Federal Fair Labor Standards Act or to any Federal~~
23 ~~Wage and Hour Law now in effect or enacted hereafter; and who is~~
24 ~~paying the minimum wage under the provisions of this act;~~

1 is the same as the federal minimum wage. This measure would
2 increase the minimum wage of this state. It would increase the
3 minimum wage by one dollar on January 1, 2008. It would
4 increase the minimum wage one additional dollar on January 1,
5 2009. Thereafter, the minimum hourly wage rate would be
6 adjusted to a change, if any, in the Consumer Price Index-All
7 Urban Consumers. If the federal minimum wage is raised, then
8 the minimum wage in this state shall be the higher of the
9 federal minimum wage or the current minimum wage of this state.
10 At this time, certain workers are exempt from the minimum wage
11 requirement. This act would make these workers no longer
12 exempt. This act would repeal Section 197.17 of Title 40 of the
13 Oklahoma Statutes. Currently, companies that supply uniforms
14 for their employees get a credit against the minimum wage. With
15 the repeal of the statute, companies would no longer get the
16 credit.

17 SHALL THIS ACT BE APPROVED BY THE PEOPLE?

18 YES, FOR THE ACT

19 NO, AGAINST THE ACT

20 SECTION 6. The President Pro Tempore of the Senate shall,
21 immediately after the passage of this order for legislative
22 referendum, prepare and file in accordance with Section 3 of Article
23 V of the Oklahoma Constitution, one copy of this order for
24 legislative referendum, including the Ballot Title set forth in

1 SECTION 5, with the Secretary of State and one copy with the
2 Attorney General.

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