

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3543

By: Hickman of the House

4 and

5 Bingman of the Senate

6
7
8 AS INTRODUCED

9 An Act relating to salaries and compensation;
10 rejecting certain action by the Board on Judicial
Compensation; amending judicial salaries; clarifying
11 effect of amendment; providing that certain salary
modifications are subject to the availability of
existing funds; amending 19 O.S. 2011, Section
12 215.30, as amended by Section 68, Chapter 304, O.S.L.
2012 (19 O.S. Supp. 2013, Section 215.30), which
13 relates to district attorneys' salaries; modifying
salaries, subject to the availability of existing
14 funds; amending 74 O.S. 2011, Section 250.4, which
relates to state officer salaries; providing that
15 state officers' salaries shall not increase; amending
Section 19, Chapter 208, O.S.L. 2013 (85A O.S. Supp.
16 2013, Section 19), which relates to the Workers
Compensation Commission; providing that
17 commissioners' salaries shall not increase; providing
for noncodification; providing an effective date; and
18 declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:
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1 A. Pursuant to the authority provided in Section 3.2 of Title
2 20 of the Oklahoma Statutes to reject judicial salaries established
3 by the Board on Judicial Compensation, the Oklahoma Legislature
4 hereby rejects the Final Report of the Board on Judicial
5 Compensation, issued on September 17, 2013. Further, the Oklahoma
6 Legislature hereby amends judicial salaries to take effect July 1,
7 2014, as follows:

8	Chief Justice of the Supreme Court	\$164,640.00
9		<u>\$147,000.00</u>
10	Associate Justices of the Supreme Court	\$154,174.00
11		<u>\$137,550.00</u>
12	Presiding Judge of the Court of Criminal Appeals	\$159,583.00
13		<u>\$142,485.00</u>
14	Judges of the Court of Criminal Appeals	\$154,174.00
15		<u>\$137,550.00</u>
16	Presiding Judge of the Court of Civil Appeals	\$148,764.00
17		<u>\$132,825.00</u>
18	Judges of the Court of Civil Appeals	\$146,059.00
19		<u>\$130,410.00</u>
20	District Court Judges	\$139,298.00
21		<u>\$131,835.00</u>
22	Associate District Court Judges	\$128,479.00
23		<u>\$121,596.00</u>
24	Special District Court Judges	\$117,659.00

\$111,356.00

B. The amended salary schedule provided for in subsection A of this section maintains the salaries of the Chief Justice of the Supreme Court, Associate Justices of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, Judges of the Court of Criminal Appeals, the Presiding Judge of the Court of Civil Appeals, and Judges of the Court of Civil Appeals, at the levels existing during fiscal year 2014. The amended salary schedule provided for in subsection A of this section provides a salary increase of six percent (6%) above the salary levels existing during fiscal year 2014 for district judges, associate district judges, and special judges, to take effect July 1, 2014.

C. Any increase in salary provided for in subsection A of this section must be paid from existing available funds.

SECTION 2. AMENDATORY 19 O.S. 2011, Section 215.30, as amended by Section 68, Chapter 304, O.S.L. 2012 (19 O.S. Supp. 2013, Section 215.30), is amended to read as follows:

Section 215.30 A. Beginning January 1, 1997, each district attorney shall receive a salary of Seventy-one Thousand Six Hundred Sixty-three Dollars (\$71,663.00) per year, payable monthly.

Beginning January 1, 1999, each district attorney shall receive a salary of Eighty-five Thousand Dollars (\$85,000.00) per year, payable monthly. Beginning July 1, 2003, each district attorney shall receive a salary equal to ninety-eight percent (98%) of the

1 salary of a district judge; provided however, in lieu of the
2 increase in salary that would occur pursuant to Section 1 of this
3 act, each district attorney shall receive a six-percent increase in
4 salary. Provided further, such increase must be paid from existing
5 available funds.

6 B. All appointees and employees of district attorneys, except
7 special district attorneys appointed pursuant to subsection C of
8 Section 215.37M of this title, shall be deemed to be state officers
9 or employees for all purposes. All special district attorneys
10 appointed pursuant to subsection C of Section 215.37M of this title
11 shall be deemed to be state officers only for purposes of The
12 Governmental Tort Claims Act and Rule 1.11 of the Rules of
13 Professional Conduct for attorneys licensed to practice law in this
14 state.

15 C. Population, for the purposes of Section 215.1 et seq. of
16 this title, shall be as determined by the last Federal Decennial
17 Census. The salaries of the district attorneys and the salaries of
18 the assistant district attorneys and their operating and maintenance
19 expenses in each county shall be paid by the state. Provided
20 however:

21 1. In counties having a population of four hundred thousand
22 (400,000) or more, the salary of the district attorney and assistant
23 district attorneys may be supplemented by the county. Such
24 supplement for the district attorney shall not exceed twenty-five

1 percent (25%) of the salary provided for district attorneys by this
2 section. Such supplement for the assistant district attorneys shall
3 not exceed twenty-five percent (25%) of the salary authorized for
4 assistant district attorneys in Section 215.34 of this title.

5 2. The salaries and operating expenses of those assistant
6 district attorneys who are assigned to child support enforcement
7 duties shall be paid by funds received as reimbursement from the
8 Department of Human Services under terms of a contract with the
9 office of the district attorney as authorized by Section 237.1 of
10 Title 56 of the Oklahoma Statutes.

11 D. The District Attorneys Council, which may hereinafter be
12 referred to as the "Council", is hereby designated as the state
13 agency for the administration and disbursement of all salaries and
14 expenses of the offices of district attorneys authorized by law.
15 All such payrolls and claims against State Treasury funds must be
16 approved by the Council prior to submission to the Office of
17 Management and Enterprise Services for payment. The Council and the
18 Director of the Office of Management and Enterprise Services shall
19 promulgate reasonable rules and regulations covering the preparation
20 of estimates of needs, budgets and claims for the administration of
21 this act, Section 215.1 et seq. of this title, the transmittal of
22 county funds to the State Treasury and the disbursement of all state
23 and county funds under this act.

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1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 250.4, is
2 amended to read as follows:

3 Section 250.4 Pursuant to provisions of the Constitution of the
4 State of Oklahoma from and after the beginning date of a term of
5 office which commences in, or after, January, 1999, the following
6 officers of the State of Oklahoma shall be annually compensated for
7 their services, payable monthly, as follows:

8 1. The Governor shall receive a salary equal to the salary
9 received by the Chief Justice of the Oklahoma Supreme Court.

10 Nothing in Section 1 of this act shall be construed to provide a
11 salary increase to the Governor;

12 2. The Lieutenant Governor shall receive a salary equal to the
13 salary received by an associate district judge in a county with a
14 population greater than ten thousand (10,000) and less than thirty
15 thousand (30,000); provided however, the Lieutenant Governor shall
16 not receive any increase in salary as a result of the provisions of
17 Section 1 of this act;

18 3. The Attorney General shall receive a salary equal to the
19 salary received by the Presiding Judge of the Court of Civil
20 Appeals. Nothing in Section 1 of this act shall be construed to
21 provide a salary increase to the Attorney General;

22 4. The State Superintendent of Public Instruction shall receive
23 a salary equal to the salary received by a district judge; provided
24 however, the State Superintendent of Public Instruction shall not

1 receive any increase in salary as a result of the provisions of
2 Section 1 of this act;

3 5. Each member of the Corporation Commission shall receive a
4 salary equal to the salary received by an associate district judge
5 in a county with a population of over thirty thousand (30,000);
6 provided however, the Commissioners shall not receive any increase
7 in salary as a result of the provisions of Section 1 of this act;

8 6. The State Treasurer shall receive a salary equal to the
9 salary received by an associate district judge in a county with a
10 population of over thirty thousand (30,000); provided however, the
11 State Treasurer shall not receive any increase in salary as a result
12 of the provisions of Section 1 of this act;

13 7. The State Auditor and Inspector shall receive a salary equal
14 to the salary received by an associate district judge in a county
15 with a population of over thirty thousand (30,000); provided
16 however, the State Auditor and Inspector shall not receive any
17 increase in salary as a result of the provisions of Section 1 of
18 this act;

19 8. The State Insurance Commissioner shall receive a salary
20 equal to the salary received by an associate district judge in a
21 county with a population of over thirty thousand (30,000); provided
22 however, the State Insurance Commissioner shall not receive any
23 increase in salary as a result of the provisions of Section 1 of
24 this act; and

1 9. The Commissioner of Labor shall receive a salary equal to
2 the salary received by a special judge; provided however, the
3 Commissioner of Labor shall not receive any increase in salary as a
4 result of the provisions of Section 1 of this act.

5 SECTION 4. AMENDATORY Section 19, Chapter 208, O.S.L.
6 2013 (85A O.S. Supp. 2013, Section 19), is amended to read as
7 follows:

8 Section 19. A. There is hereby created the Oklahoma Workers'
9 Compensation Commission, an executive agency of the State of
10 Oklahoma, which shall have the exclusive responsibility and duty to
11 carry out the provisions of this act, except as otherwise provided.

12 B. The Commission shall consist of three (3) full-time
13 commissioners, each of whom must have been involved in the workers'
14 compensation field for at least three (3) years, appointed by the
15 Governor: one of whom is chosen from a slate of three selected by
16 the Speaker of the House of Representatives, with all three
17 confirmed by the Senate. The term of each appointee shall be six
18 (6) years to administer the provisions of this act. The Governor
19 may request a subsequent slate of nominees from the Speaker of the
20 House of Representatives if a suitable nominee is not found. Any or
21 all of the commissioners may be reappointed for additional six-year
22 terms upon reconfirmation by the Senate. However, the initial
23 commissioners shall serve staggered terms of two (2), four (4), and
24 six (6) years, respectively, as determined by the Governor. If the

1 Legislature is not in session at the time of appointment, the
2 appointment shall be subject to confirmation by the Senate upon
3 convening of the next regular session of the Legislature.
4 Membership on the Commission shall be a full-time position and no
5 commissioner shall have any other employment, unless authorized or
6 excused by law. Each commissioner shall receive a salary equal to
7 that paid to a district judge of this state; provided however, the
8 commissioners shall not receive any increase in salary as a result
9 of the provisions of Section 1 of this act.

10 C. The Commission shall have the authority to adopt reasonable
11 rules within its respective areas of responsibility including the
12 rules of procedure for administrative hearings, after notice and
13 public hearing, for effecting the purposes of this act, in
14 accordance with the Oklahoma Administrative Procedures Act. All
15 rules, upon adoption, shall be published and be made available to
16 the public and, if not inconsistent with the law, shall be binding
17 in the administration of this act.

18 D. The principal office of the Commission shall be situated in
19 the City of Oklahoma City in quarters assigned by the Office of
20 Management and Enterprise Services. The Commission shall maintain
21 and keep open, during reasonable business hours, the office in
22 Oklahoma City, for the transaction of business, at which office its
23 official records and papers shall be kept. The Commission or any
24 commissioner may hold hearings in any city of this state.

1 E. The Governor shall appoint one of the commissioners to be
2 chair of the Commission. In addition to other duties, the chair of
3 the Commission shall have the following powers and duties:

4 1. To organize, direct and develop the administrative work of
5 the administrative law judges, including but not limited to
6 docketing, clerical, technical and financial work and establishment
7 of hours of operation;

8 2. To employ administrative staff for the Commission, within
9 budgetary limitation; and

10 3. Such other duties and responsibilities authorized by law or
11 as the Commission may prescribe.

12 F. All appeals or disputes arising from actions of the
13 Commission shall be governed by provisions of this act and the
14 Commission shall not be subject to the provisions of the Oklahoma
15 Administrative Procedures Act, except as provided in this act.

16 G. When any commissioner of the Commission is disqualified for
17 any reason to hear and participate in the determination of any
18 matter pending before the Commission, the Governor shall appoint a
19 qualified person to hear and participate in the decision on the
20 particular matter. The special commissioner so appointed shall have
21 all authority and responsibility with respect to the particular
22 matter before the Commission as if the person were a regular
23 commissioner of the Commission but shall have no authority or
24 responsibility with respect to any other matter before the

1 Commission. A person appointed as a special commissioner of the
2 Commission under the provisions of this subsection shall be entitled
3 to receive a per diem equal to the annual salary of the
4 commissioners prorated for the number of days he or she serves in
5 the capacity of a special commissioner of the Commission.
6 Furthermore, when a vacancy on the Commission occurs or is certain
7 to occur, the position shall be filled pursuant to the provisions of
8 this section.

9 SECTION 5. Sections 2 through 4 of this act shall become
10 effective July 1, 2014.

11 SECTION 6. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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