STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1556 By: Sears

AS INTRODUCED

An Act relating to salaries and compensation; amending Section 1, House Joint Resolution No. 1096, p. 1745, O.S.L. 2014, which relates to judicial salaries; providing for salaries of certain justices and judges; amending 20 O.S. 2011, Section 3.2, which relates to judicial compensation; requiring legislative approval of judicial salaries; authorizing amendment by the Legislature; amending 74 O.S. 2011, Section 250.4, as amended by Section 3, House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 (20 O.S. Supp. 2014, Section 250.4), which relates to state officer salaries; providing that state officers' salaries shall not increase; amending Section 19, Chapter 208, O.S.L. 2013, as amended by Section 4, House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 (85A O.S. Supp. 2014, Section 19), which relates to the Workers' Compensation Commission; providing that commissioners' salaries shall not increase; authorizing the Supreme Court to make certain payments; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, House Joint Resolution No. 1096, p. 1745, O.S.L. 2014, is amended to read as follows:

Section 1. A. Pursuant to the authority provided in Section 3.2 of Title 20 of the Oklahoma Statutes to reject judicial salaries established by the Board on Judicial Compensation, the Oklahoma Legislature hereby rejects the Final Report of the Board on Judicial Compensation, issued on September 17, 2013. Further, the Oklahoma Legislature hereby amends judicial salaries to take effect July 1, 2014, as follows for positions listed below, all other judicial salaries shall remain at the levels that existed as of January 1, 2014:

Chief Justice of the Supreme Court	$155,820.00
Associate Justices of the Supreme Court	$145,803.00
Presiding Judge of the Court of Criminal Appeals	$151,034.00
Judges of the Court of Criminal Appeals	$145,803.00
Presiding Judge of the Court of Civil Appeals	$140,795.00
Judges of the Court of Civil Appeals	$138,235.00
District Court Judges	$131,835.00
Associate District Court Judges	$121,596.00
Special District Court Judges	$111,356.00

B. 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 the Chief Justice of the Oklahoma Supreme Court, Associate Justices of the Oklahoma 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, Judges of the Court of Civil Appeals, 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 20 O.S. 2011, Section 3.2, is amended to read as follows:

Section 3.2 A. There is hereby created the Board on Judicial Compensation. Pursuant to the provisions of Section 11 of Article VII of the Oklahoma Constitution, members of the State Judiciary shall receive compensation as shall be fixed by the Board on Judicial Compensation as provided in ~~this act, unless~~ Sections 3.1 through 3.4 of this title; provided such compensation ~~is rejected or amended~~ shall not become effective unless approved, either in total or as amended, by law passed by a majority vote of each house of the Legislature. If the Governor vetoes such a law, the procedure shall be the same as for the veto of any other bill or joint resolution.

B. The Board shall be composed of seven (7) members. Two members shall be appointed by the President Pro Tempore of the Senate, two members shall be appointed by the Speaker of the House of Representatives, two members shall be appointed by the Governor, and one member shall be appointed by the Chief Justice of the Supreme Court. The members appointed by the President Pro Tempore of the Senate shall be from labor and civic organizations. The

members appointed by the Speaker of the House of Representatives shall be from communications media and retail business. The members appointed by the Governor shall be from manufacturing and professional fields not otherwise specified. The member appointed by the Chief Justice of the Supreme Court shall be from agriculture. No more than four members shall be from any one political party. No active or retired judge or attorney practicing law in any state may serve on the Board on Judicial Compensation.

C. The Administrative Office of the Courts shall provide such staff and support as is necessary for the Board on Judicial Compensation to carry out its duties. Requests from the Board for staff and support shall be coordinated through the Office of the Administrative Director of the Courts.

D. The members of the Board shall serve terms which run concurrently with the terms of the respective appointing authorities and shall serve at their pleasure.

E. The members of the Board shall select a chair and secretary and such other officers as they deem necessary.

F. Members of the Board shall serve without compensation but shall be reimbursed by their appointing authority for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 250.4, as amended by Section 3, House Joint Resolution No. 1096, p. 1745,

O.S.L. 2014 (20 O.S. Supp. 2014, Section 250.4), is amended to read as follows:

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

1. The Governor shall receive a salary equal to the salary received by the Chief Justice of the Oklahoma Supreme Court; provided however, the Governor shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

2. The Lieutenant Governor shall receive a salary equal to the salary received by an associate district judge in a county with a population greater than ten thousand (10,000) and less than thirty thousand (30,000); provided however, the Lieutenant Governor shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

3. The Attorney General shall receive a salary equal to the salary received by the Presiding Judge of the Court of Civil Appeals; provided however, the Attorney General shall not receive any increase in salary as a result of Section 1 of ~~this resolution~~

House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

4. The State Superintendent of Public Instruction shall receive a salary equal to the salary received by a district judge; provided however, the State Superintendent of Public Instruction shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

5. Each member of the Corporation Commission shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000); provided however, the Commissioners shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

6. The State Treasurer shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000); provided however, the State Treasurer shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

7. The State Auditor and Inspector shall receive a salary equal to the salary received by an associate district judge in a county

with a population of over thirty thousand (30,000); provided however, the State Auditor and Inspector shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act;

8. The State Insurance Commissioner shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000); provided however, the State Insurance Commissioner shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act; and

9. The Commissioner of Labor shall receive a salary equal to the salary received by a special judge; provided however, the Commissioner of Labor shall not receive any increase in salary as a result of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act.

SECTION 4. AMENDATORY Section 19, Chapter 208, O.S.L. 2013, as amended by Section 4, House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 (85A O.S. Supp. 2014, Section 19), is amended to read as follows:

Section 19. A. There is hereby created the Oklahoma Workers' Compensation Commission, an executive agency of the State of

Oklahoma, which shall have the exclusive responsibility and duty to carry out the provisions of this ~~act~~ title, except as otherwise provided.

B. The Commission shall consist of three (3) full-time commissioners, each of whom must have been involved in the workers' compensation field for at least three (3) years, appointed by the Governor: one of whom is chosen from a slate of three selected by the Speaker of the House of Representatives, with all three confirmed by the Senate. The term of each appointee shall be six (6) years to administer the provisions of this ~~act~~ title. The Governor may request a subsequent slate of nominees from the Speaker of the House of Representatives if a suitable nominee is not found. Any or all of the commissioners may be reappointed for additional six-year terms upon reconfirmation by the Senate. However, the initial commissioners shall serve staggered terms of two (2), four (4), and six (6) years, respectively, as determined by the Governor. If the Legislature is not in session at the time of appointment, the appointment shall be subject to confirmation by the Senate upon convening of the next regular session of the Legislature. Membership on the Commission shall be a full-time position and no commissioner shall have any other employment, unless authorized or excused by law. Each commissioner shall receive a salary equal to that paid to a district judge of this state; provided however, the commissioners shall not receive any increase in salary as a result

of the provisions of Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section 1 of this act.

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

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

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

1. To organize, direct and develop the administrative work of the administrative law judges, including but not limited to

docketing, clerical, technical and financial work and establishment of hours of operation;

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

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

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

G. When any commissioner of the Commission is disqualified for any reason to hear and participate in the determination of any matter pending before the Commission, the Governor shall appoint a qualified person to hear and participate in the decision on the particular matter. The special commissioner so appointed shall have all authority and responsibility with respect to the particular matter before the Commission as if the person were a regular commissioner of the Commission but shall have no authority or responsibility with respect to any other matter before the Commission. A person appointed as a special commissioner of the Commission under the provisions of this subsection shall be entitled to receive a per diem equal to the annual salary of the commissioners prorated for the number of days he or she serves in the capacity of a special commissioner of the Commission.

Furthermore, when a vacancy on the Commission occurs or is certain to occur, the position shall be filled pursuant to the provisions of this section.

SECTION 5. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Oklahoma Supreme Court is authorized to make payments as necessary to implement the provisions of Section 1 of this act to ensure that all judges and justices are paid the full annual salaries fixed by Section 1 of this act, including retroactive payments, if necessary, for the pay periods beginning July 1, 2014.

SECTION 6. This act shall become effective July 1, 2015.

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

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