

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 133, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Schulz

Schulz-EB-FS-Req#3527
3/14/2018 9:04 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 133

By: Smalley and Silk

6
7 FLOOR SUBSTITUTE

8 An Act relating to teacher pay; establishing minimum
9 salary schedule for teachers; defining fringe
10 benefits; specifying certain recognition of college
11 degrees; requiring the State Board of Education to
12 accept certain teaching experience; limiting teaching
13 credit for certain service and experience; allowing
14 school district to offer more credit; directing the
15 Board to recognize certain experiences; prohibiting
16 application of minimum salary schedule to certain
17 retired teachers; amending 68 O.S. 2011, Section
18 1353, as last amended by Section 1, Chapter 349,
19 O.S.L. 2015 (68 O.S. Supp. 2017, Section 1353), which
20 relates to apportionment of certain sales tax
21 revenue; providing for deposit of certain amount into
22 certain fund; creating the Teacher Compensation Fund;
23 providing for allocation to fund; providing purpose
24 of fund; providing for codification; providing
contingent effective date; providing effective date;
and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 18-114.15 of Title 70, unless
there is created a duplication in numbering, reads as follows:

A. Beginning with the 2018-2019 school year, certified personnel, as defined in Section 26-103 of Title 70 of the Oklahoma Statutes, in the public schools of Oklahoma shall receive in salary and/or fringe benefits not less than the amounts specified in the following schedule:

MINIMUM SALARY SCHEDULE

National

Years of Experience	Bachelor's Degree	Board Certification	Master's Degree	Doctor's Degree
0	\$35,613	\$36,613	\$36,813	\$38,013
1	\$36,036	\$37,036	\$37,236	\$38,436
2	\$36,458	\$37,458	\$37,658	\$38,858
3	\$35,754	\$37,754	\$37,954	\$39,154
4	\$37,304	\$38,304	\$38,504	\$39,704
5	\$37,755	\$38,755	\$38,955	\$40,155
6	\$38,205	\$39,205	\$39,405	\$40,605
7	\$38,656	\$39,656	\$39,856	\$41,056
8	\$39,107	\$40,107	\$40,307	\$41,507
9	\$39,558	\$40,558	\$40,758	\$41,958
10	\$40,516	\$41,516	\$42,141	\$44,191
11	\$40,995	\$41,995	\$42,620	\$44,670
12	\$41,474	\$42,474	\$43,099	\$45,149
13	\$41,953	\$42,953	\$43,578	\$45,628
14	\$42,432	\$43,432	\$44,057	\$46,107

1	15	\$42,911	\$43,911	\$44,536	\$46,586
2	16	\$43,390	\$44,390	\$45,015	\$47,065
3	17	\$43,869	\$44,869	\$45,494	\$47,544
4	18	\$44,348	\$45,348	\$45,973	\$48,023
5	19	\$44,826	\$45,826	\$46,451	\$48,501
6	20	\$45,305	\$46,305	\$46,930	\$48,980
7	21	\$45,784	\$46,784	\$47,409	\$49,459
8	22	\$46,263	\$47,263	\$47,888	\$49,938
9	23	\$46,742	\$47,742	\$48,367	\$50,417
10	24	\$47,221	\$48,221	\$48,846	\$50,896
11	25	\$47,700	\$48,700	\$49,325	\$51,375

12 Master's Degree +

13 Years of National Board
14 Experience Certification

15	0	\$37,813
16	1	\$38,236
17	2	\$38,658
18	3	\$38,954
19	4	\$39,504
20	5	\$39,955
21	6	\$40,405
22	7	\$40,856
23	8	\$41,307
24	9	\$41,758

1	10	\$43,141
2	11	\$43,620
3	12	\$44,099
4	13	\$44,578
5	14	\$45,057
6	15	\$45,536
7	16	\$46,015
8	17	\$46,494
9	18	\$46,973
10	19	\$47,451
11	20	\$47,930
12	21	\$48,409
13	22	\$48,888
14	23	\$49,367
15	24	\$49,846
16	25	\$50,325

17 B. 1. When determining the Minimum Salary Schedule, "fringe
 18 benefits" shall mean all or part of retirement benefits, excluding
 19 the contributions made pursuant to subsection A of Section 17-108.1
 20 of Title 70 of the Oklahoma Statutes and the flexible benefit
 21 allowance pursuant to Section 26-105 of Title 70 of the Oklahoma
 22 Statutes from the flexible benefit allowance funds disbursed by the
 23 State Board of Education and the State Board of Career and
 24

1 Technology Education pursuant to Section 26-104 of Title 70 of the
2 Oklahoma Statutes.

3 2. If a school district intends to provide retirement benefits
4 to a teacher such that the teacher's salary would be less than the
5 amounts set forth in the minimum salary schedule specified in
6 subsection A of this section, the district shall be required to
7 provide written notification to the teacher prior to his or her
8 employment, or if already employed by the district, no later than
9 thirty (30) days prior to the date the district elects to provide
10 retirement benefits such that the teacher's salary would be less
11 than the minimum salary schedule.

12 C. Any of the degrees referred to in this section shall be from
13 a college recognized by the State Board of Education. The Board
14 shall accept teaching experience from out-of-state school districts
15 that are accredited by the State Board of Education or appropriate
16 state accrediting agency for the districts. The Board shall accept
17 teaching experience from out-of-country schools that are accredited
18 or otherwise endorsed by the appropriate national or regional
19 accrediting or endorsement authority. Out-of-country certification
20 documentation in a language other than English shall be analyzed by
21 an educational credential evaluation service in accordance with
22 industry standards and guidelines and approved by the State
23 Department of Education. The person seeking to have credit granted
24 for out-of-country teaching experience shall be responsible for all

1 costs of the analysis by a credential evaluation service. The Board
2 shall accept teaching experience from primary and secondary schools
3 that are operated by the United States Department of Defense or are
4 affiliated with the United States Department of State.

5 D. For the purpose of state salary increments and retirement,
6 no teacher shall be granted credit for more than five (5) years of
7 active duty in the military service or out-of-state or out-of-
8 country teaching experience as a certified teacher or its
9 equivalent. Nothing in this section shall prohibit boards of
10 education from crediting more years of experience on district salary
11 schedules than those allowed for state purposes.

12 E. The State Board of Education shall recognize, for purposes
13 of certification and salary increments, all the years of experience
14 of a:

15 1. Certified teacher who teaches in the educational program of
16 the Department of Corrections, beginning with fiscal year 1981;

17 2. Vocational rehabilitation counselor under the Department of
18 Human Services if the counselor was employed as a certified teacher
19 by the State Department of Education when the Division of Vocational
20 Rehabilitation was transferred from the State Board of Career and
21 Technology Education or the State Board of Education to the Oklahoma
22 Public Welfare Commission on July 1, 1968;

23 3. Vocational rehabilitation counselor, which were completed
24 while employed by the Department of Human Services if such counselor

1 was certified as a teacher or was eligible for certification as a
2 teacher in Oklahoma;

3 4. Certified teacher, which were completed while employed by
4 the Department of Human Services Child Study Center at the
5 University of Oklahoma Health Sciences Center, if the teacher was
6 certified as a teacher in Oklahoma; and

7 5. Certified school psychologist or psychometrist, which were
8 completed while employed as a doctoral intern, psychological
9 assistant, or psychologist with any agency of the State of Oklahoma
10 if the experience primarily involved work with persons of school- or
11 preschool-age and if the person was, at the time the experience was
12 acquired, certified as, or eligible for certification as, a school
13 psychologist or psychometrist.

14 F. The provisions of this section shall not apply to teachers
15 who have entered into postretirement employment with a public school
16 in Oklahoma and are still receiving a monthly retirement benefit.

17 G. If a person employed as certified personnel, as defined in
18 Section 26-103 of Title 70 of the Oklahoma Statutes, by a school
19 district during the 2017-2018 school year was receiving a salary
20 above the amounts provided in Section 18-114.14 of Title 70 of the
21 Oklahoma Statutes, the person shall receive a salary increase of
22 twelve and seven-tenths percent (12.7%) above the salary they
23 received during the 2017-2018 school year, provided they remain
24 employed by the same district, unless the hours or the duties of the

1 certified personnel are reduced proportionately. The salary
2 increase provided for in subsection A of this section shall be in
3 addition to, and not as a replacement for, the step increase
4 indicated for the certified personnel pursuant to the State Minimum
5 Salary Schedule, as provided for in this act.

6 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1353, as
7 last amended by Section 1, Chapter 349, O.S.L. 2015 (68 O.S. Supp.
8 2017, Section 1353), is amended to read as follows:

9 Section 1353. A. It is hereby declared to be the purpose of
10 the Oklahoma Sales Tax Code to provide funds for the financing of
11 the program provided for by the Oklahoma Social Security Act and to
12 provide revenues for the support of the functions of the state
13 government of Oklahoma, and for this purpose it is hereby expressly
14 provided that, revenues derived pursuant to the provisions of the
15 Oklahoma Sales Tax Code, subject to the apportionment requirements
16 for the Oklahoma Tax Commission and Office of Management and
17 Enterprise Services Joint Computer Enhancement Fund provided by
18 Section 265 of this title, shall be apportioned as follows:

19 1. The first Three Hundred Million Dollars (\$300,000,000.00) of
20 such revenues shall be deposited to the Teacher Compensation Fund
21 created in Section 3 of this act;

22 2. a. the following amounts shall be paid to the State
23 Treasurer to be placed to the credit of the General
24

Revenue Fund to be paid out pursuant to direct appropriation by the Legislature:

Fiscal Year	Amount
FY 2003 and FY 2004	86.04%
FY 2005	85.83%
FY 2006	85.54%
FY 2007	85.04%
FY 2008 and each fiscal year thereafter	83.61%

b. in the event that additional monies are necessary pursuant to paragraph 6 of this subsection, such additional monies shall be deducted in the proportion determined by the State Board of Equalization pursuant to paragraph 3 of Section 2355.1B of this title from the monies apportioned to the General Revenue Fund;

~~2.~~ 3. For FY 2003, FY 2004 and FY 2005, ten and forty-two one-hundredths percent (10.42%), shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education and for FY 2006 and each fiscal year thereafter, ten and forty-six one-hundredths percent (10.46%) shall be paid to the State Treasurer to be placed to the credit of the Education Reform Revolving Fund of the State Department of Education;

1 ~~3.~~ 4. The following amounts shall be paid to the State
2 Treasurer to be placed to the credit of the Teachers' Retirement
3 System Dedicated Revenue Revolving Fund:

4 Fiscal Year	Amount
5 FY 2003 and FY 2004	3.54%
6 FY 2005	3.75%
7 FY 2006	4.0%
8 FY 2007	4.5%
9 FY 2008 and each fiscal	
10 year thereafter	5.0%

11 ~~4.~~ 5. a. except as otherwise provided in subparagraph b of
12 this paragraph, for the fiscal year beginning July 1,
13 2015, and for each fiscal year thereafter, eighty-
14 seven one-hundredths percent (0.87%) shall be paid to
15 the State Treasurer to be further apportioned as
16 follows:

17 (1) thirty-six percent (36%) shall be placed to the
18 credit of the Oklahoma Tourism Promotion
19 Revolving Fund, but in no event shall such
20 apportionment exceed Five Million Dollars
21 (\$5,000,000.00) in any fiscal year, and

22 (2) sixty-four percent (64%) shall be placed to the
23 credit of the Oklahoma Tourism Capital
24 Improvement Revolving Fund, but in no event shall

1 such apportionment exceed Nine Million Dollars
2 (\$9,000,000.00) in any fiscal year, and

3 b. any amounts which exceed the limitations of
4 subparagraph a of this paragraph shall be placed to
5 the credit of the General Revenue Fund;

6 ~~5.~~ 6. For the fiscal year beginning July 1, 2015, and for each
7 fiscal year thereafter, six one-hundredths percent (0.06%) shall be
8 placed to the credit of the Oklahoma Historical Society Capital
9 Improvement and Operations Revolving Fund, but in no event shall
10 such apportionment exceed the total amount apportioned pursuant to
11 this paragraph for the fiscal year ending on June 30, 2015. Any
12 amounts which exceed the limitations of this paragraph shall be
13 placed to the credit of the General Revenue Fund; and

14 ~~6.~~ 7. During the first fiscal year after the State Board of
15 Equalization has made a determination as provided in Section 2355.1B
16 of this title, regarding a baseline amount of revenue apportioned
17 pursuant to paragraph ~~3~~ 4 of this subsection, and for each fiscal
18 year thereafter, in no event shall monies apportioned pursuant to
19 paragraph ~~3~~ 4 of this subsection, paragraph 3 of Section 1403 of
20 this title and subparagraph c of paragraph 1 of Section 2352 of this
21 title be less than such baseline amount.

22 B. Provided, for the fiscal year beginning July 1, 2007, and
23 every fiscal year thereafter, an amount of revenue shall be
24 apportioned to each municipality or county which levies a sales tax

1 subject to the provisions of Section 1357.10 of this title and
2 subsection F of Section 2701 of this title equal to the amount of
3 sales tax revenue of such municipality or county exempted by the
4 provisions of Section 1357.10 of this title and subsection F of
5 Section 2701 of this title. The Oklahoma Tax Commission shall
6 promulgate and adopt rules necessary to implement the provisions of
7 this subsection.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 34.97 of Title 62, unless there
10 is created a duplication in numbering, reads as follows:

11 There is hereby created in the State Treasury a fund to be
12 designated the "Teacher Compensation Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of monies received pursuant to paragraph 1 of subsection A
15 of Section 1353 of Title 68 of the Oklahoma Statutes and any monies
16 designated to the fund by law. All monies accruing to the credit of
17 the fund are hereby appropriated and shall be used for the purpose
18 of increasing the compensation of teachers employed by public school
19 districts and agencies of this state, as authorized by the
20 Legislature.

21 SECTION 4. The provisions of Section 2 of this act shall become
22 effective on the same date that the provisions of Enrolled House
23 Bill No. 1033 of the 2nd Extraordinary Session of the 56th
24 Legislature become effective.

1 SECTION 5. The provisions of Sections 1 and 3 of this act shall
2 become effective July 1, 2018.

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

7 SECTION 7. The provisions of this act shall be contingent upon
8 the enactment of the provisions of Enrolled House Bill No. 1033 of
9 the 2nd Extraordinary Session of the 56th Oklahoma Legislature and
10 shall not become operative as law otherwise.

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12 56-2-3527 EB 3/14/2018 9:04:43 PM

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