

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Extraordinary Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1037

By: McCall, Wallace and Casey
of the House

and

Schulz, David and Fields of
the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to state employee compensation;
13 providing for increase; specifying amount of
14 increase; providing for effective date of increase;
15 defining terms; providing for applicability of
16 increase; providing for effect of leave without pay
17 status; providing for effects of departure from state
18 service and reinstatement or reemployment; defining
19 term; providing for classes of persons ineligible for
20 salary increase; imposing limitation on effect of
21 salary increase; prohibiting expenditure of funds by
22 certain public employing entities; providing
23 exceptions; providing for contingent effect based
24 upon enactment of Enrolled House Bill No. 1035 of the
 1st Extraordinary Session of the 56th Oklahoma
 Legislature; and providing for noncodification.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

A. Effective August 1, 2018, all full-time and part-time
officers and employees, including temporary and other limited-term
employees, of the state who were employed by the state on the last
working day of July 2018, shall be awarded an annualized salary
increase equal to One Thousand Dollars (\$1,000.00).

B. As used in this section, "temporary and other limited-term
employees" are those persons who:

1. Are not full-time or permanent employees;
2. Are not otherwise excluded by this section; and
3. Are compensated by an agency, board, commission or
department or other employing entity for a limited duration and
without any subjective expectation by either the employer or the
employee that the employment will become permanent.

C. Except for those personnel specifically excluded from
eligibility for any increase or advancement in salary pursuant to
this section, the salary increase provided by this section shall be
applicable to:

1. Employees of county health departments;
2. Employees of a conservation district; and
3. Employees of the George Nigh Rehabilitation Institute.

D. Employees eligible for the increase provided for in
subsection A of this section who are on leave without pay on August

1 1, 2018, shall receive an annualized increase, effective upon their
2 return to work, but shall not receive any increase for a period of
3 time prior to their return to work.

4 E. Employees who leave the state service before August 1, 2018,
5 and who are reinstated or reemployed in the state service during
6 August 2018, without a break in service, who are otherwise eligible
7 for the pay increase provided for in this section, shall be granted
8 such raise effective immediately upon such reinstatement or
9 reemployment. As used in this subsection, "break in service" is
10 defined as a period of time in excess of thirty (30) calendar days
11 between two periods of state employment.

12 F. The following officers and employees shall be ineligible for
13 a pay increase pursuant to this section and nothing, except as
14 otherwise provided by Section 840-2.17 of Title 74 of the Oklahoma
15 Statutes, shall be construed to authorize any increase or
16 advancement of the salaries of:

- 17 1. Any elected official;
- 18 2. Any cabinet secretary whose salary is governed by Section
19 10.5 of Title 74 of the Oklahoma Statutes;
- 20 3. Any agency director;
- 21 4. Any justice or judge whose salary is governed by the
22 provisions of Title 85A of the Oklahoma Statutes or whose
23 compensation is set by the Board on Judicial Compensation pursuant
24 to Section 3.4 of Title 20 of the Oklahoma Statutes;

1 5. Any district attorney whose salary is governed by Section
2 215.30 of Title 19 of the Oklahoma Statutes;

3 6. Officers and employees of institutions under the
4 administrative authority of the Oklahoma State Regents for Higher
5 Education, except for officers and employees of the George Nigh
6 Rehabilitation Institute;

7 7. Persons employed pursuant to Section 2241 of Title 74 of the
8 Oklahoma Statutes;

9 8. Persons employed pursuant to Section 1.6a of Title 53 of the
10 Oklahoma Statutes;

11 9. Persons who are employed or under contract pursuant to
12 subsection B of Section 1419 of Title 10 of the Oklahoma Statutes;

13 10. The Adjutant General and Assistant Adjutants General
14 pursuant to Section 27 of Title 44 of the Oklahoma Statutes; and

15 11. Employees in those positions listed in the salary schedules
16 in subsection F of Section 2-106 of Title 47 of the Oklahoma
17 Statutes, Section 935 of Title 63 of the Oklahoma Statutes, and
18 Section 150.6a of Title 74 of the Oklahoma Statutes.

19 G. No salary increase pursuant to this section shall be made
20 that exceeds a salary limitation provided in an agency's annual
21 appropriation bill or salary limits set by statute. Classified
22 employees eligible for the salary increase provided for in this
23 section shall receive such increase even though it causes the
24 employee's salary to exceed the maximum for the employee's pay band.

1 SECTION 2. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 No funds appropriated for the purpose of implementing the pay
4 increase provided in Section 1 of this act shall be expended by any
5 employing public agency, board, commission or other public employing
6 entity in order to increase compensation for persons employed by a
7 private business entity that has entered into a contract with the
8 public employing entity to provide personnel services or temporary
9 services to the public employing entity in order for the public
10 employing entity to perform duties imposed upon it by law or
11 functions which the public employing entity is authorized to perform
12 by law. The provisions of this section shall not be construed to
13 prohibit increases in compensation to a vendor performing other
14 types of services pursuant to a sole source contract or contract
15 awarded pursuant to The Oklahoma Central Purchasing Act.

16 SECTION 3. The provisions of this act shall be contingent upon
17 the enactment of the provisions of Enrolled House Bill No. 1035 of
18 the 1st Extraordinary Session of the 56th Oklahoma Legislature and
19 shall not become operative as law otherwise.
20

21 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
22 AND BUDGET, dated 10/24/2017 - DO PASS, As Amended and Coauthored.
23
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OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

10/24/2017 5:03:36 PM

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET COMMITTEE

HB1037

By: Wallace et al of the House
David et al of the Senate

Title: Public finance; FY 18 Budget Adjustment Act; emergency.

Coauthored By: Remove Representative Wallace as principal House author and substitute with Representative McCall

Add as coauthor Representative Wallace

Remove as author Senator David and substitute with Senator Schulz

Add as coauthor Senator David

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached



Chr.
Representative Kevin Wallace

YEAS: 17

Bennett (J), Biggs, Caldwell, Casey, Cockroft, Echols, Hall, Jordan, Kannady, Osborn (L), Ownbey, Pfeiffer, Roberts (D), Sanders, Sears, Wallace, Watson

NAYS: 10

Calvey, Dunnington, Kouplen, Lepak, Loring, Murphey, Proctor, Russ, Stone, Virgin

**OKLAHOMA STATE SENATE
JOINT**

COMMITTEE REPORT

October 24, 2017

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

HB 1037

By: Wallace of the House and David and Fields of the Senate

Title: Public finance; FY 18 Budget Adjustment Act; emergency.

Recommendation: **DO PASS AS AMENDED**

Aye: McCortney, Newberry, Simpson, Stanislawski, Thompson, Fields, David,
Schulz, Treat

Nay: Pittman, Sparks

Pass:

Senator Kim David, Chair

Committee Substitute, motion by Senator AUTHOR - Adopted (Request No: 50202)

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

1st Extraordinary Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1037

By: Wallace and Casey of the
House

and

David and Fields of the
Senate

COMMITTEE SUBSTITUTE

An Act relating to state employee compensation;
providing for increase; specifying amount of
increase; providing for effective date of increase;
defining terms; providing for applicability of
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status; providing for effects of departure from state
service and reinstatement or reemployment; defining
term; providing for classes of persons ineligible for
salary increase; imposing limitation on effect of
salary increase; prohibiting expenditure of funds by
certain public employing entities; providing
exceptions; providing for contingent effect based
upon enactment of Enrolled House Bill No. 1035 of the
1st Extraordinary Session of the 56th Oklahoma
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codified in the Oklahoma Statutes reads as follows:

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2 officers and employees, including temporary and other limited-term
3 employees, of the state who were employed by the state on the last
4 working day of July 2018, shall be awarded an annualized salary
5 increase equal to One Thousand Dollars (\$1,000.00).

6 B. As used in this section, "temporary and other limited-term
7 employees" are those persons who:

- 8 1. Are not full-time or permanent employees;
- 9 2. Are not otherwise excluded by this section; and
- 10 3. Are compensated by an agency, board, commission or
11 department or other employing entity for a limited duration and
12 without any subjective expectation by either the employer or the
13 employee that the employment will become permanent.

14 C. Except for those personnel specifically excluded from
15 eligibility for any increase or advancement in salary pursuant to
16 this section, the salary increase provided by this section shall be
17 applicable to:

- 18 1. Employees of county health departments;
- 19 2. Employees of a conservation district; and
- 20 3. Employees of the George Nigh Rehabilitation Institute.

21 D. Employees eligible for the increase provided for in
22 subsection A of this section who are on leave without pay on August
23 1, 2018, shall receive an annualized increase, effective upon their
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1 return to work, but shall not receive any increase for a period of
2 time prior to their return to work.

3 E. Employees who leave the state service before August 1, 2018,
4 and who are reinstated or reemployed in the state service during
5 August 2018, without a break in service, who are otherwise eligible
6 for the pay increase provided for in this section, shall be granted
7 such raise effective immediately upon such reinstatement or
8 reemployment. As used in this subsection, "break in service" is
9 defined as a period of time in excess of thirty (30) calendar days
10 between two periods of state employment.

11 F. The following officers and employees shall be ineligible for
12 a pay increase pursuant to this section and nothing, except as
13 otherwise provided by Section 840-2.17 of Title 74 of the Oklahoma
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21 provisions of Title 85A of the Oklahoma Statutes or whose
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4 administrative authority of the Oklahoma State Regents for Higher
5 Education, except for officers and employees of the George Nigh
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10 Oklahoma Statutes;

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12 subsection B of Section 1419 of Title 10 of the Oklahoma Statutes;

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14 pursuant to Section 27 of Title 44 of the Oklahoma Statutes; and

15 11. Employees in those positions listed in the salary schedules
16 in subsection F of Section 2-106 of Title 47 of the Oklahoma
17 Statutes, Section 935 of Title 63 of the Oklahoma Statutes, and
18 Section 150.6a of Title 74 of the Oklahoma Statutes.

19 G. No salary increase pursuant to this section shall be made
20 that exceeds a salary limitation provided in an agency's annual
21 appropriation bill or salary limits set by statute. Classified
22 employees eligible for the salary increase provided for in this
23 section shall receive such increase even though it causes the
24 employee's salary to exceed the maximum for the employee's pay band.

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

No funds appropriated for the purpose of implementing the pay
increase provided in Section 1 of this act shall be expended by any
employing public agency, board, commission or other public employing
entity in order to increase compensation for persons employed by a
private business entity that has entered into a contract with the
public employing entity to provide personnel services or temporary
services to the public employing entity in order for the public
employing entity to perform duties imposed upon it by law or
functions which the public employing entity is authorized to perform
by law. The provisions of this section shall not be construed to
prohibit increases in compensation to a vendor performing other
types of services pursuant to a sole source contract or contract
awarded pursuant to The Oklahoma Central Purchasing Act.

SECTION 6. The provisions of this act shall be contingent upon
the enactment of the provisions of Enrolled House Bill No. 1035 of
the 1st Extraordinary Session of the 56th Oklahoma Legislature and
shall not become operative as law otherwise.

56-1EX-50205 JM 10/24/17