

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1556

By: Sears

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6
7 AS INTRODUCED

8 An Act relating to salaries and compensation;
9 amending Section 1, House Joint Resolution No. 1096,
10 p. 1745, O.S.L. 2014, which relates to judicial
11 salaries; providing for salaries of certain justices
12 and judges; amending 20 O.S. 2011, Section 3.2, which
13 relates to judicial compensation; requiring
14 legislative approval of judicial salaries;
15 authorizing amendment by the Legislature; amending 74
16 O.S. 2011, Section 250.4, as amended by Section 3,
17 House Joint Resolution No. 1096, p. 1745, O.S.L. 2014
18 (20 O.S. Supp. 2014, Section 250.4), which relates to
19 state officer salaries; providing that state
20 officers' salaries shall not increase; amending
21 Section 19, Chapter 208, O.S.L. 2013, as amended by
22 Section 4, House Joint Resolution No. 1096, p. 1745,
23 O.S.L. 2014 (85A O.S. Supp. 2014, Section 19), which
24 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:

1 Section 1. A. Pursuant to the authority provided in Section
2 3.2 of Title 20 of the Oklahoma Statutes to reject judicial salaries
3 established by the Board on Judicial Compensation, the Oklahoma
4 Legislature 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 for positions listed below, all other judicial
8 salaries shall remain at the levels that existed as of January 1,
9 2014:

| | | |
|----|---|---------------------|
| 10 | <u>Chief Justice of the Supreme Court</u> | <u>\$155,820.00</u> |
| 11 | <u>Associate Justices of the Supreme Court</u> | <u>\$145,803.00</u> |
| 12 | <u>Presiding Judge of the Court of Criminal Appeals</u> | <u>\$151,034.00</u> |
| 13 | <u>Judges of the Court of Criminal Appeals</u> | <u>\$145,803.00</u> |
| 14 | <u>Presiding Judge of the Court of Civil Appeals</u> | <u>\$140,795.00</u> |
| 15 | <u>Judges of the Court of Civil Appeals</u> | <u>\$138,235.00</u> |
| 16 | District Court Judges | \$131,835.00 |
| 17 | Associate District Court Judges | \$121,596.00 |
| 18 | Special District Court Judges | \$111,356.00 |

19 B. The amended salary schedule provided for in subsection A of
20 this section provides a salary increase of six percent (6%) above
21 the salary levels existing during fiscal year 2014 for the Chief
22 Justice of the Oklahoma Supreme Court, Associate Justices of the
23 Oklahoma Supreme Court, the Presiding Judge of the Court of Criminal
24 Appeals, Judges of the Court of Criminal Appeals, the Presiding

1 Judge of the Court of Civil Appeals, Judges of the Court of Civil
2 Appeals, district judges, associate district judges, and special
3 judges, to take effect July 1, 2014.

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

6 SECTION 2. AMENDATORY 20 O.S. 2011, Section 3.2, is
7 amended to read as follows:

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

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

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

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

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

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

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

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

1 O.S.L. 2014 (20 O.S. Supp. 2014, Section 250.4), is amended to read
2 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 provided however, the Governor shall not receive any increase in
11 salary as a result of the provisions of Section 1 of ~~this resolution~~
12 House Joint Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result
13 of Section 1 of this act;

14 2. The Lieutenant Governor shall receive a salary equal to the
15 salary received by an associate district judge in a county with a
16 population greater than ten thousand (10,000) and less than thirty
17 thousand (30,000); provided however, the Lieutenant Governor shall
18 not receive any increase in salary as a result of the provisions of
19 Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p.
20 1745, O.S.L. 2014 or as a result of Section 1 of this act;

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

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

3 4. The State Superintendent of Public Instruction shall receive
4 a salary equal to the salary received by a district judge; provided
5 however, the State Superintendent of Public Instruction shall not
6 receive any increase in salary as a result of the provisions of
7 Section 1 of ~~this resolution~~ House Joint Resolution No. 1096, p.
8 1745, O.S.L. 2014 or as a result of Section 1 of this act;

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

16 6. The State Treasurer shall receive a salary equal to the
17 salary received by an associate district judge in a county with a
18 population of over thirty thousand (30,000); provided however, the
19 State Treasurer shall not receive any increase in salary as a result
20 of the provisions of Section 1 of ~~this resolution~~ House Joint
21 Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section
22 1 of this act;

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

1 with a population of over thirty thousand (30,000); provided
2 however, the State Auditor and Inspector shall not receive any
3 increase in salary as a result of the provisions of Section 1 of
4 ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L.
5 2014 or as a result of Section 1 of this act;

6 8. The State Insurance Commissioner shall receive a salary
7 equal to the salary received by an associate district judge in a
8 county with a population of over thirty thousand (30,000); provided
9 however, the State Insurance Commissioner shall not receive any
10 increase in salary as a result of the provisions of Section 1 of
11 ~~this resolution~~ House Joint Resolution No. 1096, p. 1745, O.S.L.
12 2014 or as a result of Section 1 of this act; and

13 9. The Commissioner of Labor shall receive a salary equal to
14 the salary received by a special judge; provided however, the
15 Commissioner of Labor shall not receive any increase in salary as a
16 result of the provisions of Section 1 of ~~this resolution~~ House Joint
17 Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section
18 1 of this act.

19 SECTION 4. AMENDATORY Section 19, Chapter 208, O.S.L.
20 2013, as amended by Section 4, House Joint Resolution No. 1096, p.
21 1745, O.S.L. 2014 (85A O.S. Supp. 2014, Section 19), is amended to
22 read as follows:

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

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

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

1 of the provisions of Section 1 of ~~this resolution~~ House Joint
2 Resolution No. 1096, p. 1745, O.S.L. 2014 or as a result of Section
3 1 of this act.

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

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

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

22 1. To organize, direct and develop the administrative work of
23 the administrative law judges, including but not limited to
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1 docketing, clerical, technical and financial work and establishment
2 of hours of operation;

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

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

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

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

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

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

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

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

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

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