Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1096

By: Hickman of the House

and

Bingman of the Senate

A Joint Resolution relating to salaries and compensation; rejecting certain action by the Board on Judicial Compensation; amending certain judicial salaries; clarifying effect of amendment; providing that salary modifications are subject to the availability of existing funds; amending 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), which relates to district attorneys' salaries; providing that salary increases are subject to the availability of existing funds; amending 74 O.S. 2011, 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 (85A O.S. Supp. 2013, Section 19), which relates to the Workers' Compensation Commission; providing that commissioners' salaries shall not increase; providing for noncodification; providing an effective date; and declaring an emergency.

SUBJECT: Salaries and compensation

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

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

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:

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 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 salary of a district judge. <u>Any increase in salary in fiscal year 2015 must be paid from existing available funds.</u>

B. All appointees and employees of district attorneys, except special district attorneys appointed pursuant to subsection C of Section 215.37M of this title, shall be deemed to be state officers or employees for all purposes. All special district attorneys appointed pursuant to subsection C of Section 215.37M of this title shall be deemed to be state officers only for purposes of The

Governmental Tort Claims Act and Rule 1.11 of the Rules of Professional Conduct for attorneys licensed to practice law in this state.

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

1. In counties having a population of four hundred thousand (400,000) or more, the salary of the district attorney and assistant district attorneys may be supplemented by the county. Such supplement for the district attorney shall not exceed twenty-five percent (25%) of the salary provided for district attorneys by this section. Such supplement for the assistant district attorneys shall not exceed twenty-five percent (25%) of the salary authorized for assistant district attorneys in Section 215.34 of this title.

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

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

SECTION 3. AMENDATORY 74 O.S. 2011, 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;

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;

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;

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;

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;

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;

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;

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; 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.

SECTION 4. AMENDATORY Section 19, Chapter 208, O.S.L. 2013 (85A O.S. Supp. 2013, 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, 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. 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.

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, 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.

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 and the Commission shall not be subject to the provisions of the Oklahoma Administrative Procedures Act, except as provided in this act.

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. Sections 2 through 4 of this resolution shall become effective July 1, 2014.

SECTION 6. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 21st day of May, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of May, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 23rd
day of May, 2014, at 9:02 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 3rd
day of June, 2014, at 10:53 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd
day of June, 2014, at 1:38 o'clock P. M.
By: C. L. Benge