

ENROLLED HOUSE  
BILL NO. 1733

By: Crocker of the House

and

Easley of the Senate

An Act relating to counties and county officers; amending 19 O.S. 1991, Section 178.3, which relates to inventory and accounting for equipment; allowing for county clerk to dispose of certain records; amending 19 O.S. 1991, Section 180.58, which relates to legislative determination regarding salaries and compensation of county officers and employees; limiting provisions to certain counties; providing purpose and legislative determination; limiting certain provisions to certain counties; providing bases in determining salaries and wages of county officers and employees; defining terms; providing that Federal Decennial Census to be controlling as to population; providing for classification of county officers; providing method for calculating basic salaries of county officers; providing method for calculating increases to basic salary; defining term; providing for withholding of certain salary increases in certain circumstances; prohibiting certain increases or decreases in salaries of county officers; providing method for calculating minimum salary for county officials; providing for appropriation and payment of certain salaries; providing for certain restrictions; providing for certain deputies or other help; providing for a first or chief deputy or assistant; establishing duties; providing for bond; providing for salaries of certain deputies, assistants and other help; establishing certain salary limitations; providing for county commissioners to maintain control over certain funds; providing for county excise board to discuss certain personnel needs; declaring intent of Legislature; providing certain limitations on salaries of county officers and employees; creating limitation on amount of appropriation for wages and salaries; providing for reduction of certain appropriations; establishing date for changes in salaries and rates to take effect; providing for certain checking account to be established by county sheriff; designating manager of checking account; providing for audit of checking account; specifying funds to be deposited into checking account; providing for disbursements from checking account; requiring State Auditor and Inspector to prescribe certain procedures; providing for payment of certain banking fees; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 178.3, is amended to read as follows:

Section 178.3 A. The county clerk shall be custodian and repository of all inventory records, files and reports.

B. The county clerk in each county in Oklahoma is hereby authorized to destroy all inventory records, files and reports of any inventory of the county which has been disposed of for three (3) years or more if the inventory account has been subject to a full audit by the State Auditor and Inspector.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 180.58, is amended to read as follows:

Section 180.58 A. Sections 180.58 through 180.68 of this title shall apply to all counties which do not approve an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution.

B. The purpose of this act is to codify and revise the laws of the state relating to the salaries and wages of county officers and their deputies and employees, and to establish said salaries and wages by general law applicable throughout the state under a uniform schedule fixing such salaries and wages and future increases and reductions thereof upon the following bases: ~~(A) the~~

1. The available revenues of the several counties out of which such salaries and wages may be paid, ~~(B) the;~~

2. The amount of services required to be performed, ~~(C) the;~~

3. The monetary value of such services in relation to that of nongovernmental services of similar nature in the areas wherein such services are performed; and ~~(D) the~~

4. The relative amounts of services required of the various county officers, their deputies and employees upon investigation and full consideration of the applicable facts.

C. The Legislature has determined that the foregoing bases of such schedule gradations generally are cognate to the combination of the following factors: ~~(a)~~

1. The net valuation of all tangible taxable property of the county (total taxable valuation less homestead exemption allowances), hereinafter referred to as "service-ability," ~~(b) the~~

2. The population of the county, hereinafter referred to as the "service-load"; ~~and that the.~~

The application of said factors properly establishes a rational and relevant formula for uniformity of salaries and wages and of future increases and decreases thereof.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.71 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Sections 3 through 15 of this act shall apply to all counties which approve an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution.

B. The purpose of this act is to codify and revise the laws of the state relating to the salaries and wages of county officers and their deputies and employees, and to establish said salaries and wages by general law applicable throughout the state under a uniform

schedule fixing such salaries and wages and future increases and reductions thereof upon the following bases:

1. The available revenues of the several counties out of which such salaries and wages may be paid;
2. The amount of services required to be performed;
3. The monetary value of such services in relation to that of nongovernmental services of similar nature in the areas wherein such services are performed; and
4. The relative amounts of services required of the various county officers, their deputies and employees upon investigation and full consideration of the applicable facts.

C. The Legislature has determined that the foregoing bases of such schedule gradations generally are cognate to the combination of the following factors:

1. The total amount of revenue authorized to be collected from the millage rate levied against the taxable valuation of property within the county which is apportioned for county purposes pursuant to subsection (a) of Section 9 of Article X of the Oklahoma Constitution, hereinafter referred to as "service-ability"; and
2. The population of the county, hereinafter referred to as the "service-load".

The application of said factors properly establishes a rational and relevant formula for uniformity of salaries and wages and of future increases and decreases thereof.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.72 of Title 19, unless there is created a duplication in numbering, reads as follows:

The population of each county, or service-load factor, shall be determined from the announced population of counties of Oklahoma based on the Federal Decennial Census. No other census however authorized shall have any effect insofar as this act is concerned.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.73 of Title 19, unless there is created a duplication in numbering, reads as follows:

For purposes of fixing salaries under this act, county officers shall be grouped in the following classifications:

1. Enforcement officers or those charged with enforcing the laws relating to public peace and safety: the county sheriff, the county treasurer, the county clerk, the court clerk, the county assessor, and the members of the board of county commissioners; and
2. Other elective county officers.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.74 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The basic salaries of county officers upon which all salaries and future increases or decreases thereof shall be computed, shall be as follows:

1. In every county having a service-ability factor, as defined in Section 3 of this act, of Four Hundred Thousand Dollars (\$400,000.00) or less, the basic salary of each of the county officers named in paragraph 1 of Section 5 of this act shall not exceed Nineteen Thousand Dollars (\$19,000.00) per annum;
2. In every county having a service-ability factor, as defined in Section 3 of this act, of more than Four Hundred Thousand Dollars (\$400,000.00) but not more than Eight Hundred Thousand Dollars (\$800,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 5 of this act shall not exceed Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum;
3. In every county having a service-ability factor, as defined in Section 3 of this act, of more than Eight Hundred Thousand

Dollars (\$800,000.00) but not more than Three Million Dollars (\$3,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 5 of this act shall not exceed Twenty-four Thousand Five Hundred Dollars (\$24,500.00) per annum;

4. In every county having a service-ability factor, as defined in Section 3 of this act, of more than Three Million Dollars (\$3,000,000.00) but not more than Six Million Dollars (\$6,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 5 of this act shall not exceed Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum; and

5. In every county having a service-ability factor, as defined in Section 3 of this act, of more than Six Million Dollars (\$6,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 5 of this act shall not exceed Nineteen Thousand Dollars (\$19,000.00) per annum.

B. In all counties of this state, the total annual salaries of each of the county officers named in paragraph 2 of Section 5 of this act shall be fixed by the board of county commissioners except where otherwise provided by law, and in each county the salary last fixed by the board of county commissioners before the election or appointment of any such officer shall be the applicable salary for such county officer for the ensuing term.

C. The annual salaries fixed by this act shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.75 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. In every county in this state which approves an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution, the salary of all county officers named in paragraph 1 of Section 5 of this act may be increased from the applicable basic salary named in Section 6 of this act, for the factor of service-ability, as defined in Section 3 of this act, according to the following scale:

1. To the basic salary:

- a. add the product of One Hundred Dollars (\$100.00) times each Ten Thousand Dollars (\$10,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof until the amount of such revenue equals Seven Hundred Fifty Thousand Dollars (\$750,000.00),
- b. thereafter add the product of One Hundred Dollars (\$100.00) times each additional Fifty Thousand Dollars (\$50,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof until the amount of such revenue equals Five Million Dollars (\$5,000,000.00),
- c. thereafter add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Seventy Thousand Dollars (\$70,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof until the amount of such revenue equals Twenty Million Dollars (\$20,000,000.00),
- d. thereafter as to all additional revenue which is authorized to be collected for county purposes add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Two Hundred Thousand Dollars

(\$200,000.00) of such revenue, or major fraction thereof; and

2. The salary of each county officer shall be additionally increased from the basic salary named in Section 6 of this act, and the additions to the basic salary as provided in this section, for population or service load according to the following scale:

- a. the product of Twelve Dollars and fifty cents (\$12.50) times each one thousand (1,000) population, or major fraction thereof until a population of seventy-five thousand (75,000) is reached,
- b. thereafter the product of Twelve Dollars and fifty cents (\$12.50) times each additional five thousand (5,000) population, or major fraction thereof until a population of one hundred fifty thousand (150,000) is reached,
- c. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional ten thousand (10,000) population, or major fraction thereof.

B. This section shall not reduce the present salary of any county officer in Oklahoma during their present term of office.

C. As used in this section, "major fraction thereof" means any amount greater than one-half (1/2).

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.76 of Title 19, unless there is created a duplication in numbering, reads as follows:

The salary increase authorized by Section 7 of this act shall be withheld in those counties in which the composite ad valorem assessment ratio for the county is less than nine percent (9%) of the property value as certified by the Board of Equalization at any time during the calendar year 1979, or any year thereafter.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.77 of Title 19, unless there is created a duplication in numbering, reads as follows:

County officers shall not receive any salary increase or decrease during their term of office unless by operation of law enacted prior to their election or appointment.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.78 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. In every county having a service-ability factor, as defined in Section 3 of this act, of One Hundred Thousand Dollars (\$100,000.00) or less, the minimum salary of the sheriff and for all other officers referred to in paragraph 1 of Section 5 of this act shall be Eleven Thousand Three Hundred Forty-five Dollars (\$11,345.00) per annum, payable monthly.

B. In every county having a service-ability factor, as defined in Section 3 of this act, of more than One Hundred Thousand Dollars (\$100,000.00), the minimum salary for the sheriff and the minimum salary for all other officers referred to in paragraph 1 of Section 5 of this act shall be Twelve Thousand One Hundred Ninety Dollars (\$12,190.00) per annum, payable monthly.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.79 of Title 19, unless there is created a duplication in numbering, reads as follows:

The salaries established by this act shall be paid from annual appropriations made from the general fund of the county for such purpose, and it is hereby made the mandatory duty of the county commissioners and the excise board that such funds be appropriated and paid.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.80 of Title 19, unless there is created a duplication in numbering, reads as follows:

The provisions of Section 10 of this act shall be subject to the restrictions set forth in Section 14 of this act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.81 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The officers named in paragraph 1 of Section 5 of this act shall have such number of regular or technical deputies, assistants, investigators, evidence men, aides, stenographers or reporters, technicians, undersheriffs, jailers, matrons, handwriting and fingerprint experts, probation officers, and/or juvenile officers, bailiffs, or other help, whatever title the principal officer may ascribe to the duties or functions to be performed as authorized by law and clearly related to the proper accomplishment of lawful functions, whether on whole or part-time basis, at such rates of salary or pay, subject to the provisions of this section as hereinafter set forth, as the principal officer may propose and establish the need of and which the county excise board may approve, for the adequate accomplishment of the functions of the office and the performance of the duties imposed thereon by law, with due weight being given to employment on whole or part-time basis; provided, that no such employments shall exceed the amount of lawful funds appropriated for such purpose.

B. Each principal officer named in paragraph 1 of Section 5 of this act, except judges, shall designate of record in the office of the county clerk a first or chief deputy or assistant who shall be chargeable with all the duties of such principal officer, while subject to the direction of the same; and such first or chief deputy or assistant shall carry on the duties of the office during the absence of the principal officer or, in the event of the death, removal or resignation of said principal officer, until a successor shall have qualified. During periods of vacancy of the principal office, resulting from the death, removal or resignation of the principal officer, the chief deputy or assistant shall be bonded in the same manner and in the same sum as required for the principal officer.

C. The first or chief deputy or assistant to any officer, as authorized by subsection B of this section, shall receive a salary not to exceed ninety percent (90%) of the salary of the principal officer; and, if the principal officer has more than one deputy or assistant, that person or those persons whom the principal officer may designate as "second deputy" or "second assistant" shall receive a salary not to exceed eighty percent (80%) of the salary of the principal officer; and the aforesaid salaries within said limitations shall be such amounts as the principal officer may propose and establish the need for and which the county excise board may approve within salary and staffing requirements as may be prescribed by law. The numerical rank of any deputy or assistant to be effective must be by designation of the principal officer by his signature and filed with the county clerk. The numerical rank of any deputy or assistant shall be within the sole discretion of the principal officer.

D. No other deputy, aide, assistant or other person named in subsection A of this section may be paid at a salary rate in excess of eighty percent (80%) of the salary of the principal officer; and, subject to said limitation, the salary or rate of pay of such subordinate shall be determined by the principal officer and the county excise board based upon responsibility, risks, skills,

training, and experience required for such position and afforded by the subordinate; provided that the eighty percent (80%) limitation shall not apply to county officers employing only two deputies or technical help on a part-time contract or wage basis within the amount of lawful appropriations for said purposes, by and with the consent and approval of the county commissioners. Provided further, the criteria stated in this subsection shall not apply to reserve force deputy sheriffs.

E. The salary paid to such deputies, assistants, or other persons shall not exceed ninety percent (90%) or eighty percent (80%), respectively, of the total salary paid to such principal officers.

F. The board of county commissioners shall continue to have the authority to recommend the total amount of funds that can be used for the combined salaries in each of the county offices covered by this act; however, the approval of said funding for such offices shall continue to be the responsibility of the county excise board. County officers shall have no authority to make salary commitments beyond the amount of said funding so provided.

G. The county excise board shall meet with each of the principal officers of the county in budget planning conference or conferences, before July 1 of each year, to discuss personnel needs for each office for the succeeding fiscal year. The excise board shall provide the principal officers a tentative estimate of anticipated revenues for the next fiscal year prior to said budget planning conferences.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.82 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. It is hereby declared to be the intent of the Legislature that this act shall be the comprehensive salary code for all counties of the state which have approved an exemption of household goods of the heads of families and livestock employed in support of the family pursuant to the provisions of Section 5 of Article X of the Oklahoma Constitution, and no county officer in paragraph 1 of Section 5 of this act, or their assistants, deputies, or other employees by whatever title designated, shall receive any salary or wages except as provided in this act.

B. Notwithstanding any provisions of this act to the contrary, no county shall appropriate or expend more than seventy-five percent (75%) of its total available revenue for current general fund purposes in any fiscal year, computed as required by paragraph 4 of Section 3007 of Title 68 of the Oklahoma Statutes, for salaries and wages of the officers named in paragraph 1 of Section 5 of this act, and their assistants, deputies and employees by whatever title designated, as classified in Section 5 of this act. In the event that the total sum necessary to pay the salaries and wages of officers and their assistants, deputies and employees does exceed seventy-five percent (75%) of such total available revenue, then such total sum shall be reduced to an amount equal to seventy-five percent (75%) of such total available revenue, and the salary and wages of each officer, assistant, deputy and employee shall be reduced by that percentage of the authorized amount thereof which said total reduction bears to the total authorized sum.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.83 of Title 19, unless there is created a duplication in numbering, reads as follows:

The date on which changes in the salaries and rates of pay for county officers and their deputies, aides and assistants under this act due to changes in population or the amount of revenue authorized

to be collected for county purposes in any county shall take effect, shall be as of, on and after the first day of July of the fiscal year in the calendar year in which the Federal Decennial Census for the State of Oklahoma is announced, and in which the county determines the total amount of revenue authorized to be collected from the millage rate levied against the taxable valuation of property within the county which is apportioned for county purposes pursuant to subsection (a) of Section 9 of Article X of the Oklahoma Constitution for such year.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 531 of Title 19, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provisions of law, the county sheriff may establish a checking account, to be designated the "Inmate Trust Fund Checking Account", to be managed by the county sheriff and maintained separately from regular county funds. The checking account shall be subject to audit by the State Auditor and Inspector. The county sheriff shall deposit all monies collected from inmates incarcerated in the county jail into this checking account and may write checks to the Sheriff's Commissary Account for purchases made by the inmate during his or her incarceration and to the inmate from unencumbered balances due the inmate upon his or her discharge. The State Auditor and Inspector shall prescribe procedures for the operation of the Inmate Trust Fund Checking Account. Banking fees on the account may be paid out of the Sheriff Commissary Account or the county sheriff's Service Fee Cash Fund.

SECTION 17. 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.

Passed the House of Representatives the 18th day of May, 1993.

Speaker of the House of  
Representatives

Passed the Senate the 25th day of May, 1993.

President of the Senate