

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 3265

By: Thornbrugh

COMMITTEE SUBSTITUTE

An Act relating to counties and county officers; amending 19 O.S. 1991, Sections 180.62, as last amended by Section 8, Chapter 239, O.S.L. 1993, 180.65, as last amended by Section 2, Chapter 283, O.S.L. 1997, Section 6, Chapter 334, O.S.L. 1993, Section 7, Chapter 334, O.S.L. 1993, and Section 13, Chapter 334, O.S.L. 1993 (19 O.S. Supp. 1997, Sections 180.62, 180.65, 180.74, 180.75 and 180.81), which relate to salaries of county officers; modifying basic salaries of county officers; modifying salaries of deputies and other help; providing for basic salary of county officers in certain counties; modifying product used to determine increases to basic salaries of county officers in certain counties; modifying salaries of deputies and other help in certain counties; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 180.62, as last amended by Section 8, Chapter 239, O.S.L. 1993 (19 O.S. Supp. 1997, Section 180.62), is amended to read as follows:

Section 180.62 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 net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of Forty Million Dollars (\$40,000,000.00) or less, the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not exceed ~~Nineteen Thousand Dollars (\$19,000.00)~~ Twenty-four Thousand Dollars (\$24,000.00) per annum;

2. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Forty Million Dollars (\$40,000,000.00) but not more than Eighty Million Dollars (\$80,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not exceed ~~Twenty-two Thousand Five Hundred Dollars (\$22,500.00)~~ Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) per annum;

3. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Eighty Million Dollars (\$80,000,000.00) but not more than Three Hundred Million Dollars (\$300,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not exceed ~~Twenty-four Thousand Five Hundred Dollars (\$24,500.00)~~ Twenty-nine Thousand Five Hundred Dollars (\$29,500.00) per annum;

4. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Three Hundred Million Dollars (\$300,000,000.00) but not more than Six Hundred Million Dollars (\$600,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not exceed ~~Twenty-two Thousand Five Hundred Dollars (\$22,500.00)~~ Twenty-seven Thousand Five Hundred Dollars (\$27,500.00) per annum; and

5. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Six Hundred Million Dollars (\$600,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not exceed ~~Nineteen Thousand Dollars (\$19,000.00)~~ Twenty-four Thousand Dollars (\$24,000.00) 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 180.61 of this title 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 2. AMENDATORY 19 O.S. 1991, Section 180.65, as last amended by Section 2, Chapter 283, O.S.L. 1997 (19 O.S. Supp. 1997, Section 180.65), is amended to read as follows:

Section 180.65 A. The officers named in paragraph 1 of Section 180.61 of this title 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 180.61 of this title, 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

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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%)~~ ninety-five percent (95%) 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%)~~ ninety percent (90%) 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%)~~ ninety percent (90%) of the salary of the principal officer; and, subject to ~~said~~ the 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%)~~ ninety percent (90%) 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

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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%)~~ ninety-five percent (95%) or ~~eighty percent (80%)~~ ninety percent (90%), 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.

H. In any county with a population in excess of three hundred fifty thousand (350,000), the safety director or coordinator appointed pursuant to Section 403 of Title 40 of the Oklahoma Statutes shall be exempt from the salary provisions of Sections 180.58 et seq. of this title.

SECTION 3. AMENDATORY Section 6, Chapter 334, O.S.L. 1993 (19 O.S. Supp. 1997, Section 180.74), is amended to read as follows:

Section 180.74 A. The basic ~~salaries~~ salary 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) Twenty-four Thousand Five Hundred Dollars (\$24,500.00) 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 5 180.73 of this ~~act~~ title 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 4. AMENDATORY Section 7, Chapter 334, O.S.L. 1993 (19 O.S. Supp. 1997, Section 180.75), is amended to read as follows:

Section 180.75 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~~ 180.73 of this ~~act~~ title may be increased from the applicable basic salary named in Section ~~6~~ 180.74 of this ~~act~~ title, for the factor of service-ability, as defined in Section ~~3~~ 180.71 of this ~~act~~ title, according to the following scale:

1. To the basic salary:

- a. add the product of ~~One Hundred Dollars (\$100.00)~~ One Hundred Fifty Dollars (\$150.00) 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)~~ One Hundred Fifty Dollars (\$150.00) 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)~~ One Hundred Fifty Dollars (\$150.00) 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)~~ One Hundred Fifty Dollars (\$150.00) 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~~ 180.74 of this ~~act~~ title, 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 5. AMENDATORY Section 13, Chapter 334, O.S.L. 1993 (19 O.S. Supp. 1997, Section 180.81), is amended to read as follows:

Section 180.81 A. The officers named in paragraph 1 of Section ~~5~~ 180.73 of this ~~act~~ title 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~~ 180.73 of this ~~act~~ title, 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%)~~ ninety-five (95%) 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%)~~ ninety percent (90%) 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%)~~ ninety percent (90%) 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%)~~ ninety percent (90%) 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%)~~ ninety-five percent (95%) or ~~eighty percent (80%)~~ ninety percent (90%), 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~~ the 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 6. This act shall become effective November 1, 1998.

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