

ENROLLED SENATE
BILL NO. 673

By: Smith and Gustafson of the
Senate

and

Askins of the House

An Act relating to county officers and recordable instruments; amending 19 O.S. 1991, Sections 162 and 180.65, as amended by Section 11, Chapter 239, O.S.L. 1993 (19 O.S. Supp. 1996, Section 180.65), which relate to deputies to county officers; authorizing institution of certain job descriptions and salaries by certain counties; exempting certain safety director or coordinator from certain salary provisions; authorizing certain judges to employ certain directors and deputies for county juvenile facilities; specifying duties of directors; providing for compensation; stating that certain salaries shall not be subject to the comprehensive salary code; validating the acceptance of certain instruments for recording; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 162, is amended to read as follows:

Section 162. Subject to the approval of the county excise board, every county officer shall appoint such regular and special deputies as are essential to the performance of the duties of the office in an efficient manner and shall fix their salaries and compensation. In order to provide for parity among and between county offices, every county which has established a county budget board pursuant to the County Budget Act, Sections 1401 through 1421 of this title, may, upon majority vote of the members of the budget

board, institute equivalent employee job descriptions and related salary levels for all full-time employment positions for uniform application by each county officer. It shall be the responsibility of the board of county commissioners to cause such job descriptions and salary levels to be established. The county officer shall annually make request for appropriation for payment of salaries, traveling expenses, supplies and equipment and other needs for performing his official duties. The board of county commissioners and the county excise board shall annually appropriate amounts that will enable a county officer to hire and keep capable deputies, provide their instruction, provide sufficient supplies and equipment for the county officer and his deputies, provide reimbursement for traveling expenses for the county officer or deputies whose assignments require expenditures therefor, or provide a monthly travel allowance for the county officer in lieu of reimbursed expenditures for travel within this state.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 180.65, as amended by Section 11, Chapter 239, O.S.L. 1993 (19 O.S. Supp. 1996, 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 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.

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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 452.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

With the approval of the board of county commissioners, the judge responsible for the juvenile docket of any county may employ a director of county juvenile facilities and services and deputies to the director as the judge may deem appropriate. The director shall perform the duty or duties of directions and implementations of county juvenile facilities and services as prescribed and directed by the board of county commissioners. Such directors and their deputies shall serve at the will and discretion of the judge responsible for the juvenile docket.

The director and deputies of county juvenile facilities and services shall receive as compensation a salary or salaries to be fixed by the board of county commissioners, to be paid out of the general operating fund of the county or out of special funds created by a vote of the people for the purposes of funding county juvenile facilities and services. The compensation of the director and any deputies shall not be governed by the comprehensive salary code, as provided in Section 180.58 et seq. of Title 19 of the Oklahoma Statutes.

SECTION 4. All documents accepted for filing, including all documents filed on or after November 1, 1996, and before February 18, 1997, shall be deemed to comply with the requirements of

Enrolled House Bill No. 1946 of the 1st Session of the 46th Oklahoma Legislature and, unless otherwise provided by law, impart constructive notice of its contents on third parties unless a person claiming adversely to such document files an affidavit setting forth the basis of the claim in the office of the county clerk of the county or counties wherein the property is located within six (6) months from the effective date of this act.

SECTION 5. The provisions of Section 4 of this act shall not be codified in the Oklahoma Statutes.

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 act shall take effect and be in full force from and after its passage and approval.