ENGROSSED SENATE
BILL NO. 1132

By: Littlefield of the Senate

and

Hutchison of the House

An Act relating to officers; amending 51 O.S. 1991, Section 6, as last amended by Section 1, Chapter 184, O.S.L. 1998 (51 O.S. Supp. 1999, Section 6), which relates to dual office holding; adding certain exemption; amending 11 O.S. 1991, Section 34-101, as amended by Section 1, Chapter 228, O.S.L. 1997 (11 O.S. Supp. 1999, Section 34-101), which relates to municipal police officers; adding exemption; allowing noncompensated municipal police officers to perform certain jobs; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 6, as last amended by Section 1, Chapter 184, O.S.L. 1998 (51 O.S. Supp. 1999, Section 6), is amended to read as follows:

Section 6. A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:

1. Notaries public;

2. Members of the State Textbook Committee;

3. County free fair board members;

4. Municipal and county law enforcement officers serving in positions as law enforcement officers of both such governmental entities upon such terms and conditions as are mutually approved by resolutions adopted by the board of county commissioners and governing body of the municipality employing such officers;

5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, except where the duties of the offices or positions conflict;

6. Any elected municipal officers and school board members who are appointed to a state board, commission, or similar entity if there is no compensation for such services other than reimbursement for necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes;

7. Any trustee of a public trust, who is appointed as a trustee of a different public trust or any trustee of the Tulsa County Public Facilities Authority who may also be employed by the Department of Transportation;

8. Law enforcement officers employed by municipal or county law enforcement departments or agencies, other than those law enforcement officers elected or appointed as sheriff, chief of police or some similar position in which they are the head of a county or municipal law enforcement agency, who are elected to local boards of education; provided, the provisions of this paragraph shall not prohibit any law enforcement officer employed by a municipality having a population of ten thousand (10,000) or fewer people from serving as a member of a local board of education;

9. Any member of the Oklahoma Highway Patrol Division of the Department of Public Safety who is elected to a local board of education;

10. Any District Supervisor, Assistant District Supervisor, Team Supervisor, Parole Officer 1 or Parole Officer 2 of the Department of Corrections who is elected or appointed to a city council;

11. Any trustee or director of a rural electric cooperative, or port authority who is appointed or elected to a state, county or municipal board, commission or similar entity;

12. County employees who are elected as members of town or city councils;

13. Municipal, county, state or tribal law enforcement or peace officers operating under cross-deputization agreements with an Indian tribe or branch of the federal government;

14. Municipal or county law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by resolution adopted by the governing body of the municipality or county and the governing board of the institution of higher education;

15. State law enforcement or peace officers serving in positions as campus police officers or campus public safety officers pursuant to the provisions of the Oklahoma Campus Security Act, upon such terms and conditions as are mutually approved by written agreement between the Commissioner of Public Safety and the governing board of the institution of higher education;

16. Municipal and county law enforcement officers serving in positions as part-time rangers under the Oklahoma Tourism and Recreation Department;

17. The Administrator of a Scenic Rivers Commission serving in the position of a park ranger under the Oklahoma Tourism and Recreation Department;

18. Members of the University Hospitals Authority;

19. Any person holding a state office or position who is a noncompensated reserve force deputy sheriff or a noncompensated reserve municipal police officer;

20. Any person holding a state office or position who serves as a special assistant district attorney without compensation;

21. Any elected or appointed member of a local school board who is a member of a municipal planning commission;

22. Any elected or appointed member of a local school board who is a member or an officer of a volunteer fire department; ~~and~~

23 Directors or officers of a rural water district and chiefs of municipal fire departments or rural fire districts who are appointed or elected to an unsalaried office in a state, county, municipal, school, or vocational-technical school board, commission, or similar entity, except where the duties of the office would create a conflict of interest; and

24. Any person who is a dispatcher or confinement officer at a municipal jail who is a noncompensated reserve municipal police officer.

The provisions of this section shall not prohibit any person holding an office under the laws of the state or any deputy of any officer so holding any office from serving upon the board of Oklahoma Futures or upon the board of directors of the Oklahoma Center for the Advancement of Science and Technology. The provisions of this section shall not prohibit a member of the board of directors of the Oklahoma Center for the Advancement of Science and Technology from serving upon the board of Oklahoma Futures.

B. Any salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 34-101, as amended by Section 1, Chapter 228, O.S.L. 1997 (11 O.S. Supp. 1999, Section 34-101), is amended to read as follows:

Section 34-101. A. A municipal police officer shall at all times have the power to make or order an arrest for any offense against the laws of this state or the ordinances of the municipality. The officer shall have such other powers, duties and functions as may be prescribed by law or ordinance.

B. In addition to regular full-time municipal police officers, reserve municipal police officers may also be appointed by the chief of police. Reserve municipal police officers shall have the powers, duties and functions as set forth in law or ordinance for regular full-time municipal police officers, including serving as police officers in another municipality requesting assistance pursuant to Section 34-103 of this title. A reserve municipal police officer shall serve on a part-time basis and shall perform duties only while on authorized duty. Uncompensated reserve municipal police officers may serve as dispatchers or confinement officers at municipal jails. The calculation for part-time reserve officers shall be as follows:

1. For cities having a total population of less than two hundred thousand (200,000) persons, a reserve officer shall serve not more than one hundred ten (110) hours per calendar month; and

2. For cities having a total population of two hundred thousand (200,000) or more persons, a reserve officer shall serve not more than one hundred forty (140) hours per calendar month.

Such reserve municipal police officers must meet the minimum requirements of Section 3311 of Title 70 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2000.

Passed the Senate the 29th day of February, 2000.

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President of the Senate

Passed the House of Representatives the ____ day of _____, 2000.

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Speaker of the House of Representatives