

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1247

By: Hastings

AS INTRODUCED

An Act relating to counties and county officers; amending 19 O.S. 1991, Sections 180.62, as last amended by Section 1, Chapter 195, O.S.L. 1998, Section 6, Chapter 334, O.S.L. 1993, as last amended by Section 3, Chapter 258, O.S.L. 1998, 1413 and 1414 (19 O.S. Supp. 1998, Sections 180.62 and 180.74), and 68 O.S. 1991, Section 3006, which relate to county officers and county excise boards; authorizing county excise boards to set salaries of county officers; prohibiting increase or decrease during term of office; prohibiting county budget board from setting salaries of county officers; granting county excise board additional duties; updating certain references regarding county excise board; modifying duties and powers of county excise board; providing an effective date; and declaring an emergency.

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 1, Chapter 195, O.S.L. 1998 (19 O.S. Supp. 1998, 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 be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirty-nine Thousand Dollars (\$39,000.00) 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 be less than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) 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 be less than Twenty-four Thousand Five Hundred Dollars (\$24,500.00) per annum nor shall it exceed Forty-four Thousand Five Hundred Dollars (\$44,500.00) 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 be less than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) 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 be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirty-nine Thousand Dollars (\$39,000.00) 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 county excise board ~~of county commissioners except where otherwise provided by law~~, and in each county the salary last fixed by the county excise board ~~of county commissioners~~ before the election or appointment of any such officers shall be the applicable salary for such county officer for the ensuing term. In no event shall the salary be increased or decreased during the term of office in accordance with Section 180.63e of this title and Section 10 of Article 23 of the Oklahoma Constitution.

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 Section 6, Chapter 334, O.S.L. 1993, as last amended by Section 3, Chapter 258, O.S.L. 1998 (19 O.S. Supp. 1998, Section 180.74), is amended to read as follows:

Section 180.74 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 180.71 of this title, of Four Hundred Thousand Dollars (\$400,000.00) or less, the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirty-nine Thousand Dollars (\$39,000.00) per annum;

2. In every county having a service-ability factor, as defined in Section 180.71 of this title, 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 Section 180.73 of this title shall not be less

than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) per annum;

3. In every county having a service-ability factor, as defined in Section 180.71 of this title, 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 Section 180.73 of this title shall not be less than Twenty-four Thousand Five Hundred Dollars (\$24,500.00) per annum nor shall it exceed Forty-four Thousand Five Hundred Dollars (\$44,500.00) per annum;

4. In every county having a service-ability factor, as defined in Section 180.71 of this title, of more than Three Million Dollars (\$3,000,000.00) but not more than Ten Million Dollars (\$10,000,000.00), the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) per annum; and

5. In every county having a service-ability factor, as defined in Section 180.71 of this title, of more than Ten Million Dollars (\$10,000,000.00), the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirty-nine Thousand Dollars (\$39,000.00) per annum.

B. In all counties of this state, the total annual salaries of each of the county officers ~~named in Section 180.73 of this title~~ shall be fixed by the county excise board ~~of county commissioners~~ ~~except where otherwise provided by law~~, and in each county the salary last fixed by the county excise 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. In

no event shall the salary be increased or decreased during the term of office in accordance with Section 180.63e of this title and Section 10 of Article 23 of the Oklahoma Constitution.

C. The annual salaries fixed by Section 180.71 of this title 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 3. AMENDATORY 19 O.S. 1991, Section 1413, is amended to read as follows:

Section 1413. A. After the hearing and at least seven (7) days prior to the beginning of the budget year, the county budget board shall adopt the budget for each fund. The budget board may add or increase items or delete or decrease items in each budget. In all cases, the proposed expenditures shall not exceed the estimated revenues in the budget of any fund. However, the county budget board shall have no authority to add or increase or delete or decrease items in the budget relating to the total annual salaries of the county officers. The county excise board shall have sole authority to set the salaries of county officers.

B. The adopted budgets shall be filed with the excise board of the county on or before the first day of the budget year. At the same time the budgets are filed with the excise board, one copy of each budget as adopted shall be kept on file in the office of the county clerk and a copy filed with the State Auditor and Inspector.

C. The adopted budgets shall be in effect on and after the first day of the fiscal year to which they apply. The budgets as adopted and filed with the excise board shall constitute an appropriation for each fund, subject to final approval of the county excise board as provided in this act, and the appropriation thus made shall not be used for any other purpose except as provided by law.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 1414, is amended to read as follows:

Section 1414. A. The county excise board shall examine the county budgets. The excise board may take the following actions on the budgets:

1. For any items or amounts which are not authorized by law or which may be contrary to law, the unlawful amounts or items shall be stricken and disregarded;

2. Any amount which exceeds the lawful amount authorized by law shall be reduced to the extent authorized by law;

3. If any items or amounts are mandated by law and not provided for the county excise board shall return the budget to the county budget board to revise the budget to provide for the mandated items or amounts. The county budget board shall revise or amend the budget as needed and resubmit the budget within fifteen (15) days of the return by the excise board;

4. If any portion of the budget of revenues to be derived from ad valorem property tax exceeds the amount of tax which is available for appropriation, as finally determined and computed by the county excise board, the excise board shall return the budget to the county budget board to revise or amend the budget as needed and resubmit the budget within fifteen (15) days of the return by the excise board;

5. If any reduction or amendment in the budget is required by the computations of Section 2497 of Title 68 of the Oklahoma Statutes, the county excise board shall note these and return the budget to the county budget board to revise or amend the budget as needed and resubmit the budget within fifteen (15) days from the date of the return by the excise board; and

6. If the budget is within the income and revenues lawfully available, the excise board shall approve the budget and compute the levy required.

B. At the time required by law, the county excise board shall compute the appropriations and levy the taxes necessary for the county for the budget year in accordance with this act and Section 2497 of Title 68 of the Oklahoma Statutes.

C. The secretary of the county excise board shall certify the approved budget to the county budget board, the county treasurer and the State Auditor and Inspector. A copy of the budget as adopted and approved by the excise board shall be filed in the offices of the county clerk, the secretary of the county excise board and the State Auditor and Inspector.

D. In addition to the duties set forth in this section, the county excise board shall fix the total annual salaries of each of the county officers. The salaries shall be set within the limits set forth in Sections 180.58 through 180.83 of this title, and shall be within the income and revenues lawfully available. The county budget board shall have no authority to fix or establish the total annual salary of the county officers.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 3006, is amended to read as follows:

Section 3006. The county excise board shall meet at the county seat on the first Monday of July of each year as provided in Section ~~2494 of Title 68~~ 3014 of this title or on such earlier date in the year as determined by the excise board, and organize by electing one of its members as ~~chairman~~ chairperson, and another as ~~vice chairman~~ vice-chairperson who shall preside in the absence of the ~~chairman~~ chairperson, for the purpose of performing the duties required of it by law during such fiscal year. ~~Thenceforth, said~~ The board may meet from day to day, or adjourn from day to day and time to time thereafter for ~~said~~ the purpose of performing its duties. ~~In its functionings it is hereby~~ It shall be declared an agency of the state, as a part of the system of checks and balances required by the Constitution, and as such it is empowered to require adequate

and accurate reporting of finances and expenditures for all budget and supplemental purposes, and charged with the duty of requiring adequate provision for performance of mandatory constitutional and statutory governmental functions within the means available, ~~but it.~~ The county excise board shall have no authority thereafter to deny any appropriation for a lawful purpose if within the income and revenue provided. The county excise board shall also have the duty to fix the total annual salary within the limits provided by law of each of the county officers.

SECTION 6. This act shall become effective July 1, 1999.

SECTION 7. 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.

47-1-5270            JAF            6/12/15