

THE HOUSE OF REPRESENTATIVES  
Thursday, February 25, 2010

Committee Substitute for  
House Bill No. 3055

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3055 - By: KIRBY of the House and BROWN of the Senate.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 180.65, as amended by Section 1, Chapter 117, O.S.L. 2005 (19 O.S. Supp. 2009, Section 180.65), which relates to deputies and other help; allowing certain county commissioners to name the same person as their deputy or assistant; and providing an effective date.

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 180.65, as amended by  
2 Section 1, Chapter 117, O.S.L. 2005 (19 O.S. Supp. 2009, Section 180.65), is amended to  
3 read as follows:  
4 Section 180.65 A. The officers named in paragraph 1 of Section 180.61 of this title  
5 shall have such number of regular or technical deputies, assistants, investigators,  
6 evidence persons, aides, stenographers or reporters, technicians, undersheriffs, jailers,  
7 matrons, handwriting and fingerprint experts, probation officers, juvenile officers,  
8 bailiffs, or other help, whatever title the principal officer may ascribe to the duties or  
9 functions to be performed as authorized by law and clearly related to the proper  
10 accomplishment of lawful functions, whether on whole or part-time basis, at such rates of  
11 salary or pay, subject to the provisions of this section as hereinafter set forth, as the

1 principal officer may propose and establish the need of and which the county excise board  
2 may approve, for the adequate accomplishment of the functions of the office and the  
3 performance of the duties imposed thereon by law, with due weight being given to  
4 employment on whole or part-time basis. However, no such employments shall exceed  
5 the amount of lawful funds appropriated for such purpose.

6 B. Each principal officer named in paragraph 1 of Section 180.61 of this title,  
7 except judges, shall designate of record in the office of the county clerk a first or chief  
8 deputy or assistant who shall be chargeable with all the duties of such principal officer,  
9 while subject to the direction of the same. The first or chief deputy or assistant shall  
10 carry on the duties of the office during the absence of the principal officer or, in the event  
11 of the death, removal or resignation of said principal officer, until a successor shall have  
12 qualified. During periods of vacancy of the principal office, resulting from the death,  
13 removal or resignation of the principal officer, the chief deputy or assistant shall be  
14 bonded in the same manner and in the same sum as required for the principal officer.

15 C. No deputy shall receive a salary in excess of the principal officer. The salaries  
16 set forth in this subsection within the limitations shall be such amounts as the principal  
17 officer may propose and establish the need for and which the county excise board may  
18 approve within salary and staffing requirements as may be prescribed by law. The  
19 numerical rank of any deputy or assistant to be effective must be by designation of the  
20 principal officer by the signature of the principal officer and filed with the county clerk.  
21 The numerical rank of any deputy or assistant shall be within the sole discretion of the  
22 principal officer.

1 D. The board of county commissioners shall continue to have the authority to  
2 recommend the total amount of funds that can be used for the combined salaries in each  
3 of the county offices covered by this act. However, the approval of the funding for such  
4 offices shall continue to be the responsibility of the county excise board. County officers  
5 shall have no authority to make salary commitments beyond the amount of the funding  
6 so provided.

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

12 F. Nothing in this section shall prohibit two or more county commissioners of the  
13 same county from naming the same person as their first or chief deputy or assistant.

14 SECTION 2. This act shall become effective November 1, 2010.

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-  
16 24-10 - DO PASS, As Amended and Coauthored.