

THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 2010

ENGROSSED

Senate Bill No. 499

ESB 499

ENGROSSED SENATE BILL NO. 499 - By: ANDERSON of the Senate and DUNCAN of the House.

An Act relating to officers; amending 51 O.S. 2001, Section 6, as last amended by Section 4, Chapter 453, O.S.L. 2009 (51 O.S. Supp. 2009, Section 6), which relates to dual office holding; extending certain exemption; and providing an effective date.

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

1 SECTION 1. AMENDATORY 51 O.S. 2001, Section 6, as last amended by  
2 Section 4, Chapter 453, O.S.L. 2009 (51 O.S. Supp. 2009, Section 6), is amended to read  
3 as follows:

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

- 8 1. Notaries public;
- 9 2. Members of the State Textbook Committee;
- 10 3. County free fair board members;
- 11 4. Municipal and county law enforcement officers serving in positions as law  
12 enforcement officers of both such governmental entities upon such terms and conditions

1 as are mutually approved by resolutions adopted by the board of county commissioners  
2 and governing body of the municipality employing such officers;

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

8 6. Any elected municipal officers and school board members who are appointed to a  
9 state board, commission, or similar entity if there is no compensation for such services  
10 other than reimbursement for necessary travel expenses pursuant to the provisions of  
11 the State Travel Reimbursement Act;

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

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

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

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

- 1           16. Municipal and county law enforcement officers serving in positions as part-time  
2 rangers under the Oklahoma Tourism and Recreation Department;
- 3           17. The Administrator of a Scenic Rivers Commission serving in the position of a  
4 park ranger under the Oklahoma Tourism and Recreation Department;
- 5           18. Members of the University Hospitals Authority;
- 6           19. Any person holding a state office or position who is a reserve force deputy  
7 sheriff or a reserve municipal police officer;
- 8           20. Any person holding a state office or position who serves as a special assistant  
9 district attorney without compensation;
- 10          21. Any elected or appointed member of a local school board who is a member of a  
11 municipal planning commission;
- 12          22. Any elected or appointed member of a local school board who is a member or an  
13 officer of a volunteer fire department;
- 14          23. Directors or officers of a rural water district and chiefs of municipal fire  
15 departments or rural fire districts who are appointed or elected to an unsalaried office in  
16 a state, county, municipal, school, or technology center school board, commission, or  
17 similar entity, except where the duties of the office would create a conflict of interest;
- 18          24. Any person who is a dispatcher or confinement officer at a municipal or county  
19 jail who is a noncompensated reserve municipal police officer or a reserve deputy sheriff;
- 20          25. Any person who is an assistant district attorney serving as a municipal judge or  
21 prosecutor;

1           26. Any park ranger under the Oklahoma Tourism and Recreation Department  
2 who is elected or appointed to a local board of education or to a municipal board,  
3 commission or similar entity;

4           27. Members of the Oklahoma State University Medical Center Authority or the  
5 Oklahoma State University Medical Trust; ~~and~~

6           28. Any member of the state Legislature or any state officer who serves on the  
7 board of trustees of the Oklahoma School for the Visual and Performing Arts; and

8           29. Members of the Council on Judicial Complaints.

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

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

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

21           COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-23-10 - DO PASS.