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THE STATE SENATE
Tuesday, March 23, 2010

ENGROSSED
House Bill No. 3055
As Amended

ENGROSSED HOUSE BILL NO. 3055 - By: Kirby and Tibbs of the House and Brown of the Senate.

[counties and county officers - deputies and other help - effective date]

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

SECTION 1. AMENDATORY 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), 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 persons, aides, stenographers or reporters, technicians, undersheriffs, jailers, matrons, handwriting and fingerprint experts, probation officers, 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

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

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

20 C. No deputy shall receive a salary in excess of the principal
21 officer. The salaries set forth in this subsection within the
22 limitations shall be such amounts as the principal officer may
23 propose and establish the need for and which the county excise board

1 may approve within salary and staffing requirements as may be
2 prescribed by law. The numerical rank of any deputy or assistant to
3 be effective must be by designation of the principal officer by the
4 signature of the principal officer and filed with the county clerk.
5 The numerical rank of any deputy or assistant shall be within the
6 sole discretion of the principal officer.

7 D. The board of county commissioners shall continue to have the
8 authority to recommend the total amount of funds that can be used
9 for the combined salaries in each of the county offices covered by
10 this act. However, the approval of the funding for such offices
11 shall continue to be the responsibility of the county excise board.
12 County officers shall have no authority to make salary commitments
13 beyond the amount of the funding so provided.

14 E. The county excise board shall meet with each of the
15 principal officers of the county in budget planning conference or
16 conferences, before July 1 of each year, to discuss personnel needs
17 for each office for the succeeding fiscal year. The excise board
18 shall provide the principal officers a tentative estimate of
19 anticipated revenues for the next fiscal year prior to the budget
20 planning conferences.

21 F. Nothing in this section shall prohibit a county commissioner
22 from designating a current county employee as a first or chief
23 deputy or assistant, or require the hiring or employment of an

1 individual for such purpose; however, no individual shall be
2 appointed to serve more than one county commissioner as a first or
3 chief deputy or assistant.

4 SECTION 2. AMENDATORY 19 O.S. 2001, Section 180.81, as
5 amended by Section 2, Chapter 117, O.S.L. 2005 (19 O.S. Supp. 2009,
6 Section 180.81), is amended to read as follows:

7 Section 180.81 A. The officers named in paragraph 1 of Section
8 180.73 of this title shall have such number of regular or technical
9 deputies, assistants, investigators, evidence persons, aides,
10 stenographers or reporters, technicians, undersheriffs, jailers,
11 matrons, handwriting and fingerprint experts, probation officers,
12 juvenile officers, bailiffs, or other help, whatever title the
13 principal officer may ascribe to the duties or functions to be
14 performed as authorized by law and clearly related to the proper
15 accomplishment of lawful functions, whether on whole or part-time
16 basis, at such rates of salary or pay, subject to the provisions of
17 this section as hereinafter set forth, as the principal officer may
18 propose and establish the need of and which the county excise board
19 may approve, for the adequate accomplishment of the functions of the
20 office and the performance of the duties imposed thereon by law,
21 with due weight being given to employment on whole or part-time
22 basis. However, no such employments shall exceed the amount of
23 lawful funds appropriated for such purpose.

1 B. Each principal officer named in paragraph 1 of Section
2 180.73 of this title, except judges, shall designate of record in
3 the office of the county clerk a first or chief deputy or assistant
4 who shall be chargeable with all the duties of such principal
5 officer, while subject to the direction of the same. The first or
6 chief deputy or assistant shall carry on the duties of the office
7 during the absence of the principal officer or, in the event of the
8 death, removal or resignation of said principal officer, until a
9 successor shall have qualified. During periods of vacancy of the
10 principal office, resulting from the death, removal or resignation
11 of the principal officer, the chief deputy or assistant shall be
12 bonded in the same manner and in the same sum as required for the
13 principal officer.

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

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

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

15 F. Nothing in this section shall prohibit a county commissioner
16 from designating a current county employee as a first or chief
17 deputy or assistant, or require the hiring or employment of an
18 individual for such purpose; however, no individual shall be
19 appointed to serve more than one county commissioner as a first or
20 chief deputy or assistant.

1 SECTION 3. This act shall become effective November 1, 2010.
2 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-22-10
3 - DO PASS, As Amended.