

1 ENGROSSED HOUSE
2 BILL NO. 3055

By: Kirby and Tibbs of the
House

3 and

4 Brown of the Senate
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8 An Act relating to counties and county officers;
9 amending 19 O.S. 2001, Sections 180.65, as amended by
10 Section 1, Chapter 117, O.S.L. 2005 and 180.81, as
11 amended by Section 2, Chapter 117, O.S.L. 2005 (19
12 O.S. Supp. 2009, Sections 180.65 and 180.81), which
13 relate to deputies and other help; allowing county
14 commissioners to designate certain persons as their
15 deputy or assistant; and providing an effective date.

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

15 SECTION 1. AMENDATORY 19 O.S. 2001, Section 180.65, as
16 amended by Section 1, Chapter 117, O.S.L. 2005 (19 O.S. Supp. 2009,
17 Section 180.65), is amended to read as follows:

18 Section 180.65 A. The officers named in paragraph 1 of Section
19 180.61 of this title shall have such number of regular or technical
20 deputies, assistants, investigators, evidence persons, aides,
21 stenographers or reporters, technicians, undersheriffs, jailers,
22 matrons, handwriting and fingerprint experts, probation officers,
23 juvenile officers, bailiffs, or other help, whatever title the
24 principal officer may ascribe to the duties or functions to be

1 performed as authorized by law and clearly related to the proper
2 accomplishment of lawful functions, whether on whole or part-time
3 basis, at such rates of salary or pay, subject to the provisions of
4 this section as hereinafter set forth, as the principal officer may
5 propose and establish the need of and which the county excise board
6 may approve, for the adequate accomplishment of the functions of the
7 office and the performance of the duties imposed thereon by law,
8 with due weight being given to employment on whole or part-time
9 basis. However, no such employments shall exceed the amount of
10 lawful funds appropriated for such purpose.

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

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1 C. No deputy shall receive a salary in excess of the principal
2 officer. The salaries set forth in this subsection within the
3 limitations shall be such amounts as the principal officer may
4 propose and establish the need for and which the county excise board
5 may approve within salary and staffing requirements as may be
6 prescribed by law. The numerical rank of any deputy or assistant to
7 be effective must be by designation of the principal officer by the
8 signature of the principal officer and filed with the county clerk.
9 The numerical rank of any deputy or assistant shall be within the
10 sole discretion of the principal officer.

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

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

1 F. Nothing in this section shall prohibit a county commissioner
2 from designating a current county employee as a first or chief
3 deputy or assistant, or require the hiring or employment of an
4 individual for such purpose; however, no individual shall be
5 appointed to serve more than one county commissioner as a first or
6 chief deputy or assistant.

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

10 Section 180.81 A. The officers named in paragraph 1 of Section
11 180.73 of this title shall have such number of regular or technical
12 deputies, assistants, investigators, evidence persons, aides,
13 stenographers or reporters, technicians, undersheriffs, jailers,
14 matrons, handwriting and fingerprint experts, probation officers,
15 juvenile officers, bailiffs, or other help, whatever title the
16 principal officer may ascribe to the duties or functions to be
17 performed as authorized by law and clearly related to the proper
18 accomplishment of lawful functions, whether on whole or part-time
19 basis, at such rates of salary or pay, subject to the provisions of
20 this section as hereinafter set forth, as the principal officer may
21 propose and establish the need of and which the county excise board
22 may approve, for the adequate accomplishment of the functions of the
23 office and the performance of the duties imposed thereon by law,
24 with due weight being given to employment on whole or part-time

1 basis. However, no such employments shall exceed the amount of
2 lawful funds appropriated for such purpose.

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

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

1 The numerical rank of any deputy or assistant shall be within the
2 sole discretion of the principal officer.

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

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

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

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SECTION 3. This act shall become effective November 1, 2010.

Passed the House of Representatives the 9th day of March, 2010.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2010.

Presiding Officer of the Senate