

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3055 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Dan Kirby

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 FLOOR SUBSTITUTE
4 FOR

HOUSE BILL NO. 3055

By: Kirby of the House

5 and

6 Brown of the Senate

7
8
9 FLOOR SUBSTITUTE

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

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

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

22 Section 180.65 A. The officers named in paragraph 1 of Section
23 180.61 of this title shall have such number of regular or technical
24 deputies, assistants, investigators, evidence persons, aides,
stenographers or reporters, technicians, undersheriffs, jailers,

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

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

1 bonded in the same manner and in the same sum as required for the
2 principal officer.

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

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

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

1 anticipated revenues for the next fiscal year prior to the budget
2 planning conferences.

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

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

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

1 office and the performance of the duties imposed thereon by law,
2 with due weight being given to employment on whole or part-time
3 basis. However, no such employments shall exceed the amount of
4 lawful funds appropriated for such purpose.

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

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

signature of the principal officer and filed with the county clerk.
The numerical rank of any deputy or assistant shall be within the
sole discretion of the principal officer.

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

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

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

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

52-2-10234 LRB 03/08/10