

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1204

By: Casey of the House

5 and

6 Fields of the Senate

7
8 AS INTRODUCED

9
10 An Act relating to officers; amending 51 O.S. 2011,
11 Section 6, as last amended by Section 1, Chapter 297,
12 O.S.L. 2016 (51 O.S. Supp. 2016, Section 6), which
13 relates to dual office holding; providing dual office
14 holding exemption for certain agents of the Oklahoma
15 State Bureau of Investigation; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 51 O.S. 2011, Section 6, as last
19 amended by Section 1, Chapter 297, O.S.L. 2016 (51 O.S. Supp. 2016,
20 Section 6), is amended to read as follows:

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

1 1. Notaries public;

2 2. Members of the State Textbook Committee;

3 3. County free fair board members;

4 4. Municipal and county law enforcement officers serving in
5 positions as law enforcement officers of both such governmental
6 entities upon such terms and conditions as are mutually approved by
7 resolutions adopted by the board of county commissioners and
8 governing body of the municipality employing such officers;

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

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

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

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

10 9. Any member of the Oklahoma Highway Patrol Division of the
11 Department of Public Safety or an agent of the Oklahoma State Bureau
12 of Investigation who is elected to a local board of education;

13 10. Any District Supervisor, Assistant District Supervisor,
14 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
15 Department of Corrections who is elected or appointed to a city
16 council;

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

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

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

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

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

14 16. Municipal, county and state law enforcement officers
15 serving in positions as part-time or seasonal rangers or peace
16 officers under the Oklahoma Tourism and Recreation Department or the
17 Grand River Dam Authority;

18 17. Members of the University Hospitals Authority;

19 18. Any person holding a state office or position who is a
20 reserve force deputy sheriff, or a reserve special agent with the
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a
22 reserve municipal police officer;

23 19. Any person holding a state office or position who serves as
24 a special assistant district attorney without compensation;

1 20. Any elected or appointed member of a local school board who
2 is a member of a municipal planning commission;

3 21. Any elected or appointed member of a local school board who
4 is a member or an officer of a volunteer fire department;

5 22. Directors or officers of a rural water district and chiefs
6 of municipal fire departments or rural fire districts who are
7 appointed or elected to an unsalaried office in a state, county,
8 municipal, school, or technology center school board, commission, or
9 similar entity, except where the duties of the office would create a
10 conflict of interest;

11 23. Any person who is a dispatcher or confinement officer at a
12 municipal or county jail who is a noncompensated reserve municipal
13 police officer or a reserve deputy sheriff;

14 24. Any person who is an assistant district attorney serving as
15 a municipal judge or prosecutor;

16 25. Any park ranger under the Oklahoma Tourism and Recreation
17 Department or any game warden or reserve game warden employed by the
18 Department of Wildlife Conservation who is elected or appointed to a
19 local board of education or to a municipal governing body, board,
20 commission or similar entity;

21 26. Members of the Oklahoma State University Medical Center
22 Authority, the Oklahoma State University Medical Trust or the State
23 Board of Osteopathic Examiners;

1 27. Any member of the state Legislature or any state officer
2 who serves on the board of trustees of the Oklahoma School for the
3 Visual and Performing Arts; and

4 28. Members of the Council on Judicial Complaints.

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

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

19 SECTION 2. This act shall become effective November 1, 2017.
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21 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
22 02/15/2017 - DO PASS, As Coauthored.
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