

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 828 By: Murdock of the Senate
3 and
4 Newton of the House
5

6 An Act relating to counties and county officers;
7 amending 19 O.S. 2011, Section 180.65, as amended by
8 Section 1, Chapter 123, O.S.L. 2012 (19 O.S. Supp.
9 2020, Section 180.65), which relates to deputies and
10 other help; removing provision for deputy to receive
11 salary in excess of principal officer; amending 19
12 O.S. 2011, Section 180.67, which relates to county
13 salary code; allowing counties to utilize state pay
14 structure; amending 19 O.S. 2011, Section 180.81,
15 which relates to deputies and other help; removing
16 provision for deputy to receive a salary in excess of
17 principal officer; amending 19 O.S. 2011, Section
18 180.82, which relates to county salary code; allowing
19 counties to utilize state pay structure; and
20 providing an effective date.

21 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
22 and replace with:

23 "An Act relating to counties and county officers;
24 amending 19 O.S. 2011, Section 180.65, as amended by
Section 1, Chapter 123, O.S.L. 2012 (19 O.S. Supp.
2020, Section 180.65), which relates to deputies and
other help; specifying definition of term; allowing
certain employees to receive salary in excess of
county officer; amending 19 O.S. 2011, Section
180.67, which relates to county salary code;
allowing counties to utilize state pay structure;
and providing an effective date.

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

2 SECTION 1. AMENDATORY 19 O.S. 2011, Section 180.65, as
3 amended by Section 1, Chapter 123, O.S.L. 2012 (19 O.S. Supp. 2020,
4 Section 180.65), is amended to read as follows:

5 Section 180.65 A. The officers named in paragraph 1 of Section
6 180.61 of this title shall have such number of regular or technical
7 deputies, assistants, investigators, evidence persons, aides,
8 stenographers or reporters, technicians, undersheriffs, jailers,
9 matrons, handwriting and fingerprint experts, probation officers,
10 juvenile officers, bailiffs, or other help, whatever title the
11 principal officer may ascribe to the duties or functions to be
12 performed as authorized by law and clearly related to the proper
13 accomplishment of lawful functions, whether on whole or part-time
14 basis, at such rates of salary or pay, subject to the provisions of
15 this section as hereinafter set forth, as the principal officer may
16 propose and establish the need of and which the county excise board
17 may approve, for the adequate accomplishment of the functions of the
18 office and the performance of the duties imposed thereon by law,
19 with due weight being given to employment on whole or part-time
20 basis. However, no such employments shall exceed the amount of
21 lawful funds appropriated for such purpose.

22 B. Each principal officer named in paragraph 1 of Section
23 180.61 of this title, except judges, shall designate of record in
24 the office of the county clerk a first or chief deputy,

1 undersheriff⁷ or assistant who shall be chargeable with all the
2 duties of such principal officer, while subject to the direction of
3 the same. The first or chief deputy, undersheriff⁷ or assistant
4 shall carry on the duties of the office during the absence of the
5 principal officer or, in the event of the death, removal or
6 resignation of said principal officer, until a successor shall have
7 qualified. During periods of vacancy of the principal office,
8 resulting from the death, removal or resignation of the principal
9 officer, the chief deputy, undersheriff⁷ or assistant shall be
10 bonded in the same manner and in the same sum as required for the
11 principal officer.

12 C. No deputy, as defined paragraph 2 of Section 161 of this
13 title, shall receive a salary in excess of the principal officer.
14 Any employee employed to perform duties that are not in assistance
15 to a county officer in the performance of the official duties of the
16 county officer, including, but not limited to, specialized or
17 technical duties, may receive a salary in excess of a county
18 officer. The salaries set forth in this subsection within the
19 limitations shall be such amounts as the principal officer may
20 propose and establish the need for and which the county excise board
21 may approve within salary and staffing requirements as may be
22 prescribed by law. The numerical rank of any deputy or assistant to
23 be effective must be by designation of the principal officer by the
24 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~~ title. However, the approval of the funding for such
7 offices shall continue to be the responsibility of the county excise
8 board. County officers shall have no authority to make salary
9 commitments 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 SECTION 2. AMENDATORY 19 O.S. 2011, Section 180.67, is
18 amended to read as follows:

19 Section 180.67 ~~is~~ A. Except as otherwise provided in
20 subsection B of this section, it is hereby declared to be the intent
21 of the Legislature that this act shall be the comprehensive salary
22 code for all counties of the state and no county officer in
23 paragraph 1 of Section 180.61 of this title, or their assistants,
24 deputies, or other employees by whatever title designated, shall

1 receive any salary or wages except as provided in ~~this act~~ Section
2 180.58 et seq. of this title.

3 B. Counties may opt to utilize the appropriate State of
4 Oklahoma pay structure in lieu of or in addition to the salary code
5 referenced in subsection A of this section.

6 SECTION 3. This act shall become effective November 1, 2021."

7 Passed the House of Representatives the 19th day of April, 2021.

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10 Presiding Officer of the House of
11 Representatives

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12 Passed the Senate the ____ day of _____, 2021.

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15 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 828

By: Murdock of the Senate

and

Newton of the House

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6 An Act relating to counties and county officers;
7 amending 19 O.S. 2011, Section 180.65, as amended by
8 Section 1, Chapter 123, O.S.L. 2012 (19 O.S. Supp.
9 2020, Section 180.65), which relates to deputies and
10 other help; removing provision for deputy to receive
11 salary in excess of principal officer; amending 19
12 O.S. 2011, Section 180.67, which relates to county
13 salary code; allowing counties to utilize state pay
14 structure; amending 19 O.S. 2011, Section 180.81,
15 which relates to deputies and other help; removing
16 provision for deputy to receive a salary in excess of
17 principal officer; amending 19 O.S. 2011, Section
18 180.82, which relates to county salary code; allowing
19 counties to utilize state pay structure; and
20 providing an effective date.

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

22 SECTION 4. AMENDATORY 19 O.S. 2011, Section 180.65, as
23 amended by Section 1, Chapter 123, O.S.L. 2012 (19 O.S. Supp. 2020,
24 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

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

13 B. Each principal officer named in paragraph 1 of Section
14 180.61 of this title, except judges, shall designate of record in
15 the office of the county clerk a first or chief deputy,
16 undersheriff~~7~~ or assistant who shall be chargeable with all the
17 duties of such principal officer, while subject to the direction of
18 the same. The first or chief deputy, undersheriff~~7~~ or assistant
19 shall carry on the duties of the office during the absence of the
20 principal officer or, in the event of the death, removal or
21 resignation of said principal officer, until a successor shall have
22 qualified. During periods of vacancy of the principal office,
23 resulting from the death, removal or resignation of the principal
24 officer, the chief deputy, undersheriff~~7~~ 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~~ title. However, the approval of the funding for such
17 offices shall continue to be the responsibility of the county excise
18 board. County officers shall have no authority to make salary
19 commitments 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 SECTION 5. AMENDATORY 19 O.S. 2011, Section 180.67, is
4 amended to read as follows:

5 Section 180.67. A. It is hereby declared to be the intent of
6 the Legislature that this act shall be the comprehensive salary code
7 for all counties of the state and no county officer in paragraph 1
8 of Section 180.61 of this title, or their assistants, deputies, or
9 other employees by whatever title designated, shall receive any
10 salary or wages except as provided in ~~this act~~ Section 180.58 et
11 seq. of this title.

12 B. Counties may opt to utilize the appropriate State of
13 Oklahoma pay structure in lieu of the salary code referenced in
14 subsection A of this section.

15 SECTION 6. AMENDATORY 19 O.S. 2011, Section 180.81, is
16 amended to read as follows:

17 Section 180.81. A. The officers named in paragraph 1 of
18 Section 180.73 of this title shall have such number of regular or
19 technical deputies, assistants, investigators, evidence persons,
20 aides, stenographers or reporters, technicians, undersheriffs,
21 jailers, matrons, handwriting and fingerprint experts, probation
22 officers, juvenile officers, bailiffs, or other help, whatever title
23 the principal officer may ascribe to the duties or functions to be
24 performed as authorized by law and clearly related to the proper

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

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

23 C. ~~No deputy shall receive a salary in excess of the principal~~
24 ~~officer.~~ The salaries set forth in this subsection within the

1 limitations shall be such amounts as the principal officer may
2 propose and establish the need for and which the county excise board
3 may approve within salary and staffing requirements as may be
4 prescribed by law. The numerical rank of any deputy or assistant to
5 be effective must be by designation of the principal officer by the
6 signature of the principal officer and filed with the county clerk.
7 The numerical rank of any deputy or assistant shall be within the
8 sole discretion of the principal officer.

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

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

23 SECTION 7. AMENDATORY 19 O.S. 2011, Section 180.82, is
24 amended to read as follows:

1 Section 180.82. A. It is hereby declared to be the intent of
2 the Legislature that this act shall be the comprehensive salary code
3 for all counties of the state which have approved an exemption of
4 household goods of the heads of families and livestock employed in
5 support of the family pursuant to the provisions of Section 6 of
6 Article X of the Oklahoma Constitution, and no county officer in
7 paragraph 1 of Section 180.73 of this title, or their assistants,
8 deputies, or other employees by whatever title designated, shall
9 receive any salary or wages except as provided in ~~this act~~ Section
10 180.71 et seq. of this title.

11 B. Counties may opt to utilize the appropriate State of
12 Oklahoma pay structure in lieu of the salary code referenced in
13 subsection A of this section.

14 SECTION 8. This act shall become effective November 1, 2021.

15 Passed the Senate the 10th day of March, 2021.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2021.

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Presiding Officer of the House
of Representatives

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