

An Act

ENROLLED SENATE
BILL NO. 828

By: Murdock of the Senate

and

Newton of the House

An Act relating to counties and county officers; 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.

SUBJECT: Counties and county officers

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

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

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

C. No deputy, as defined in paragraph 2 of Section 161 of this title, shall receive a salary in excess of the principal officer. Any employee employed to perform duties that are not in assistance to a county officer in the performance of the official duties of the county officer including, but not limited to, specialized or technical duties, may receive a salary in excess of a county officer. The salaries set forth in this subsection within the limitations shall be such amounts as the principal officer may propose and establish the need for and which the county excise board may approve within salary and staffing requirements as may be prescribed by law. The numerical rank of any deputy or assistant to 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~~ title. 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.

SECTION 2. AMENDATORY 19 O.S. 2011, Section 180.67, is amended to read as follows:

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

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

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

Passed the Senate the 4th day of May, 2021.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____