

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 828

By: Murdock of the Senate

and

Newton of the House

7
8
9
10 COMMITTEE SUBSTITUTE

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

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

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

24 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,

1 stenographers or reporters, technicians, undersheriffs, jailers,
2 matrons, handwriting and fingerprint experts, probation officers,
3 juvenile officers, bailiffs⁷ or other help, whatever title the
4 principal officer may ascribe to the duties or functions to be
5 performed as authorized by law and clearly related to the proper
6 accomplishment of lawful functions, whether on whole or part-time
7 basis, at such rates of salary or pay, subject to the provisions of
8 this section as hereinafter set forth, as the principal officer may
9 propose and establish the need of and which the county excise board
10 may approve, for the adequate accomplishment of the functions of the
11 office and the performance of the duties imposed thereon by law,
12 with due weight being given to employment on whole or part-time
13 basis. However, no such employments shall exceed the amount of
14 lawful funds appropriated for such purpose.

15 B. Each principal officer named in paragraph 1 of Section
16 180.61 of this title, except judges, shall designate of record in
17 the office of the county clerk a first or chief deputy,
18 undersheriff⁷ or assistant who shall be chargeable with all the
19 duties of such principal officer, while subject to the direction of
20 the same. The first or chief deputy, undersheriff⁷ or assistant
21 shall carry on the duties of the office during the absence of the
22 principal officer or, in the event of the death, removal or
23 resignation of said principal officer, until a successor shall have
24 qualified. During periods of vacancy of the principal office,

1 resulting from the death, removal or resignation of the principal
2 officer, the chief deputy, undersheriff, or assistant shall be
3 bonded in the same manner and in the same sum as required for the
4 principal officer.

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

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

22 E. The county excise board shall meet with each of the
23 principal officers of the county in budget planning conference or
24 conferences, before July 1 of each year, to discuss personnel needs

1 for each office for the succeeding fiscal year. The excise board
2 shall provide the principal officers a tentative estimate of
3 anticipated revenues for the next fiscal year prior to the budget
4 planning conferences.

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

7 Section 180.67 ~~is~~ A. Except as otherwise provided in
8 subsection B of this section, it is hereby declared to be the intent
9 of the Legislature that this act shall be the comprehensive salary
10 code for all counties of the state and no county officer in
11 paragraph 1 of Section 180.61 of this title, or their assistants,
12 deputies, or other employees by whatever title designated, shall
13 receive any salary or wages except as provided in ~~this act~~ Section
14 180.58 et seq. of this title.

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

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

19
20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/30/2021 -
21 DO PASS, As Amended.