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February 11, 2021

AS AMENDED

SENATE BILL NO. 828

By: Murdock of the Senate

and

Newton of the House

[counties and county officers - salary in excess of
principal officer - effective date]

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

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

9 B. Each principal officer named in paragraph 1 of Section
10 180.61 of this title, except judges, shall designate of record in
11 the office of the county clerk a first or chief deputy,
12 undersheriff~~7~~ or assistant who shall be chargeable with all the
13 duties of such principal officer, while subject to the direction of
14 the same. The first or chief deputy, undersheriff~~7~~ or assistant
15 shall carry on the duties of the office during the absence of the
16 principal officer or, in the event of the death, removal or
17 resignation of said principal officer, until a successor shall have
18 qualified. During periods of vacancy of the principal office,
19 resulting from the death, removal or resignation of the principal
20 officer, the chief deputy, undersheriff~~7~~ 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 2. AMENDATORY 19 O.S. 2011, Section 180.81, is
24 amended to read as follows:

1 Section 180.81. A. The officers named in paragraph 1 of
2 Section 180.73 of this title shall have such number of regular or
3 technical deputies, assistants, investigators, evidence persons,
4 aides, stenographers or reporters, technicians, undersheriffs,
5 jailers, matrons, handwriting and fingerprint experts, probation
6 officers, juvenile officers, bailiffs, or other help, whatever title
7 the principal officer may ascribe to the duties or functions to be
8 performed as authorized by law and clearly related to the proper
9 accomplishment of lawful functions, whether on whole or part-time
10 basis, at such rates of salary or pay, subject to the provisions of
11 this section as hereinafter set forth, as the principal officer may
12 propose and establish the need of and which the county excise board
13 may approve, for the adequate accomplishment of the functions of the
14 office and the performance of the duties imposed thereon by law,
15 with due weight being given to employment on whole or part-time
16 basis. However, no such employments shall exceed the amount of
17 lawful funds appropriated for such purpose.

18 B. Each principal officer named in paragraph 1 of Section
19 180.73 of this title, except judges, shall designate of record in
20 the office of the county clerk a first or chief deputy or assistant
21 who shall be chargeable with all the duties of such principal
22 officer, while subject to the direction of the same. The first or
23 chief deputy or assistant shall carry on the duties of the office
24 during the absence of the principal officer or, in the event of the

1 death, removal or resignation of said principal officer, until a
2 successor shall have qualified. During periods of vacancy of the
3 principal office, resulting from the death, removal or resignation
4 of the principal officer, the chief deputy or assistant shall be
5 bonded in the same manner and in the same sum as required for the
6 principal officer.

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
10 February 11, 2021 - DO PASS AS AMENDED
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