

1 ENGROSSED HOUSE
2 BILL NO. 3557

By: Kendrix of the House

3 and

4 Weaver of the Senate
5

6 An Act relating to officers; amending 51 O.S. 2021,
7 Section 6, which relates to dual office holding;
8 providing for service by law enforcement officer for
9 multiple jurisdictions; providing for agreement or
10 memorandum of understanding; providing for population
11 limit; providing for determination of population
12 based on designated date; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2021, Section 6, is
16 amended to read as follows:

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

- 23 1. Notaries public;
- 24 2. Members of the State Textbook Committee;
3. County free fair board members;

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

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

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

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

21 8. Law enforcement officers employed by municipal or county law
22 enforcement departments or agencies, other than those law
23 enforcement officers elected or appointed as sheriff, chief of
24 police or some similar position in which they are the head of a

1 county or municipal law enforcement agency, who are elected to local
2 boards of education; provided, the provisions of this paragraph
3 shall not prohibit any law enforcement officer employed by a
4 municipality having a population of ten thousand (10,000) or fewer
5 people from serving as a member of a local board of education;

6 9. Any member of the Oklahoma Highway Patrol Division of the
7 Department of Public Safety who is elected to a local board of
8 education;

9 10. Any employee of the Oklahoma State Bureau of Investigation
10 who is elected to a local board of education;

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

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

18 13. County employees who are elected as members of town or city
19 councils;

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

23 15. Municipal or county law enforcement or peace officers
24 serving in positions as campus police officers or campus public

1 safety officers pursuant to the provisions of the Oklahoma Campus
2 Security Act, upon such terms and conditions as are mutually
3 approved by resolution adopted by the governing body of the
4 municipality or county and the governing board of the institution of
5 higher education;

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

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

16 18. Members of the University Hospitals Authority;

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

21 20. Any person holding a state office or position who serves as
22 a special assistant district attorney without compensation;

23 21. Any elected or appointed member of a local school board who
24 is a member of a municipal planning commission;

1 22. Any elected or appointed member of a local school board who
2 is a member or an officer of a volunteer fire department;

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

9 24. Any person who is a dispatcher or confinement officer at a
10 municipal or county jail who is a noncompensated reserve municipal
11 police officer or a reserve deputy sheriff;

12 25. Any person who is an assistant district attorney serving as
13 a municipal judge or prosecutor;

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

19 27. Members of the Oklahoma State University Medical Center
20 Authority, the Oklahoma State University Medical Trust or the State
21 Board of Osteopathic Examiners;

22 28. Any member of the state Legislature or any state officer
23 who serves on the board of trustees of the Oklahoma School for the
24 Visual and Performing Arts;

1 29. Members of the Council on Judicial Complaints; ~~and~~

2 30. Any person who is a state employee but not a member of the
3 state military forces, including district attorneys, assistant
4 district attorneys, district court judges, associate district court
5 judges and special judges, when detailed as a military trial judge
6 pursuant to Section 826 of Title 44 of the Oklahoma Statutes or when
7 serving as an appellate military judge pursuant to Section 866 of
8 Title 44 of the Oklahoma Statutes when the Military Court of Appeals
9 is convened. The rules of procedure prescribed by the State Judge
10 Advocate pursuant to subsection L of Section 866 of Title 44 of the
11 Oklahoma Statutes shall define what constitutes the Military Court
12 of Appeals being "convened" for purposes of this paragraph; and

13 31. Any person who performs services as a law enforcement
14 officer:

- 15 a. for no more than two (2) municipalities neither of
16 which shall have a population in excess of eight
17 thousand (8,000) persons according to the Federal
18 Decennial Census or most recent population estimate if
19 the municipalities have entered into an agreement or
20 memorandum of understanding regarding the services to
21 be performed by the officer and any matters related to
22 compensation or benefits, or
- 23 b. for no more than one county the population of which is
24 not greater than twenty-five thousand (25,000) persons

1 and one municipality the population of which is not
2 greater than eight thousand (8,000) persons both such
3 populations to be determined according to the Federal
4 Decennial Census or most recent population estimate if
5 the county and the municipality have entered into an
6 agreement or memorandum of understanding regarding the
7 services to be performed by the officer and any
8 matters related to compensation or benefits.

9 For purposes of this paragraph, the population of any county and
10 any municipality shall be determined as of the date of the agreement
11 or memorandum of understanding and subsequent increases in
12 population which occur during the term of the agreement or
13 memorandum of understanding shall not be the basis for termination
14 of such agreement or the basis for any proceeding to invalidate the
15 agreement.

16 The provisions of this section shall not prohibit any person
17 holding an office under the laws of the state or any deputy of any
18 officer so holding any office from serving upon the board of
19 Oklahoma Futures or upon the board of directors of the Oklahoma
20 Center for the Advancement of Science and Technology. The
21 provisions of this section shall not prohibit a member of the board
22 of directors of the Oklahoma Center for the Advancement of Science
23 and Technology from serving upon the board of Oklahoma Futures.

B. Except as provided in subsection C of this section, salaries, emoluments or benefits that would otherwise be paid by the agency or political subdivision to a loaned employee or officer shall instead be paid to the regular employer of such employee. The loaned employee shall in turn be paid regular salary and benefits the same as if continuing regular employment with the permanent employer.

C. Any person excepted pursuant to paragraph 30 of subsection A of this section, when retained as a military trial judge or when serving as a military appellate judge when the Military Court of Appeals is convened, shall be entitled to military judicial leave in accordance with Section 209 of Title 44 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 4th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the _____ day of _____, 2024.

Presiding Officer of the Senate