

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3557

By: Kendrix

AS INTRODUCED

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

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

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

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

1. Notaries public;
2. Members of the State Textbook Committee;

1 3. County free fair board members;

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

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

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

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

22 8. Law enforcement officers employed by municipal or county law
23 enforcement departments or agencies, other than those law
24 enforcement officers elected or appointed as sheriff, chief of
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1 police or some similar position in which they are the head of a
2 county or municipal law enforcement agency, who are elected to local
3 boards of education; provided, the provisions of this paragraph
4 shall not prohibit any law enforcement officer employed by a
5 municipality having a population of ten thousand (10,000) or fewer
6 people from serving as a member of a local board of education;

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

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

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

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

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

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

1 15. Municipal or county law enforcement or peace officers
2 serving in positions as campus police officers or campus public
3 safety officers pursuant to the provisions of the Oklahoma Campus
4 Security Act, upon such terms and conditions as are mutually
5 approved by resolution adopted by the governing body of the
6 municipality or county and the governing board of the institution of
7 higher education;

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

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

18 18. Members of the University Hospitals Authority;

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

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

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

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

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

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

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

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

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

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

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

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

16 31. Any person who performs services as a law enforcement
17 officer:

18 a. for no more than two (2) municipalities neither of
19 which shall have a population in excess of eight
20 thousand (8,000) persons according to the federal
21 Decennial Census or most recent population estimate if
22 the municipalities have entered into an agreement or
23 memorandum of understanding regarding the services to
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1 be performed by the officer and any matters related to
2 compensation or benefits, or

3 b. for no more than one county the population of which is
4 not greater than twenty-five thousand (25,000) persons
5 and one municipality the population of which is not
6 greater than eight thousand (8,000) persons both such
7 populations to be determined according to the federal
8 Decennial Census or most recent population estimate if
9 the county and the municipality have entered into an
10 agreement or memorandum of understanding regarding the
11 services to be performed by the officer and any
12 matters related to compensation or benefits.

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

21 The provisions of this section shall not prohibit any
22 person holding an office under the laws of the state
23 or any deputy of any officer so holding any office
24 from serving upon the board of Oklahoma Futures or
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1 upon the board of directors of the Oklahoma Center for
2 the Advancement of Science and Technology. The
3 provisions of this section shall not prohibit a member
4 of the board of directors of the Oklahoma Center for
5 the Advancement of Science and Technology from serving
6 upon the board of Oklahoma Futures.

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

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

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