

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1463

By: Patzkowsky

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5  
6 AS INTRODUCED

7 An Act relating to officers; amending 51 O.S. 2021,  
8 Section 6, which relates to dual office holding;  
9 providing exemption for persons residing in counties  
10 based on specified population; providing exception  
11 for county commissioner; and providing an effective  
12 date.

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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;

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

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;

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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;

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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.

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.

1       B. In addition to any exemption otherwise provided for by this  
2 section, if a person holds a public office, elected or non-elected,  
3 and resides in a county with a population of less than twenty-five  
4 thousand (25,000) persons according to the Federal Decennial Census  
5 or most recent population update, the person may hold one other  
6 office with respect to the county in which the person resides or  
7 with respect to any other governmental entity related to county  
8 government, municipal government located within such county, or  
9 other units of government located within such county if the second  
10 position is not an elected office. The provisions of this  
11 subsection shall not be applicable to a county commissioner and no  
12 county commissioner shall be authorized to perform the duties of any  
13 office other than the office of county commissioner.

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

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

3 SECTION 2. This act shall become effective November 1, 2023.  
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