HB1939 FULLPCS1 Brad Boles-AMM 2/19/2019 10:06:08 am

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SP	EAKER:							
CHAIR:								
I move	to ame	nd <u>F</u>	IB1939					
Page			Section		Lin		of the pr	rinted Bill
						Of	the Engi	cossed Bill
By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:								
AMEND TI	TLE TO (CONFOR	M TO AMENDMENTS					
Adopted:				_	Amendment	submitted	d by: Brad	Boles

Reading Clerk

1 STATE OF OKLAHOMA 2 1st Session of the 57th Legislature (2019) 3 PROPOSED COMMITTEE SUBSTITUTE 4 FOR HOUSE BILL NO. 1939 By: Boles and Perryman 5 6 7 8 PROPOSED COMMITTEE SUBSTITUTE 9 An Act relating to counties and county officers; providing applicability; setting basic salary range 10 for county officers; directing the board of county commissioners to set basic salaries; directing payment frequency; authorizing increases to basic 11 salaries of certain county officers; defining term; requiring county officers receive the same salary 12 increase; providing applicability; setting basic salary range for county officers; directing the board 1.3 of county commissioners to set basic salaries; 14 directing payment frequency; authorizing increases to basic salaries of certain county officers; defining 15 term; requiring county officers receive the same salary increase; amending 19 O.S. 2011, Sections 16 180.62, 180.63, 180.68, 180.74, 180.75 and 180.83, which relate to county officer salaries; limiting 17 applicability of certain basic salary calculations; limiting applicability of certain calculations for 18 increases to basic salaries; modifying dates on which changes in salaries and rates of pay take effect; 19 providing for codification; and providing an effective date. 20 2.1 22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 23 2.4

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.62a of Title 19, unless there is created a duplication in numbering, reads as follows:

- A. The provisions of this section shall apply to county officers whose terms begin on or after November 1, 2019, in all counties which do not approve an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution.
- B. The basic salaries of the county officers upon which all salaries and future increases or decreases thereof shall be computed shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall they exceed Forty-four Thousand Five Hundred Dollars (\$44,500.00).
- C. The board of county commissioners shall set the basic salaries for all elected county officials within the limits allowed by law; provided, the salaries of all county officials shall be the same.
- D. The annual salaries shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.63a of Title 19, unless there is created a duplication in numbering, reads as follows:

- A. The provisions of this section shall apply to county officers whose terms begin on or after November 1, 2019, in all counties which do not approve an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution.
- B. The salaries of the county officers may be increased from the applicable basic salaries named in Section 1 of this act, provided that by majority vote the county commissioners, at a public meeting, agree there are sufficient revenues in the current budget to accept the increases provided in this section, according to the following scale:
 - 1. To the basic salary:

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- a. add the product of One Hundred Dollars (\$100.00) times each One Million Dollars (\$1,000,000.00) net assessed valuation, or major fraction thereof, until a net assessed valuation of Seventy-five Million Dollars (\$75,000,000.00) is reached,
- b. thereafter add the product of One Hundred Dollars (\$100.00) times each additional Five Million Dollars (\$5,000,000.00) net assessed valuation, or major

fraction thereof, until a net assessed valuation of

Five Hundred Million Dollars (\$500,000,000.00) is

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- c. thereafter add the product of One Hundred Twenty-five
 Dollars (\$125.00) times each additional Seven Million
 Dollars (\$7,000,000.00) net assessed valuation, or
 major fraction thereof, until a net valuation of Two
 Billion Dollars (\$2,000,000,000.00) is reached, and
- d. thereafter as to all additional net valuation add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Twenty Million Dollars (\$20,000,000.00) net valuation, or major fraction thereof; and
- 2. The salary of each county officer may be additionally increased from the basic salaries named in Section 1 of this act, and the additions thereto heretofore provided in this section, for population or service-load, provided that by majority vote the county commissioners, at a public meeting, agree there are sufficient revenues in the current budget to accept the increases provided in this section, according to the following scale:
 - a. the product of Twelve Dollars and fifty cents (\$12.50) times each one thousand (1,000) population, or major fraction thereof, until a population of seventy-five thousand (75,000) is reached,

b. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional five thousand (5,000) population, or major fraction thereof, until a population of one hundred fifty thousand (150,000) is reached, and

- c. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional ten thousand (10,000) population, or major fraction thereof.
- C. For purposes of this section, "net assessed valuation" means the percentage of the fair cash value of personal property, or the percentage of the taxable fair cash value of real property, pursuant to the provisions of Sections 8 and 8B of Article X of the Oklahoma Constitution, either of individual items of personal property, parcels of real property or the aggregate total of such individual taxable items or parcels within a jurisdiction.
- D. Any increases from the basic salary implemented under the provisions of this section shall apply to all county officers so that all county officers maintain the same salary.
- SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.74a of Title 19, unless there is created a duplication in numbering, reads as follows:
- A. The provisions of this section shall apply to county officers whose terms begin on or after November 1, 2019, in all counties which approve an exemption of household goods of the heads

of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution.

- B. The basic salaries of the county officers upon which all salaries and future increases or decreases thereof shall be computed shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall they exceed Forty-four Thousand Five Hundred Dollars (\$44,500.00).
- C. The board of county commissioners shall set the basic salaries for all elected county officials within the limits allowed by law; provided, the salaries of all county officials shall be the same.
- D. The annual salaries fixed by this act shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.
- SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.75a of Title 19, unless there is created a duplication in numbering, reads as follows:
- A. The provisions of this section shall apply to county officers whose terms begin on or after November 1, 2019, in every county in this state which approves an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of

Section 6 of Article X of the Oklahoma Constitution. The salaries of all county officers may be increased from the applicable basic salaries named in Section 3 of this act, provided that by majority vote the county commissioners, at a public meeting, agree there are sufficient revenues in the current budget to accept the increases provided in this section, according to the following scale:

1. To the basic salary:

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- a. add the product of One Hundred Dollars (\$100.00) times each Ten Thousand Dollars (\$10,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof, until the amount of such revenue equals Seven Hundred Fifty Thousand Dollars (\$750,000.00),
- b. thereafter add the product of One Hundred Dollars (\$100.00) times each additional Fifty Thousand Dollars (\$50,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof, until the amount of such revenue equals Five Million Dollars (\$5,000,000.00),
- c. thereafter add the product of One Hundred Twenty-five

 Dollars (\$125.00) times each additional Seventy

 Thousand Dollars (\$70,000.00) of revenue authorized to

 be collected for county purposes, or major fraction

thereof, until the amount of such revenue equals
Twenty Million Dollars (\$20,000,000.00), and

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- d. thereafter as to all additional revenue which is authorized to be collected for county purposes add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Two Hundred Thousand Dollars (\$200,000.00) of such revenue, or major fraction thereof; and
- 2. The salary of each county officer shall be additionally increased from the basic salaries named in Section 3 of this act, and the additions to the basic salaries as provided in this section, for population or service-load according to the following scale:
 - a. the product of Twelve Dollars and fifty cents (\$12.50) times each one thousand (1,000) population, or major fraction thereof, until a population of seventy-five thousand (75,000) is reached,
 - b. thereafter the product of Twelve Dollars and fifty cents (\$12.50) times each additional five thousand (5,000) population, or major fraction thereof, until a population of one hundred fifty thousand (150,000) is reached, and
 - c. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional ten thousand (10,000) population, or major fraction thereof.

B. As used in this section, "major fraction thereof" means any amount greater than one-half (1/2).

- C. Any increases from the basic salary implemented under the provisions of this section shall apply to all county officers so that all county officers maintain the same salary.
- SECTION 5. AMENDATORY 19 O.S. 2011, Section 180.62, is amended to read as follows:

Section 180.62 A. The basic salaries of county officers upon which all salaries and future increases or decreases thereof shall be computed, shall be as follows:

- 1. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of Forty Million Dollars (\$40,000,000.00) or less, the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirtynine Thousand Dollars (\$39,000.00) per annum;
- 2. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Forty Million Dollars (\$40,000,000.00) but not more than Eighty Million Dollars (\$80,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not be less than Twenty-two Thousand Five

Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) per annum;

- 3. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Eighty Million Dollars (\$80,000,000.00) but not more than Three Hundred Million Dollars (\$300,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not be less than Twenty-four Thousand Five Hundred Dollars (\$24,500.00) per annum nor shall it exceed Forty-four Thousand Five Hundred Dollars (\$44,500.00) per annum;
- 4. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Three Hundred Million Dollars (\$300,000,000.00) but not more than Six Hundred Million Dollars (\$600,000,000.00), the basic salary of each of the county officers named in paragraph 1 of Section 180.61 of this title shall not be less than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) per annum; and
- 5. In every county having a net valuation of all tangible taxable property, as defined in Sections 180.58 and 180.59 of this title, of more than Six Hundred Million Dollars (\$600,000,000.00), the basic salary of each of the county officers named in paragraph 1

- of Section 180.61 of this title shall not be less than Nineteen
 Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirtynine Thousand Dollars (\$39,000.00) per annum.
 - B. The board of county commissioners shall set the salaries for all elected county officials within the limits allowed by law.
 - C. The annual salaries fixed by this act shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.
 - D. The provisions of this section shall only be applicable to the salaries of county officers whose terms begin prior to November 1, 2019.
- SECTION 6. AMENDATORY 19 O.S. 2011, Section 180.63, is amended to read as follows:
 - Section 180.63 A. In every county in this state, the salary of all county officers named in paragraph 1 of Section 180.61 of this title may be increased from the applicable basic salary named in Section 180.62 of this title, for net valuation or serviceability, according to the following scale:
 - A. 1. To the basic salary:
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a. add the product of One Hundred Dollars (\$100.00) times each One Million Dollars (\$1,000,000.00) net valuation, or major fraction thereof, until a net

valuation of Seventy-five Million Dollars (\$75,000,000.00) is reached+,

2. Thereafter

b. thereafter add the product of One Hundred Dollars (\$100.00) times each additional Five Million Dollars (\$5,000,000.00) net valuation, or major fraction thereof, until a net valuation of Five Hundred Million Dollars (\$500,000,000.00) is reached;

3. Thereafter

c. thereafter add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Seven Million Dollars (\$7,000,000.00) net valuation, or major fraction thereof, until a net valuation of Two Billion Dollars (\$2,000,000,000.00) is reached;, and

4. Thereafter

- d. thereafter as to all additional net valuation add the product of One Hundred Twenty-five Dollars (\$125.00) times each additional Twenty Million Dollars (\$20,000,000.00) net valuation, or major fraction thereof: and
- $\frac{B}{2}$. Also, the salary of each county officer shall be additionally increased from the basic $\frac{1}{2}$ salaries named in Section 180.62 of this title, and the additions thereto heretofore

provided in this section, for population or service—load according to the following scale:

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<u>a.</u> the product of Twelve Dollars and fifty cents (\$12.50) times each one thousand (1,000) population, or major fraction thereof, until a population of seventy-five thousand (75,000) is reached; thereafter,

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b. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional five thousand (5,000) population, or major fraction thereof, until a population of one hundred fifty thousand (150,000) is reached; thereafter add, and

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- c. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional ten thousand (10,000) population, or major fraction thereof.
- C. B. This section shall not reduce the present salary of any county officer in Oklahoma during their his or her present term of office.
- C. The provisions of this section shall only be applicable to the salaries of county officers whose terms begin prior to November 1, 2019.

1 SECTION 7. AMENDATORY 19 O.S. 2011, Section 180.68, is amended to read as follows:

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Section 180.68 The date on which changes in the salaries and rates of pay for county officers and their deputies, aides and assistants under this act due to changes in population or valuation in any county shall take effect, shall be as of, on and after the first day of July of each fiscal year January based upon the population as shown by the latest Federal Decennial Census for the State of Oklahoma, and the total net assessed valuations of tangible properties for such year as shown by the official certificate which the county assessor files with the county excise board for the purpose of computing appropriations and levies for such current fiscal year.

19 O.S. 2011, Section 180.74, is SECTION 8. AMENDATORY amended to read as follows:

Section 180.74 A. The basic salaries of county officers upon which all salaries and future increases or decreases thereof shall be computed, shall be as follows:

In every county having a service-ability factor, as defined in Section 180.71 of this title, of Four Hundred Thousand Dollars (\$400,000.00) or less, the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirty-nine Thousand Dollars (\$39,000.00) per annum;

2. In every county having a service-ability factor, as defined in Section 180.71 of this title, of more than Four Hundred Thousand Dollars (\$400,000.00) but not more than Eight Hundred Thousand Dollars (\$800,000.00), the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) per annum;

- 3. In every county having a service-ability factor, as defined in Section 180.71 of this title, of more than Eight Hundred Thousand Dollars (\$800,000.00) but not more than Three Million Dollars (\$3,000,000.00), the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Twenty-four Thousand Five Hundred Dollars (\$24,500.00) per annum nor shall it exceed Forty-four Thousand Five Hundred Dollars (\$44,500.00) per annum;
- 4. In every county having a service-ability factor, as defined in Section 180.71 of this title, of more than Three Million Dollars (\$3,000,000.00) but not more than Ten Million Dollars (\$10,000,000.00), the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Twenty-two Thousand Five Hundred Dollars (\$22,500.00) per annum nor shall it exceed Forty-two Thousand Five Hundred Dollars (\$42,500.00) per annum; and

5. In every county having a service-ability factor, as defined in Section 180.71 of this title, of more than Ten Million Dollars (\$10,000,000.00), the basic salary of each of the county officers named in Section 180.73 of this title shall not be less than Nineteen Thousand Dollars (\$19,000.00) per annum nor shall it exceed Thirty-nine Thousand Dollars (\$39,000.00) per annum.

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- B. The board of county commissioners shall set the salaries for all elected county officials within the limits allowed by law.
- C. The annual salaries fixed by Section 180.71 of this title shall be paid either monthly or twice a month, by order of the board of county commissioners, for each month or fraction thereof the incumbent lawfully occupies and holds title to such office.
- D. The provisions of this section shall only be applicable to the salaries of county officers whose terms begin prior to November 1, 2019.
- SECTION 9. AMENDATORY 19 O.S. 2011, Section 180.75, is amended to read as follows:

Section 180.75 A. In every county in this state which approves an exemption of household goods of the heads of families and livestock employed in support of the family from ad valorem taxation pursuant to the provisions of Section 6 of Article X of the Oklahoma Constitution, the salary of all county officers named in paragraph 1 of Section 180.73 of this title may be increased from the applicable basic salary named in Section 180.74 of this title, for the factor

of service-ability, as defined in Section 180.71 of this title, according to the following scale:

1. To the basic salary:

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- a. add the product of One Hundred Dollars (\$100.00) times each Ten Thousand Dollars (\$10,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof, until the amount of such revenue equals Seven Hundred Fifty Thousand Dollars (\$750,000.00),
- b. thereafter add the product of One Hundred Dollars (\$100.00) times each additional Fifty Thousand Dollars (\$50,000.00) of revenue authorized to be collected for county purposes, or major fraction thereof, until the amount of such revenue equals Five Million Dollars (\$5,000,000.00),
- c. thereafter add the product of One Hundred Twenty-five

 Dollars (\$125.00) times each additional Seventy

 Thousand Dollars (\$70,000.00) of revenue authorized to

 be collected for county purposes, or major fraction

 thereof, until the amount of such revenue equals

 Twenty Million Dollars (\$20,000,000.00), and
- d. thereafter as to all additional revenue which is authorized to be collected for county purposes add the product of One Hundred Twenty-five Dollars (\$125.00)

times each additional Two Hundred Thousand Dollars (\$200,000.00) of such revenue, or major fraction thereof; and

- 2. The salary of each county officer shall be additionally increased from the basic salary named in Section 180.74 of this title, and the additions to the basic salary as provided in this section, for population or service—load according to the following scale:
 - a. the product of Twelve Dollars and fifty cents (\$12.50) times each one thousand (1,000) population, or major fraction thereof, until a population of seventy-five thousand (75,000) is reached,
 - b. thereafter <u>add</u> the product of Twelve Dollars and fifty cents (\$12.50) times each additional five thousand (5,000) population, or major fraction thereof, until a population of one hundred fifty thousand (150,000) is reached, and
 - c. thereafter add the product of Twelve Dollars and fifty cents (\$12.50) times each additional ten thousand (10,000) population, or major fraction thereof.
- B. This section shall not reduce the present salary of any county officer in Oklahoma during their his or her present term of office.

C. As used in this section, "major fraction thereof" means any amount greater than one-half (1/2).

- D. The provisions of this section shall only be applicable to the salaries of county officers whose terms begin prior to November 1, 2019.
- SECTION 10. AMENDATORY 19 O.S. 2011, Section 180.83, is amended to read as follows:

Section 180.83 The date on which changes in the salaries and rates of pay for county officers and their deputies, aides and assistants under this act due to changes in population or the amount of revenue authorized to be collected for county purposes in any county shall take effect, shall be as of, on and after the first day of July of each fiscal year January based upon the population as shown by the latest Federal Decennial Census for the State of Oklahoma, and the total amount of revenue authorized to be collected from the millage rate levied against the taxable valuation of property within the county which is apportioned for county purposes pursuant to subsection (a) of Section 9 of Article X of the Oklahoma Constitution for such current fiscal year.

SECTION 11. This act shall become effective November 1, 2019.

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