

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)
COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1545

By: Webb

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; creating the Department of Public Safety Commission; providing for membership, terms of office and duties of the Commission; amending 47 O.S. 1991, Section 2-102, which relates to Commissioner of Public Safety; changing the appointment procedure for the Commissioner of Public Safety; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-119.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a Department of Public Safety Commission which shall consist of seven (7) members. The Commission shall be composed of a member of the District Attorneys Council, a member of the Oklahoma Sheriff's Association and a member of the Oklahoma Chief of Police Association. The Governor shall appoint such representatives from a list of names submitted by each of the foregoing named entities and four members of the lay citizenry who have not been previously employed as law enforcement personnel and who are not related within the second degree of consanguinity.

B. The four lay members shall be appointed by the Governor and confirmed by the Senate and shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment. Not more than one of the four lay members shall be from the same Congressional district. The term of office of each member shall be seven (7) years. The first appointments shall be for the following terms as designated by the Governor: one member

for a term of one (1) year; one member for a term of two (2) years; one member for a term of three (3) years; and one member for a term of four (4) years. A member may serve more than one term on the Commission. Each member shall continue to serve so long as the member is qualified and until the successor of the member has been appointed and confirmed by the Senate. Vacancies occurring during a term shall be filled for the unexpired portion of the term by the same procedure used to make regular appointments. The President of the Oklahoma Sheriff's Association and the President of the Oklahoma Chief of Police Association shall have successfully completed an approved course of instruction for peace officers as required by law. The chairman of the Senate Committee which is fulfilling the statutory responsibility for approving nominations of the lay citizens, upon approval of a majority of the Committee and with written consent of the lay citizen who is to be the subject of the investigation, may initiate a special background investigation of the nominated lay citizen. The Oklahoma State Bureau of Investigation shall submit a report to the Committee within thirty (30) days from the receipt of the request. Any consideration by the Committee of a report from the Bureau shall be for the exclusive use of the Committee and shall be considered only in executive session.

C. Annually the Commission shall select one of the Commission members to serve as chairman and one member to serve as vice-chairman. The Commission shall meet at least quarterly. The chairman shall preside at all meetings of the Commission and shall have the power to call meetings of the Commission. In addition, meetings of the Commission may be called by a majority of the members. The vice-chairman shall perform these functions in the absence or incapacity of the chairman. A quorum of four members of the Commission shall be necessary to conduct any official business. All actions taken by the Commission shall be by a simple majority vote of a quorum. In the event of a tie vote, the measure being voted upon shall be deemed to have failed. The Commission shall adopt rules of procedure for the orderly performance of its functions.

D. Members of the Commission shall serve without salary but may be reimbursed for travel expenses in attending meetings and performing their duties under the State Travel Reimbursement Act. No other provisions of law shall be construed as prohibiting public officers from also serving as members of the Commission, nor shall any other provisions of law be construed as prohibiting public officers or public employees from performing services for the Commission without compensation. It is further provided that no town, city, county or other subdivision or other agency of state government shall be prohibited from receiving a grant or from benefiting from grants or expenditures of the Commission for the reason that an officer or employee of such town, city, county or other subdivision or agency of state government is a Commission member or employee.

E. The Commission shall:

1. Appoint the Commissioner of Public Safety, whose compensation shall be determined by the Legislature;
2. Hear any complaint against the Department of Public Safety or any of its employees; provided, only those complaints which have been submitted in writing and are signed will be acted upon by the Commission;
3. Make recommendations to the Commissioner of any needed disciplinary action necessary as a result of an investigation conducted upon a complaint received; and
4. Establish general procedures with regard to assisting other law enforcement officers and district attorneys.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-102, is amended to read as follows:

Section 2-102. A. The Department shall be under the control of an executive officer to be known as the "Commissioner of Public Safety", who shall be appointed by the ~~Governor with the advice and consent of the Senate~~ Department of Public Safety Commission.

The Commissioner of Public Safety shall be a professional law enforcement officer with ten (10) years' experience in the field of law enforcement or with five (5) years' experience in the field of law enforcement and a graduate of a four-year college with a

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degree in law enforcement administration, law, criminology or a related science.

Any vacancy in the office of the Commissioner of Public Safety shall be filled in the same manner as the original appointment is made.

Said Commissioner of Public Safety shall be allowed his actual and necessary telephone and telegraph expenses incurred in the performance of his official duties while away from his office.

B. The Commissioner of Public Safety, after his appointment and before entering upon the discharge of his duties, shall take and subscribe to the oath of office required by the Constitution. Bonding of the Commissioner of Public Safety and other employees of the Department will be provided under the provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

SECTION 3. This act shall become effective July 1, 1993.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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