

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1981

By: Hamilton of the House

and

Rozell of the Senate

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 63 O.S. 1991, Section 2-104.1, as amended by Section 6, Chapter 364, O.S.L. 1992 (63 O.S. Supp. 1996, Section 2-104.1), which relates to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission; deleting obsolete language; updating language; amending 74 O.S. 1991, Section 150.3, which relates to the State Bureau of Investigation Commission; deleting obsolete language; updating language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2-104.1, as amended by Section 6, Chapter 364, O.S.L. 1992 (63 O.S. Supp. 1996, Section 2-104.1), is amended to read as follows:

Section 2-104.1 A. There is hereby created an Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission which shall consist of seven (7) members, not more than two of whom shall be from the same congressional district. The 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. 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; one member for a term of four (4) years; one member for a term of five (5) years; one member for a term of six (6) years; and one member for a term~~

~~of seven (7) years.~~ A member may serve more than one term on the Commission. Each member shall continue to serve so long as ~~he~~ the member is qualified until ~~his~~ a successor 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 the regular appointments.

B. Four of the members shall represent the lay citizenry, one member shall be a district attorney while serving in that capacity, one member shall be a sheriff while serving in that capacity, and one member shall be a chief of police while serving in that capacity; ~~provided that the~~. The sheriff and police chief members shall have successfully completed an approved course of instruction for peace officers as required by law.

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 in the manner provided for other state officers and employees under the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. 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~~  
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 have the following powers and duties  
and responsibilities:

1. To appoint the Director of the Oklahoma State Bureau of  
Narcotics and Dangerous Drugs Control, whose compensation shall be  
determined by the Legislature.

2. To hear any complaint against the Oklahoma State Bureau of  
Narcotics and Dangerous Drugs Control or any of its employees  
according to the following procedure:

- a. Only those complaints which have been submitted in  
writing and are signed will be acted upon by the  
Commission.
- b. All hearings on complaints shall be conducted in  
executive sessions, and shall not be open to the  
public.
- c. The Commission shall have limited access to  
pertinent investigative files when investigating a  
complaint. The Director shall provide a procedure  
whereby the identification of all persons named in  
any investigative file except the subject of the  
complaint and the complaining witness shall not be  
revealed to the members of the Commission. Any  
consideration of files shall be in executive session  
not open to the public. No information or evidence  
received in connection with the hearings shall be  
revealed to any person or agency. Any violation  
hereof shall be grounds for removal from the  
Commission, and shall constitute a misdemeanor.

3. To make recommendations to the Director of any needed disciplinary action necessary as a result of an investigation conducted upon a complaint received.

4. To establish general procedures with regard to assisting law enforcement officers and district attorneys.

5. To establish a program of training for agents utilizing such courses as the National Police Academy conducted by the Federal Bureau of Investigation.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 150.3, is amended to read as follows:

Section 150.3 A. There is hereby created an Oklahoma State Bureau of Investigation Commission which shall consist of seven (7) members, not more than two of whom shall be from the same congressional district as construed at the time of enactment of this section. The 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. 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; one member for a term of four (4) years; one member for a term of five (5) years; one member for a term of six (6) years; and one member for a term of seven (7) years.~~ A member may serve more than one term on the Commission. Each member shall continue to serve so long as ~~he~~ the member is qualified until ~~his~~ a successor 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 the regular appointments.

B. Four of the members shall represent the lay citizenry, one member shall be a district attorney while serving in that capacity, one member shall be a sheriff while serving in that capacity, and one member shall be a chief of police while serving in that capacity; ~~provided that the~~ The sheriff and police chief

members shall have successfully completed an approved course of instruction for peace officers as required by law.

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 and other expenses in attending meetings and performing their duties in the manner provided for other state officers and employees under the State Travel Reimbursement Act. The lay-citizen members shall be paid Thirty Dollars (\$30.00) per diem for attendance at meetings of the Commission. 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~~ 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.

SECTION 3. This act shall become effective November 1, 1997.

