

(2ND EXTRAORDINARY SESSION
OF THE 50TH LEGISLATURE)
ENROLLED SENATE
BILL NO. 75XX

By: Crutchfield and Rabon of
the Senate

and

Benge and Newport of the
House

An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; requiring budgeting in certain categories and amounts; requiring performance measures; providing for the duties and compensation of employees; limiting salary of the Director; providing budgetary limitations; authorizing transfer of funds to an agency special account for certain purposes; limiting amount authorized to be transferred; requiring promulgation of certain rules; providing lapse dates; requiring and prohibiting certain budget practices; amending 63 O.S. 2001, Section 2-103, as amended by Section 13, Chapter 199, O.S.L. 2003 (63 O.S. Supp. 2005, Section 2-103), which relates to the Uniform Controlled Dangerous Substances Act; specifying certain positions for appointment by Director; designating certain employees be unclassified; exempting certain employees from certain employment requirements; and providing an effective date.

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

SECTION 1. For the fiscal year ending June 30, 2007, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Administrative Services	\$ 1,075,434.00	\$ 1,500,000.00
Enforcement	2,935,179.00	4,200,000.00
Wire Intercept/Drug Interdiction	1,532,320.00	2,600,000.00
Diversion	352,129.00	3,300,000.00

Information		
Technology/Communications	<u>425,701.00</u>	<u>1,000,000.00</u>
TOTAL	\$ 6,320,763.00	\$12,600,000.00

The agency shall develop outcome-based performance measures for each budget category.

SECTION 2. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by law shall be set by the Director. The salary of the Director shall not exceed Ninety-six Thousand Three Hundred Five Dollars (\$96,305.00) per annum, payable monthly for the fiscal year ending June 30, 2007. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for the fiscal year ending June 30, 2007, shall be subject to the following budgetary limitations on full-time-equivalent employees, except hours coded as overtime wages, and expenditures excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	109.0
Lease-Purchase Agreements	\$225,000.00

SECTION 3. Of the amount appropriated to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by Section 75 of Enrolled Senate Bill No. 80XX, an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) may be transferred to an agency special account established pursuant to the provisions of Section 7.2 of Title 62 of the Oklahoma Statutes. Funds in this account are to purchase controlled dangerous substances to be used as evidence in narcotic cases, for fees for informers, or employees, and for other expenses necessary to apprehend and convict violators of state laws regulating controlled dangerous substances. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Director of State Finance shall promulgate rules for the expenditure of the funds transferred by this section.

SECTION 4. Appropriations made by Section 75 of Enrolled Senate Bill No. 80XX of the 2nd Extraordinary Session of the 50th Oklahoma Legislature, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2007 (hereafter FY-07), or may be budgeted for the fiscal year ending June 30, 2008 (hereafter FY-08). Funds budgeted for FY-07 may be encumbered only through June 30, 2007, and must be expended by November 15, 2007. Any funds remaining after November 15, 2007, and not budgeted for FY-08, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-08 may be encumbered only through June 30, 2008. Any funds remaining after November 15, 2008, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-07, and not required to pay obligations for that fiscal year, may be

budgeted for FY-08, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-07 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-103, as amended by Section 13, Chapter 199, O.S.L. 2003 (63 O.S. Supp. 2005, Section 2-103), is amended to read as follows:

Section 2-103. A. The Director shall be appointed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission. The Director of Narcotics and Dangerous Drugs Control on January 1, 1984, shall be initially appointed as Director. The succeeding Director shall, at the time of the appointment, have a Bachelor's Degree from an accredited college or university and at least five (5) years' experience in drug law enforcement. The Director may appoint necessary assistants, agents, and other personnel to perform the work of the office and may prescribe their titles and duties and fix their compensation pursuant to Merit System rules. The Director may appoint ~~an employee~~ employees to the ~~position~~ positions of Public Information/Education Officer, Training Officer, Program Administrator, Grants Administrator, Criminal Analysts, and Typist Clerk/Spanish Transcriptionists. Said ~~position~~ positions shall be unclassified and exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. The office of the Director shall be located at a suitable place in Oklahoma City, Oklahoma.

B. 1. Agents appointed by the Director shall have the powers of peace officers generally; provided, the Director may appoint special agents, who shall be unclassified employees of the state, to meet specific investigatory need, who do not. Special agents shall not be required to meet the age and educational requirements as specified in this section.

2. Agents appointed on and after November 1, 1998, shall be at least twenty-one (21) years of age and shall have a Bachelor's Degree from an accredited college or university.

3. Each entering agent, with the exception of special agents, shall be required to serve one (1) year in a probationary status as a prerequisite to being placed on permanent status.

C. Agents appointed pursuant to the provisions of this section shall have the responsibility of investigating alleged violations and shall have the authority to arrest those suspected of having violated the provisions of the Uniform Controlled Dangerous Substances Act.

D. A commissioned employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be entitled to receive upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement.

E. A commissioned employee of the Bureau may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement upon written approval of the Director.

F. Custody and possession of the sidearm and badge of a commissioned employee killed in the line of duty may be awarded by the Director to the spouse or next of kin of the deceased employee.

G. Custody and possession of the sidearm and badge of a commissioned employee who dies while employed at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may be awarded by the Director to the spouse or next of kin of the deceased employee.

H. Any Director appointed on or after July 1, 2003, shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

SECTION 6. This act shall become effective July 1, 2006.

Passed the Senate the 23rd day of June, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of June, 2006.

Presiding Officer of the House
of Representatives

