

3 Senate Bill No. 45
4 As Amended

5 SENATE BILL NO. 45 - By: HOBSON and LAUGHLIN of the Senate and
6 ASKINS of the House.

7 An Act relating to state government; amending 74 O.S. 2001,
8 Section 150.5, as amended by Section 1, Chapter 77, O.S.L.
9 2002 (74 O.S. Supp. 2004, Section 150.5), which relates to
10 investigations conducted by the Oklahoma State Bureau of
11 Investigation; requiring special background investigation of
12 nominee to Oklahoma Lottery Commission under certain
13 circumstances; modifying statutory reference; and declaring
14 an emergency.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 150.5, as
17 amended by Section 1, Chapter 77, O.S.L. 2002 (74 O.S. Supp. 2004,
18 Section 150.5), is amended to read as follows:

19 Section 150.5 A. 1. Oklahoma State Bureau of Investigation
20 investigations not covered under Section 150.2 of this title shall
21 be initiated at the request of the following persons:

- 22 a. the Governor,
23 b. the Attorney General,
24 c. the Council on Judicial Complaints upon a vote by a
25 majority of the Council, or
26 d. the chair of any Legislative Investigating Committee
27 which has been granted subpoena powers by resolution,

1 upon authorization by a vote of the majority of the
2 Committee.

3 2. Requests for investigations shall be submitted in writing
4 and shall contain specific allegations of wrongdoing under the laws
5 of the State of Oklahoma.

6 B. The Governor may initiate special background investigations
7 with the written consent of the person who is the subject of the
8 investigation.

9 C. The chair of any Senate committee which is fulfilling the
10 statutory responsibility for approving nominations made by the
11 Governor may, upon a vote by a majority of the committee and with
12 the written consent of the person who is to be the subject of the
13 investigation, initiate a special background investigation of any
14 nominee for the Oklahoma Horse Racing Commission as established by
15 ~~Provision No. 1, State Question No. 553, Initiative Petition No. 315~~
16 ~~(3A O.S. Supp. 1982, Section 201)~~ Section 201 of Title 3A of the
17 Oklahoma Statutes or any nominee for **the Board of Trustees of** the
18 Oklahoma Lottery Commission as established by Section 704 of Title
19 3A of the Oklahoma Statutes. The Bureau shall submit a report to
20 the committee within thirty (30) days of the receipt of the request.
21 Any consideration by the committee of a report from the Bureau shall
22 be for the exclusive use of the committee and shall be considered
23 only in executive session.

1 D. All records relating to any investigation being conducted by
2 the Bureau, including any records of laboratory services provided to
3 law enforcement agencies pursuant to paragraph 1 of Section 150.2 of
4 this title, shall be confidential and shall not be open to the
5 public or to the Commission except as provided in Section 150.4 of
6 this title; provided, however, officers and agents of the Bureau may
7 disclose, at the discretion of the Director, such investigative
8 information to officers and agents of federal, state, county, or
9 municipal law enforcement agencies and to district attorneys, in the
10 furtherance of criminal investigations within their respective
11 jurisdictions. Officers and agents of the Bureau may also disclose,
12 at the discretion of the Director, such investigative information to
13 appropriate accreditation bodies for the purposes of the Bureau's
14 obtaining or maintaining accreditation. Any unauthorized disclosure
15 of any information contained in the confidential files of the Bureau
16 shall be a misdemeanor. The person or entity authorized to initiate
17 investigations in this section, and the Attorney General in the case
18 of investigations initiated by the Insurance Commissioner, shall
19 receive a report of the results of the requested investigation. The
20 person or entity requesting the investigation may give that
21 information only to the appropriate prosecutorial officer or agency
22 having statutory authority in the matter if that action appears
23 proper from the information contained in the report, and shall not

1 reveal or give such information to any other person or agency.
2 Violation hereof shall be deemed willful neglect of duty and shall
3 be grounds for removal from office.

4 E. The State Treasurer shall initiate a complete background
5 investigation of the positions with the written consent of the
6 persons who are the subject of the investigation pursuant to
7 subsection I of Section 71.1 of Title 62 of the Oklahoma Statutes.
8 The Bureau shall advise the State Treasurer and the Cash Management
9 and Investment Oversight Commission in writing of the results of the
10 investigation.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-8-05 - DO PASS,
16 As Amended and Coauthored.