

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 512

By: Jolley of the Senate

and

Murphey of the House

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8  
9 COMMITTEE SUBSTITUTE

10 [ law enforcement - consolidating the Alcoholic  
11 Beverage Laws Enforcement Commission and the Oklahoma  
12 Bureau of Narcotics and Dangerous Drugs Control -  
conditional effective date - emergency ]

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 504.1 of Title 37, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. The Alcoholic Beverage Laws Enforcement Commission and the  
20 Oklahoma Bureau of Narcotics and Dangerous Drugs Control are hereby  
21 consolidated into the Oklahoma Commission on Alcohol and Drug  
22 Enforcement, which shall consist of two bureaus, the Bureau of  
23 Alcohol and Prescription Compliance and Licensure and the Bureau of  
24 Narcotics and Trafficking Enforcement. All references in the

1 Oklahoma Statutes or in Article XXVIII of the Oklahoma Constitution  
2 to the Bureau of Alcohol and Prescription Compliance and Licensure  
3 within the Alcoholic Beverage Laws Enforcement Commission shall be  
4 deemed to be a reference to the Bureau of Alcohol and Prescription  
5 Compliance and Licensure within the Oklahoma Commission on Alcohol  
6 and Drug Enforcement unless otherwise required by the context of the  
7 reference.

8 B. All assets, funds, liabilities, allotments, purchase orders,  
9 outstanding financial obligations, encumbrances, records, aircraft,  
10 vehicles, equipment, and other property of the Alcoholic Beverage  
11 Laws Enforcement Commission and the Oklahoma Bureau of Narcotics and  
12 Dangerous Drugs Control are hereby transferred to the Oklahoma  
13 Commission on Alcohol and Drug Enforcement.

14 C. Personnel employed by the Alcoholic Beverage Laws  
15 Enforcement Commission and the Oklahoma Bureau of Narcotics and  
16 Dangerous Drugs Control on July 1, 2015, shall be transferred to the  
17 Oklahoma Commission on Alcohol and Drug Enforcement pursuant to a  
18 transition plan implemented by the Oklahoma Commission on Alcohol  
19 and Drug Enforcement as required by Section 2 of this act.

20 D. The classified and unclassified employees who are  
21 transferred pursuant to this section shall be subject to the  
22 following provisions:  
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1 1. Classified employees shall remain subject to the provisions  
2 of the Merit System of Personnel Administration, as provided in the  
3 Oklahoma Personnel Act;

4 2. Unclassified employees transferred to the Oklahoma  
5 Commission on Alcohol and Drug Enforcement shall remain in the  
6 unclassified service and shall serve at the pleasure of the Director  
7 of the Oklahoma Commission on Alcohol and Drug Enforcement;

8 3. All employees who are transferred pursuant to this act shall  
9 retain leave, sick and annual time earned and any retirement and  
10 longevity benefits which have accrued during their employment with  
11 the state. The salaries of employees who are transferred shall not  
12 be reduced as a direct and immediate result of the transfer;

13 4. If the Oklahoma Commission on Alcohol and Drug Enforcement  
14 should implement a reduction in force, all employees transferred  
15 pursuant to this act shall be credited for the time they were  
16 employed by the Alcoholic Beverage Laws Enforcement Commission and  
17 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control; and

18 5. The transfer of personnel shall be coordinated with the  
19 Office of Management and Enterprise Services.

20 SECTION 2. NEW LAW A new section of law not to be  
21 codified in the Oklahoma Statutes reads as follows:

22 A. The Director of the Oklahoma Bureau of Narcotics and  
23 Dangerous Drugs Control and the Director of the Alcoholic Beverage  
24 Laws Enforcement Commission shall serve as transition coordinators

1 and shall establish a transition team to coordinate the orderly  
2 transfer of duties, personnel, property, funds, and encumbrances  
3 from and consolidation of the Alcoholic Beverage Laws Enforcement  
4 Commission and the Oklahoma Bureau of Narcotics and Dangerous Drugs  
5 Control to the Oklahoma Commission on Alcohol and Drug Enforcement.  
6 Each Director may assign personnel to the transition team from their  
7 respective agency as deemed necessary.

8 B. The transition team shall:

9 1. In conjunction with the Office of Management and Enterprise  
10 Services, oversee and administer the orderly transfer of  
11 responsibilities, liabilities, property, records, personnel and any  
12 outstanding financial obligations or encumbrances to the Oklahoma  
13 Commission on Alcohol and Drug Enforcement from the Alcoholic  
14 Beverage Laws Enforcement Commission and the Oklahoma Bureau of  
15 Narcotics and Dangerous Drugs Control;

16 2. Review functions currently assigned to or managed by the  
17 Alcoholic Beverage Laws Enforcement Commission and the Oklahoma  
18 Bureau of Narcotics and Dangerous Drugs Control;

19 3. Devise a proposal for an organizational framework within the  
20 Oklahoma Commission on Alcohol and Drug Enforcement which shall  
21 include a proposal for reduction of full-time-equivalent employees  
22 by five percent (5%);

23 4. Establish a plan for the transfer of employees from the  
24 Alcoholic Beverage Laws Enforcement Commission and the Oklahoma

1 Bureau of Narcotics and Dangerous Drugs Control to the Oklahoma  
2 Commission on Alcohol and Drug Enforcement. The plan shall include  
3 a list of positions to be transferred. The plan also shall include  
4 a reduction-in-force plan and a severance benefits plan that conform  
5 with the requirements of the State Government Reduction-in-Force and  
6 Severance Benefits Act; and

7 5. Take such other action as may be reasonably necessary and  
8 appropriate to effectuate the orderly transition of functions as  
9 provided by this act.

10 SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-102, is  
11 amended to read as follows:

12 Section 2-102. The Oklahoma State Bureau of Narcotics and  
13 Dangerous Drugs Control is hereby consolidated with the Alcoholic  
14 Beverage Laws Enforcement Commission. The consolidated agency is  
15 hereby named the Oklahoma Commission on Alcohol and Drug  
16 Enforcement. The Oklahoma Commission on Alcohol and Drug  
17 Enforcement shall consist of two bureaus, the Bureau on Alcohol and  
18 Prescription Compliance and Licensure and the Bureau of Narcotics  
19 and Trafficking Enforcement. All references in the Oklahoma Statutes  
20 to the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
21 Control shall be deemed to refer to the Bureau of Narcotics and  
22 Trafficking within the Oklahoma Commission on Alcohol and Drug  
23 Enforcement unless otherwise required by the context of the  
24 reference.

1 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-104.1, is  
2 amended to read as follows:

3 Section 2-104.1. A. ~~There is hereby created an~~ The Oklahoma  
4 State Bureau of Narcotics and Dangerous Drugs Control Commission  
5 ~~which shall consist of seven (7) members, not~~ is hereby consolidated  
6 into the Oklahoma Commission on Alcohol and Drug Enforcement as  
7 provided by Article XXVIII of the Oklahoma Constitution. The seven  
8 (7) members of the Commission as provided by Article XXVIII shall  
9 not include more than two ~~of whom shall be~~ persons from the same  
10 congressional district. However, when congressional districts are  
11 redrawn, each member appointed prior to July 1 of the year in which  
12 such modification becomes effective shall complete the current term  
13 of office and appointments made after July 1 of the year in which  
14 such modification becomes effective shall be based on the redrawn  
15 districts. No appointments may be made after July 1 of the year in  
16 which such modification becomes effective if such appointment would  
17 result in more than two members serving from the same modified  
18 district. The members shall be appointed by the Governor and  
19 confirmed by the Senate and shall be removable only for cause, as  
20 provided by law for the removal of officers not subject to  
21 impeachment. The term of office of each member shall be seven (7)  
22 years. The first appointments shall be for the following terms as  
23 designated by the Governor: one member for a term of one (1) year;  
24 one member for a term of two (2) years; one member for a term of

1 three (3) years; one member for a term of four (4) years; one member  
2 for a term of five (5) years; one member for a term of six (6)  
3 years; and one member for a term of seven (7) years. A member may  
4 serve more than one term on the Commission. Each member shall  
5 continue to serve so long as the member is qualified until a  
6 successor has been appointed and confirmed by the Senate. Vacancies  
7 occurring during a term shall be filled for the unexpired portion of  
8 the term by the same procedure used to make the regular  
9 appointments.

10 B. ~~Four~~ Three of the members shall represent the lay citizenry,  
11 one member shall be a district attorney while serving in that  
12 capacity, one member shall be a sheriff while serving in that  
13 capacity, ~~and~~ one member shall be a chief of police while serving in  
14 that capacity, and one member shall a mental health or substance  
15 abuse professional while serving in that capacity; provided that the  
16 sheriff and police chief members shall have successfully completed  
17 an approved course of instruction for peace officers as required by  
18 law.

19 C. Annually the Commission shall select one of the Commission  
20 members to serve as chair and one member to serve as vice-chair.  
21 The Commission shall meet at least quarterly. The chair shall  
22 preside at all meetings of the Commission and shall have the power  
23 to call meetings of the Commission. In addition, meetings of the  
24 Commission may be called by a majority of the members. The vice-

1 chair shall perform these functions in the absence or incapacity of  
2 the chair. A quorum of four members of the Commission shall be  
3 necessary to conduct any official business. All actions taken by  
4 the Commission shall be by a simple majority vote of a quorum. In  
5 the event of a tie vote, the measure being voted upon shall be  
6 deemed to have failed.

7 The Commission shall adopt rules of procedure for the orderly  
8 performance of its functions.

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

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1 E. The Commission shall have the following powers and duties  
2 and responsibilities:

3 1. To appoint the Director of the ~~Oklahoma State Bureau of~~  
4 ~~Narcotics and Dangerous Drugs Control~~ Oklahoma Commission on Alcohol  
5 and Drug Enforcement, whose compensation shall be determined by the  
6 Legislature;

7 2. To hear any complaint against the ~~Oklahoma State Bureau of~~  
8 ~~Narcotics and Dangerous Drugs Control~~ Oklahoma Commission on Alcohol  
9 and Drug Enforcement or any of its employees according to the  
10 following procedure:

11 a. ~~Only~~ only those complaints which have been submitted  
12 in writing and are signed will be acted upon by the  
13 Commission;

14 b. ~~All~~ all hearings on complaints shall be conducted in  
15 executive sessions, and shall not be open to the  
16 public, and

17 c. ~~The~~ the Commission shall have limited access to  
18 pertinent investigative files when investigating a  
19 complaint. The Director shall provide a procedure  
20 whereby the identification of all persons named in any  
21 investigative file except the subject of the complaint  
22 and the complaining witness shall not be revealed to  
23 the members of the Commission. Any consideration of  
24 files shall be in executive session not open to the

1 public. No information or evidence received in  
2 connection with the hearings shall be revealed to any  
3 person or agency. Any violation hereof shall be  
4 grounds for removal from the Commission, and shall  
5 constitute a misdemeanor-; i

6 3. To make recommendations to the Director of any needed  
7 disciplinary action necessary as a result of an investigation  
8 conducted upon a complaint received-; i

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

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

14 SECTION 5. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2-104.2 of Title 63, unless  
16 there is created a duplication in numbering, reads as follows:

17 The Oklahoma Commission on Alcohol and Drug Enforcement Bureau  
18 of Alcohol and Prescription Compliance and Licensure shall assume  
19 all existing duties of the Oklahoma Alcoholic Beverage and Law  
20 Enforcement Commission on the effective date of this act.

21 Additionally, the Bureau of Alcohol and Prescription Compliance and  
22 Licensure shall assume the duties of the Prescription Monitoring  
23 Program as performed by the Oklahoma Bureau of Narcotics and  
24 Dangerous Drugs Control.

1       The Bureau of Narcotics and Trafficking Enforcement shall assume  
2 all existing duties of the Oklahoma Bureau of Narcotics and  
3 Dangerous Drugs Control on the effective date of this act unless  
4 otherwise provided in this section of law.

5       SECTION 6. This act shall become effective on July 1 of the  
6 year following certification of election returns favoring passage of  
7 the Constitutional Amendment proposed in Senate Joint Resolution No.  
8 17 of the 1st Session of the 54th Oklahoma Legislature.

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