

1 ENGROSSED SENATE  
2 BILL NO. 512

By: Jolley of the Senate

3 and

4 Murphey of the House

5  
6  
7 [ law enforcement - consolidating ABLE Commission and  
8 OBNDD - codification - noncodification - conditional  
effective date ]

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

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

15 A. The Alcoholic Beverage Laws Enforcement Commission and the  
16 Oklahoma Bureau of Narcotics and Dangerous Drugs Control are hereby  
17 consolidated into the Oklahoma Commission on Alcohol and Drug  
18 Enforcement, which shall consist of two bureaus, the Bureau of  
19 Alcohol and Prescription Compliance and Licensure and the Bureau of  
20 Narcotics and Trafficking Enforcement. All references in the  
21 Oklahoma Statutes or in Article XXVIII of the Oklahoma Constitution  
22 to the Bureau of Alcohol and Prescription Compliance and Licensure  
23 within the Alcoholic Beverage Laws Enforcement Commission shall be  
24 deemed to be a reference to the Bureau of Alcohol and Prescription

1 Compliance and Licensure within the Oklahoma Commission on Alcohol  
2 and Drug Enforcement unless otherwise required by the context of the  
3 reference.

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

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

17 D. The classified and unclassified employees who are  
18 transferred pursuant to this section shall be subject to the  
19 following provisions:

20 1. Classified employees shall remain subject to the provisions  
21 of the Merit System of Personnel Administration, as provided in the  
22 Oklahoma Personnel Act;

23 2. Unclassified employees transferred to the Oklahoma  
24 Commission on Alcohol and Drug Enforcement shall remain in the

1 unclassified service and shall serve at the pleasure of the Director  
2 of the Oklahoma Commission on Alcohol and Drug Enforcement;

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

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

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

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

17 A. The Director of the Oklahoma Bureau of Narcotics and  
18 Dangerous Drugs Control and the Director of the Alcoholic Beverage  
19 Laws Enforcement Commission shall serve as transition coordinators  
20 and shall establish a transition team to coordinate the orderly  
21 transfer of duties, personnel, property, funds, and encumbrances  
22 from and consolidation of the Alcoholic Beverage Laws Enforcement  
23 Commission and the Oklahoma Bureau of Narcotics and Dangerous Drugs  
24 Control to the Oklahoma Commission on Alcohol and Drug Enforcement.

1 Each Director may assign personnel to the transition team from their  
2 respective agency as deemed necessary.

3 B. The transition team shall:

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

11 2. Review functions currently assigned to or managed by the  
12 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma Bureau  
13 of Narcotics and Dangerous Drugs Control and the Oklahoma Tax  
14 Commission;

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

19 4. Establish a plan for the transfer of employees from the  
20 Alcoholic Beverage Laws Enforcement Commission and the Oklahoma  
21 Bureau of Narcotics and Dangerous Drugs Control to the Oklahoma  
22 Commission on Alcohol and Drug Enforcement and to the Oklahoma Tax  
23 Commission. The plan shall include a list of positions to be  
24 transferred. The plan also shall include a reduction-in-force plan

1 and a severance benefits plan that conform with the requirements of  
2 the State Government Reduction-in-Force and Severance Benefits Act;  
3 and

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

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

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

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

24

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

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

9 B. ~~Four~~ Three of the members shall represent the lay citizenry,  
10 one member shall be a district attorney while serving in that  
11 capacity, one member shall be a sheriff while serving in that  
12 capacity, ~~and~~ one member shall be a chief of police while serving in  
13 that capacity, and one member shall be a licensed health care  
14 professional with expert knowledge on drug-endangered children while  
15 serving in that capacity; provided that the sheriff and police chief  
16 members shall have successfully completed an approved course of  
17 instruction for peace officers as required by law.

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

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

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

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

23 E. The Commission shall have the following powers and duties  
24 and responsibilities:

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

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

- 9           a. ~~Only~~ only those complaints which have been submitted  
10           in writing and are signed will be acted upon by the  
11           Commission-;
- 12           b. ~~All~~ all hearings on complaints shall be conducted in  
13           executive sessions, and shall not be open to the  
14           public-, and
- 15           c. ~~The~~ the Commission shall have limited access to  
16           pertinent investigative files when investigating a  
17           complaint. The Director shall provide a procedure  
18           whereby the identification of all persons named in any  
19           investigative file except the subject of the complaint  
20           and the complaining witness shall not be revealed to  
21           the members of the Commission. Any consideration of  
22           files shall be in executive session not open to the  
23           public. No information or evidence received in  
24           connection with the hearings shall be revealed to any

1 person or agency. Any violation hereof shall be  
2 grounds for removal from the Commission, and shall  
3 constitute a misdemeanor~~;~~;

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

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

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

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

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

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

23 B. The Bureau of Narcotics and Trafficking Enforcement shall  
24 assume all existing duties of the Oklahoma Bureau of Narcotics and

1 Dangerous Drugs Control on the effective date of this act unless  
2 otherwise provided in this section of law.

3 C. The Oklahoma Tax Commission shall assume the duties of  
4 administration and enforcement of the Oklahoma Charity Games Act, in  
5 addition to its duties of collection and distribution of taxes on  
6 alcoholic beverages and low-point beer and enforcement of laws  
7 relating thereto.

8 SECTION 6. This act shall become effective on July 1 of the  
9 year following certification of election returns favoring passage of  
10 the Constitutional Amendment proposed in Senate Joint Resolution No.  
11 17 of the 1st Session of the 54th Oklahoma Legislature.

12 Passed the Senate the 13th day of March, 2013.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2013.

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19 \_\_\_\_\_  
20 Presiding Officer of the House  
21 of Representatives

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