

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 809 By: Weaver of the Senate  
3 and  
4 Ford of the House  
5  
6  
7 An Act relating to law enforcement officers; amending  
8 74 O.S. 2011, Section 150.23, as last amended by  
9 Section 1, Chapter 15, O.S.L. 2019 (74 O.S. Supp.  
10 2020, Section 150.23), which relates to custody and  
11 possession of sidearms and badges upon retirement or  
12 death; modifying inclusions; and providing an  
13 effective date.  
14  
15 AUTHOR: Add the following House Coauthor: Manger  
16  
17 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill  
18 and replace with:  
19  
20 "An Act relating to law enforcement officers;  
21 amending 74 O.S. 2011, Section 150.23, as last  
22 amended by Section 1, Chapter 15, O.S.L. 2019 (74  
23 O.S. Supp. 2020, Section 150.23), which relates to  
24 custody and possession of sidearms and badges upon  
retirement or death; modifying inclusions; amending  
74 O.S. 2011, Sections 840-2.15 and 840-2.20, as  
amended by Section 879, Chapter 304, O.S.L. 2012 (74  
O.S. Supp. 2020, Section 840-2.20), which relate to  
the Oklahoma Personnel Act; modifying provisions  
related to certain leave accruals based on emergency  
conditions; providing an effective date; and  
declaring an emergency.

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

1       SECTION 1.       AMENDATORY       74 O.S. 2011, Section 150.23, as  
2 last amended by Section 1, Chapter 15, O.S.L. 2019 (74 O.S. Supp.  
3 2020, Section 150.23), is amended to read as follows:

4       Section 150.23 A. An officer, investigator, or agent of the  
5 Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of  
6 Narcotics and Dangerous Drugs Control, the Department of Wildlife  
7 Conservation, the Law Enforcement Division of the Oklahoma Horse  
8 Racing Commission, the State Fire Marshal's Office, the Oklahoma  
9 Tourism and Recreation Department, the Office of Inspector General  
10 and the Oklahoma Child Support Services divisions of the Department  
11 of Human Services, a Probation and Parole officer or Internal  
12 Affairs agent of the Department of Corrections, law enforcement  
13 officers employed by the Grand River Dam Authority, a campus police  
14 officer, as defined in Section 360.16 of this title, or the office  
15 of a district attorney shall be entitled to receive, upon retirement  
16 by reason of length of service, the continued custody and possession  
17 of the sidearm and badge carried by such officer, investigator, or  
18 agent immediately prior to retirement.

19       B. An officer, investigator, or agent specified in subsection A  
20 of this section may be entitled to receive, upon retirement by  
21 reason of disability, the continued custody and possession of the  
22 sidearm and badge carried by such officer or agent immediately prior  
23 to retirement upon written approval of the applicable Director of  
24

1 the appropriate Bureau, Department, Commission or district  
2 attorney.

3 C. Custody and possession of the sidearm and badge of an  
4 officer, investigator or agent who dies while employed by any  
5 Bureau, Department, Commission or office specified in subsection A  
6 of this section may be awarded by the applicable Director of the  
7 appropriate Bureau, Department, Commission or office to the spouse  
8 or next of kin of the deceased officer, investigator or agent.

9 D. A correctional officer or a peace officer of the Department  
10 of Corrections shall be entitled to receive, upon retirement by  
11 reason of length of service, the continued custody and possession of  
12 the firearm and badge carried by such officer immediately prior to  
13 retirement.

14 E. In addition to the firearm carried by a correctional officer  
15 or a peace officer of the Department of Corrections, the retired  
16 correctional officer or peace officer may purchase the rifle or  
17 shotgun, or both, issued to the correctional officer or peace  
18 officer immediately prior to retirement. The cost to the retired  
19 officer of purchasing the rifle or shotgun, or both, shall be the  
20 price the Department of Corrections paid at the time of purchase,  
21 and upon payment of that price, the retired correctional officer or  
22 peace officer shall be entitled to ownership of the rifle or  
23 shotgun, or both.

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1 F. In addition to the sidearm carried by a retired agent of the  
2 Oklahoma State Bureau of Investigation, the retired agent may  
3 purchase the rifle or shotgun, or both, issued to the retired agent  
4 immediately prior to retirement. The cost to the retired agent of  
5 purchasing the rifle or shotgun, or both, shall be the price the  
6 Oklahoma State Bureau of Investigation paid at the time of purchase,  
7 and upon payment of that price, the retired agent shall be entitled  
8 to ownership of the rifle or shotgun, or both.

9 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-2.15, is  
10 amended to read as follows:

11 Section 840-2.15 A. The federal Fair Labor Standards Act, 29  
12 U.S.C., Section 201, et seq., provides for minimum standards for  
13 overtime entitlement, and spells out administrative procedures by  
14 which covered work time must be compensated. This section is not a  
15 comprehensive listing of the provisions of the Fair Labor Standards  
16 Act and regulations promulgated thereunder, and is not intended to  
17 conflict with either the Act or the regulations. No agency, board,  
18 commission, department, institution, bureau, executive officer or  
19 other entity of the executive branch shall exceed the minimum  
20 overtime entitlement provisions of the Fair Labor Standards Act and  
21 regulations promulgated thereunder except as herein provided.

22 B. Nothing in this title or the federal Fair Labor Standards  
23 Act shall be construed to prohibit an employer from paying an  
24 employee who is required to work on a holiday, as defined in Section

1 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate  
2 of two times the employee's regular hourly rate, or from  
3 rescheduling the holiday at the discretion of the appointing  
4 authority; provided, however, any state employee who is required to  
5 work on a holiday, as defined in Section 82.1 of Title 25 of the  
6 Oklahoma Statutes, in the performance of fire suppression duties  
7 shall receive holiday pay at a rate of two times the employee's  
8 regular hourly rate.

9 C. Any employee receiving compensatory time consistent with the  
10 provisions of the federal Fair Labor Standards Act shall exhaust  
11 such compensatory time prior to the taking of annual leave, except  
12 where the employee is subject to losing such annual leave due to the  
13 application of the accumulation limits in Section 840-2.20 of this  
14 title.

15 D. An employee receiving compensatory time under the provisions  
16 of subsection A of this section shall be permitted to use accrued  
17 compensatory time within one hundred eighty (180) days following the  
18 day on which it was accrued, provided the taking of compensatory  
19 time does not unduly impact agency operations or the health, safety  
20 or welfare of the public, or endanger public property. ~~Agencies~~  
21 ~~shall not be allowed to extend this one hundred eighty-day time~~  
22 ~~period for employees in an institutional setting.~~ The balance of  
23 any unused compensatory time received but not taken during this time  
24

1 period, if payable, shall be paid to the employee at the employee's  
2 current regular hourly rate.

3 E. ~~As used in this section, "institutional setting" shall mean~~  
4 ~~any agency or part of any agency where twenty-four-hour care,~~  
5 ~~monitoring or supervision is required for patients, clients or~~  
6 ~~inmates to protect public health, safety or property.~~ All  
7 compensatory time that accrued or expired during the period of the  
8 emergency declarations issued by the Governor in 2020 and 2021 in  
9 response to the novel coronavirus (COVID-19) shall carry over to the  
10 end of the fiscal year following the year in which the emergency  
11 declaration ended. Expired compensatory time governed by this  
12 subsection shall be reinstated as of the effective date of this act,  
13 and accumulation limits for compensatory time shall not apply to  
14 amounts accrued or reinstated pursuant to this subsection.  
15 Eligibility for reinstatement of compensatory time is limited to  
16 employees currently employed by the State of Oklahoma on the  
17 effective date of this act.

18 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-2.20, as  
19 amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
20 2020, Section 840-2.20), is amended to read as follows:

21 Section 840-2.20 A. The Director of the Office of Management  
22 and Enterprise Services shall promulgate such emergency and  
23 permanent rules regarding leave and holiday leave as are necessary  
24 to assist the state and its agencies.

1       The Director of the Office of Management and Enterprise  
2 Services, in adopting new rules, amending rules and repealing rules,  
3 shall ensure that the following provisions are incorporated:

4       1. Eligible employees who enter on duty or who are reinstated  
5 after a break in service shall receive leave benefits in accordance  
6 with the schedule outlined below. Leave shall be accrued based upon  
7 hours worked, paid leave, and holidays, but excluding overtime, not  
8 to exceed the total possible work hours for the pay period. Years  
9 of service shall be based on cumulative periods of employment  
10 calculated in the manner that cumulative service is determined for  
11 longevity purposes pursuant to Section 840-2.18 of this title.

12 Employees may accumulate more than the maximum annual leave  
13 accumulation limits shown in the schedule below, provided that such  
14 excess is used during the same calendar year in which it accrues or  
15 within twelve (12) months of the date on which it accrues, at the  
16 discretion of the appointing authority. If an employee whose job  
17 duties include providing fire protection services, law enforcement  
18 services or services with the Department of Corrections is unable to  
19 use excess leave as provided for in this paragraph because the  
20 employee's request for leave is denied by the employee's appointing  
21 authority and the denial of leave is due to extraordinary  
22 circumstances such that taking leave could pose a threat to public  
23 safety, health or welfare, the employee shall receive compensation  
24 at the employee's regular rate of pay for the amount of excess leave

the employee is unable to use. Such compensation shall be paid at the end of the time period during which the excess leave was required to have been used;

2. From November 1, 2001, the following accrual rates and accumulation limits apply to eligible employees as follows:

ACCRUAL RATES			ACCUMULATION
Cumulative			LIMITS
Years of	Annual	Sick	Annual
Service	Leave	Leave	Leave
Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
5-10 yrs	= 18 day/yr	15 days/yr	60 days
10-20 yrs	= 20 day/yr	15 days/yr	60 days
over 20 yrs	= 25 day/yr	15 days/yr	60 days

All annual leave that accrued or expired during the period of the emergency declarations issued by the Governor in 2020 and 2021 in response to the novel coronavirus (COVID-19) shall carry over to the end of the fiscal year following the year in which the emergency declaration ended regardless of regulatory provisions that establish a maximum amount of annual leave that may be accumulated by an employee of the State of Oklahoma. Expired annual leave governed by this subsection shall be reinstated as of the effective date of this act, and accumulation limits for annual leave shall not apply to amounts accrued or reinstated pursuant to this subsection.



1 Eligibility for reinstatement of annual leave is limited to  
2 employees currently employed by the State of Oklahoma on the  
3 effective date of this act;

4 3. Temporary employees and other limited term employees are  
5 ineligible to accrue, use, or be paid for sick leave and annual  
6 leave. Such employees shall be eligible for paid holiday leave at  
7 the discretion of the appointing authority;

8 4. ~~Employees~~ Except as provided in paragraph 2 of this  
9 subsection, employees shall not be entitled to retroactive  
10 accumulation of leave as a result of amendments to this section;

11 5. The Director of the Office of Management and Enterprise  
12 Services and the Executive Director of the Oklahoma Merit Protection  
13 Commission shall cooperate to assist agencies in developing policies  
14 to prevent violence in state government workplaces without abridging  
15 the rights of state employees. Such policy shall include a paid  
16 administrative leave provision as a cooling-off period which the  
17 Director of the Office of Management and Enterprise Services is  
18 authorized to provide pursuant to the Administrative Procedures Act.  
19 Such leave shall not be charged to annual or sick leave  
20 accumulations;

21 6. State employees who terminated their employment in the state  
22 service on or after October 1, 1992, may be eligible to have sick  
23 leave accrued at the time of termination of employment restored if  
24 they return to state employment, provided that the state employees'

1 enter-on-duty dates for reemployment occur on or before two (2)  
2 years after their termination of employment and they are eligible to  
3 accrue sick leave before the two (2) years expire;

4 7. Employees who are volunteer firefighters pursuant to the  
5 Oklahoma Volunteer Firefighters Act and who are called to fight a  
6 fire shall not have to use any accrued leave or need to make up any  
7 time due to the performance of their volunteer firefighter duties;

8 8. Employees who are reserve municipal police officers pursuant  
9 to Section 34-101 of Title 11 of the Oklahoma Statutes and who miss  
10 work in performing their duties in cases of emergency shall not have  
11 to use any accrued leave or need to make up any time due to the  
12 performance of their reserve municipal police officer duties; and

13 9. Employees who are reserve deputy sheriffs pursuant to  
14 Section 547 of Title 19 of the Oklahoma Statutes and who miss work  
15 in performing their duties in case of emergency shall not have to  
16 use any accrued leave or need to make up any time due to the  
17 performance of their reserve deputy sheriff duties.

18 B. Nothing in the Oklahoma Personnel Act is intended to prevent  
19 or discourage an appointing authority from disciplining or  
20 terminating an employee due to abuse of leave benefits or  
21 absenteeism. Appointing authorities are encouraged to consider  
22 attendance of employees in making decisions regarding promotions,  
23 pay increases, and discipline.

1 C. Upon the transfer of a function in state government to an  
2 entity outside state government, employees may, with the agreement  
3 of the outside entity, waive any payment for leave accumulations to  
4 which the employee is entitled and authorize the transfer of the  
5 leave accumulations or a portion thereof to the outside entity.

6 SECTION 4. Section 1 of this act shall become effective  
7 November 1, 2021.

8 SECTION 5. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval."

12 Passed the House of Representatives the 21st day of April, 2021.

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15 \_\_\_\_\_  
16 Presiding Officer of the House of  
Representatives

17 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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20 \_\_\_\_\_  
21 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 809

By: Weaver of the Senate

3 and

4 Ford of the House  
5

6 An Act relating to law enforcement officers; amending  
7 74 O.S. 2011, Section 150.23, as last amended by  
8 Section 1, Chapter 15, O.S.L. 2019 (74 O.S. Supp.  
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possession of sidearms and badges upon retirement or  
death; modifying inclusions; and providing an  
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 6. AMENDATORY 74 O.S. 2011, Section 150.23, as  
14 last amended by Section 1, Chapter 15, O.S.L. 2019 (74 O.S. Supp.  
15 2020, Section 150.23), is amended to read as follows:

16 Section 150.23. A. An officer, investigator, or agent of the  
17 Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of  
18 Narcotics and Dangerous Drugs Control, the Department of Wildlife  
19 Conservation, the Law Enforcement Division of the Oklahoma Horse  
20 Racing Commission, the State Fire Marshal's Office, the Oklahoma  
21 Tourism and Recreation Department, the Office of Inspector General  
22 and the Oklahoma Child Support Services divisions of the Department  
23 of Human Services, a Probation and Parole officer or Internal  
24 Affairs agent of the Department of Corrections, law enforcement

1 officers employed by the Grand River Dam Authority, a campus police  
2 officer, as defined in Section 360.16 of this title or the office of  
3 a district attorney shall be entitled to receive, upon retirement by  
4 reason of length of service, the continued custody and possession of  
5 the sidearm and badge carried by such officer, investigator<sub>7</sub> or  
6 agent immediately prior to retirement.

7 B. An officer, investigator<sub>7</sub> or agent specified in subsection A  
8 of this section may be entitled to receive, upon retirement by  
9 reason of disability, the continued custody and possession of the  
10 sidearm and badge carried by such officer or agent immediately prior  
11 to retirement upon written approval of the applicable Director of  
12 the appropriate Bureau, Department, Commission<sub>7</sub> or district  
13 attorney.

14 C. Custody and possession of the sidearm and badge of an  
15 officer, investigator<sub>7</sub> or agent who dies while employed by any  
16 Bureau, Department, Commission<sub>7</sub> or office specified in subsection A  
17 of this section may be awarded by the applicable Director of the  
18 appropriate Bureau, Department, Commission<sub>7</sub> or office to the spouse  
19 or next of kin of the deceased officer, investigator<sub>7</sub> or agent.

20 D. A correctional officer or a peace officer of the Department  
21 of Corrections shall be entitled to receive, upon retirement by  
22 reason of length of service, the continued custody and possession of  
23 the firearm and badge carried by such officer immediately prior to  
24 retirement.

1       E. In addition to the firearm carried by a correctional officer  
2 or a peace officer of the Department of Corrections, the retired  
3 correctional officer or peace officer may purchase the rifle or  
4 shotgun, or both, issued to the correctional officer or peace  
5 officer immediately prior to retirement. The cost to the retired  
6 officer of purchasing the rifle or shotgun, or both, shall be the  
7 price the Department of Corrections paid at the time of purchase,  
8 and upon payment of that price, the retired correctional officer or  
9 peace officer shall be entitled to ownership of the rifle or  
10 shotgun, or both.

11       F. In addition to the sidearm carried by a retired agent of the  
12 Oklahoma State Bureau of Investigation, the retired agent may  
13 purchase the rifle or shotgun, or both, issued to the retired agent  
14 immediately prior to retirement. The cost to the retired agent of  
15 purchasing the rifle or shotgun, or both, shall be the price the  
16 Oklahoma State Bureau of Investigation paid at the time of purchase,  
17 and upon payment of that price, the retired agent shall be entitled  
18 to ownership of the rifle or shotgun, or both.

19       SECTION 7. This act shall become effective November 1, 2021.  
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1 Passed the Senate the 9th day of February, 2021.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives