

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

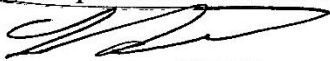
I move to amend Senate Bill No. 1612, by the attached floor substitute (request #3723) for the title, enacting clause and entire body of the measure.

Submitted by:



Senator Kim David

I hereby grant permission for the floor substitute to be adopted.



Senator Paxton, Chair (required)

Senator Weaver



Senator Allen



Senator Bergstrom




Senator Brooks



Senator Coleman

Senator Dahm



Senator David



Senator Jech

Senator Matthews



Senator Rader



Senator Rogers

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Public Safety committee majority requires seven (7) members' signatures.

I hereby grant permission for the floor substitute to be adopted.

Senator Thompson


Appropriations Committee Chair

David-BG-FS-SB1612

3/14/2022 12:26 PM

(Floor Amendments Only)

Date and Time Filed: 3-15-22

10:56 am 

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE  
FOR

SENATE BILL NO. 1612

By: David of the Senate

and

Echols of the House

FLOOR SUBSTITUTE

[ law enforcement unification - Oklahoma Department of Public Safety Unification, Recruitment, and Retention Act of 2022 - Commissioner of the Oklahoma Department of Public Safety - Oklahoma Board of Public Safety - Oklahoma Department of Public Safety Revolving Fund - creation and maintenance of a Mental Wellness Division - noncodification - codification - effective date ]

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma Department of Public Safety Unification, Recruitment, and Retention Act of 2022".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9101 of Title 74, unless there is created a duplication in numbering, reads as follows:

1       A. Upon the effective date of this act, there is hereby created  
2 the Oklahoma Department of Public Safety. The Oklahoma Department  
3 of Public Safety shall include the following law enforcement  
4 departments and agencies:

- 5       1. The Oklahoma Highway Patrol Division;
- 6       2. The Oklahoma State Bureau of Investigation; and
- 7       3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
8 Control.

9       B. The Oklahoma Department of Public Safety may include, but  
10 shall not be limited to, the following divisions:

- 11       1. Administration, to be comprised of the non-law enforcement  
12 division of the current Department of Public Safety;
- 13       2. Training and Recruitment; and
- 14       3. Licensing.

15       C. The Oklahoma Board of Public Safety, established in Section  
16 3 of this act, shall appoint a Commissioner for the Oklahoma  
17 Department of Public Safety. Compensation for the Commissioner  
18 shall be determined by the Board. Qualifications for the  
19 Commissioner shall include:

- 20       1. A bachelor's degree;
- 21       2. A minimum of five (5) years of demonstrated, successful  
22 leadership experience;
- 23       3. Relevant experience in law enforcement, public safety, or a  
24 related field; and

1        4. A person of character, reputation, knowledge, and  
2 understanding of the emerging trends facing front-line public safety  
3 personnel, skills, integrity, ability, and training.

4        SECTION 3.        NEW LAW        A new section of law to be codified  
5 in the Oklahoma Statutes as Section 9102 of Title 74, unless there  
6 is created a duplication in numbering, reads as follows:

7        A. There is hereby created the Oklahoma Board of Public Safety.  
8 The Board shall be comprised of eleven (11) members as follows:

9        1. Two members who shall be lay members, who have a law  
10 enforcement background, appointed by the Governor;

11        2. The Secretary of Public Safety, or designee;

12        3. One member, who shall be a lay member who has a law  
13 enforcement background, appointed by the President Pro Tempore of  
14 the Senate;

15        4. One member, who shall be a lay member who has a law  
16 enforcement background, appointed by the Speaker of the House of  
17 Representatives;

18        5. The Attorney General, or designee;

19        6. One member, who shall be a currently elected district  
20 attorney, appointed by the Oklahoma District Attorneys Council;

21        7. One member, who shall be a sheriff of a county with a  
22 population of twenty-five thousand (25,000) or more, as determined  
23 by the latest Federal Decennial Census, appointed by the Board of  
24 Directors of the Oklahoma Sheriffs' Association;

1        8. One member, who shall be a sheriff of a county with a  
2 population under twenty-five thousand (25,000), as determined by the  
3 latest Federal Decennial Census, appointed by the Board of Directors  
4 of the Oklahoma Sheriffs' Association;

5        9. One member, who shall be a chief of police representing a  
6 municipality with a population over one hundred thousand (100,000),  
7 as determined by the latest Federal Decennial Census, appointed by  
8 the Board of Directors of the Oklahoma Association of Chiefs of  
9 Police; and

10       10. One member, who shall be a chief of police representing a  
11 municipality with a population under one hundred thousand (100,000),  
12 as determined by the latest Federal Decennial Census, appointed by  
13 the Board of Directors of the Oklahoma Association of Chiefs of  
14 Police.

15       B. The Secretary of Public Safety shall serve as chair of the  
16 Board. The Secretary of Public Safety shall call the first meeting  
17 of the Board no later than October 1, 2022. A quorum of members  
18 shall be necessary to conduct any official business.

19       C. Board meetings shall be hosted by the Secretary of Public  
20 Safety.

21       D. The Board shall appoint the Commissioner of the Oklahoma  
22 Department of Public Safety no later than January 1, 2023.

23       E. The Secretary of Public Safety shall preside at all meetings  
24 of the Board and shall have the power to call meetings of the Board.

1 In addition, meetings of the Board may be called by a majority of  
2 the members.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 9103 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6 The Board shall have the following powers and duties:

- 7 1. To appoint or dismiss the Commissioner of the Oklahoma  
8 Department of Public Safety;
- 9 2. To determine the compensation of the Commissioner; and
- 10 3. To hear and investigate any complaint against the  
11 Commissioner.

12 SECTION 5. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 9104 of Title 74, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Effective July 1, 2023, the Commissioner of the Oklahoma  
16 Department of Public Safety shall merge the following agencies into  
17 the Oklahoma Department of Public Safety as divisions of the  
18 Department, each maintaining its unique statutory mission:

- 19 1. The Oklahoma Highway Patrol Division;
- 20 2. The Oklahoma State Bureau of Investigation Division; and
- 21 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
22 Control Division.

23 B. The Commissioner of the Oklahoma Department of Public Safety  
24 shall be the chief administrator of the Department. The

1 Commissioner shall have the authority to delegate duties and  
2 responsibilities to the respective division chiefs.

3 C. No later than July 1, 2023, the Commissioner of the Oklahoma  
4 Department of Public Safety shall have the authority to affirm the  
5 current Commissioner of the Department of Public Safety, Chief of  
6 the Oklahoma Highway Patrol Division, Director of the Oklahoma State  
7 Bureau of Investigation, and the Director of the Oklahoma State  
8 Bureau of Narcotics and Dangerous Drugs Control as the chief of his  
9 or her respective division and to appoint a chief of a respective  
10 division if the current position is vacant.

11 D. Notwithstanding any other provision of law, the Commissioner  
12 of the Oklahoma Department of Public Safety shall have authority to  
13 budget and expend the operating funds of the agency.

14 E. Notwithstanding any other provision of law, the Commissioner  
15 of the Oklahoma Department of Public Safety shall have the authority  
16 to administer all funds appropriated for the fiscal year ending on  
17 June 30, 2023, for the operation of the Oklahoma State Bureau of  
18 Investigation, Oklahoma State Bureau of Narcotics and Dangerous  
19 Drugs Control, and the Department of Public Safety.

20 SECTION 6. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 9105 of Title 74, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The Commissioner of the Oklahoma Department of Public Safety  
24 shall have the following powers, duties, and responsibilities:

1        1. Formulate and implement a unified law enforcement and public  
2 safety strategy for activities of the Department with annual and  
3 long-term measurable goals and objectives to achieve greater public  
4 safety, which shall be published on the Oklahoma Department of  
5 Public Safety website;

6        2. Appoint or confirm division chiefs of the respective  
7 divisions of the Department who shall serve at the pleasure of the  
8 Commissioner;

9        3. Appoint any other staff that may be necessary and proper for  
10 the administration of the Department who shall serve at the pleasure  
11 of the Commissioner;

12       4. Administer the activities of the Department and all  
13 divisions under control of the Department and act for the Department  
14 in all matters including budgetary matters and expenditures of the  
15 divisions, except as may be otherwise provided in this act;

16       5. Prepare proposed rules and regulations considered necessary  
17 for the operation of the Oklahoma Department of Public Safety;

18       6. Enter into contracts with public agencies, institutions of  
19 higher education, and private organizations or individuals for the  
20 purpose of conducting research, demonstrations, or special projects  
21 which bear directly on the operation of the Department or the  
22 reduction of crime;

23       7. Enter into contracts for education and research activities  
24 without performance bonds;

1        8. Create, modify, merge, or reorganize any of the divisions or  
2 units within the Oklahoma Department of Public Safety as the  
3 Commissioner may deem appropriate, consistent with this act, to  
4 effectively administer a unified law enforcement system in this  
5 state;

6        9. Commission employees as peace officers of the Oklahoma  
7 Department of Public Safety;

8        10. Investigate any complaint against the Department or any of  
9 its employees;

10       11. Be directly responsible for all monies appropriated for and  
11 deposited to the credit of the Department and each division under  
12 its control and approve all claims and payments, or delegate  
13 responsibility as provided for in Section 34.68 of Title 62 of the  
14 Oklahoma Statutes;

15       12. Accept gifts, bequests, devices, contributions, and grants,  
16 public or private including federal funds or funds from any other  
17 source for use in furthering the purpose of the Department;

18       13. Purchase, lease, and maintain motor vehicles and other  
19 equipment and properties for use by employees of the Department;

20       14. Purchase or lease and equip motor vehicles for the use of  
21 the Governor and Lieutenant Governor;

22       15. Authorize the use of a state-owned motor vehicle as  
23 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

1        16. Transfer assets within the Oklahoma Department of Public  
2 Safety as may be necessary and proper for the operation of the  
3 Department;

4        17. Maintain records of all proceedings and official orders;  
5 and

6        18. No later than July 1, 2023, all employees of the Oklahoma  
7 Department of Public Safety shall be under the authority of the  
8 Commissioner.

9        B. After appointment and before entering upon the discharge of  
10 duties, the Commissioner shall take and subscribe to the oath of  
11 office required by the Oklahoma Constitution. Bonding of the  
12 Commissioner and other employees of the Department shall be provided  
13 under the provisions of Section 85.58Q of Title 74 of the Oklahoma  
14 Statutes.

15        SECTION 7.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 9106 of Title 74, unless there  
17 is created a duplication in numbering, reads as follows:

18        There is hereby created in the State Treasury a revolving fund  
19 for the Oklahoma Department of Public Safety to be designated the  
20 "Oklahoma Department of Public Safety Revolving Fund". The fund  
21 shall be a continuing fund, not subject to fiscal year limitations,  
22 and shall consist of any monies received from the sale of surplus  
23 and confiscated property, fees, and receipts collected pursuant to  
24 the Oklahoma Open Records Act, gifts, bequests, devises,

1 contributions, or grants, public or private including federal funds  
2 unless otherwise provided for by federal law or regulation,  
3 reimbursements, refunds, fees, and receipts from any other source.  
4 All monies, and other money as provided by law, accruing to the  
5 credit of the fund are hereby appropriated and may be budgeted and  
6 expended by the Oklahoma Department of Public Safety for general  
7 operations of the Department. Expenditures from the fund shall be  
8 made upon warrants issued by the State Treasurer against claims  
9 filed as prescribed by law with the Director of the Office of  
10 Management and Enterprise Services for approval and payment.

11 SECTION 8. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 9107 of Title 74, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. The Oklahoma Department of Public Safety shall establish and  
15 maintain a Mental Wellness Division to provide mental wellness  
16 services and programs to public safety personnel to promote good  
17 mental wellness. The Commissioner shall appoint the Director of the  
18 Mental Wellness Division.

19 B. The Director of the Mental Wellness Division shall report to  
20 the Commissioner. All current and former employees of the Mental  
21 Wellness Division shall maintain the privacy of all public safety  
22 personnel served by the Division or who participate in its programs.  
23 No privileged personal health information shall ever be shared with  
24 the Commissioner or made public without the consent of that person.

1 However, aggregate mental health information may be shared with the  
2 Commissioner. Aggregate mental health information may be made  
3 public by the Commissioner if, in the judgment of the Commissioner,  
4 doing so could improve public safety mental wellness policies for  
5 public safety personnel and is made public for this sole purpose.  
6 Provided, no aggregate mental health information may be shared or  
7 made public if doing so could reveal otherwise privileged personal  
8 mental health information about any specific individual. It shall  
9 be the duty of the Director of the Division to establish the  
10 necessary policies and procedures to ensure the privacy and  
11 confidentiality requirements of this section and of all other  
12 applicable health privacy laws. Any breach of the privacy  
13 provisions of this section and of any other applicable health  
14 privacy laws must be timely and thoroughly investigated and the  
15 appropriate disciplinary and corrective actions taken.

16 C. The Mental Wellness Division is authorized to enter into  
17 partnerships with public and private entities to fulfill its  
18 mandate.

19 D. The offices, records, communications, information  
20 technology, equipment, and any other resources of the Mental  
21 Wellness Division shall be located and maintained separately from  
22 that of the other divisions within the Department.  
23  
24

1       SECTION 9.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 9108 of Title 74, unless there  
3 is created a duplication in numbering, reads as follows:

4       There is hereby created in the State Treasury a revolving fund  
5 for the Oklahoma Department of Public Safety on behalf of the Mental  
6 Wellness Division of the Oklahoma Department of Public Safety to be  
7 designated the "Mental Wellness Division Revolving Fund". The fund  
8 shall be a continuing fund, not subject to fiscal year limitations,  
9 and shall consist of those monies appropriated to the fund by law or  
10 deposited in the fund as provided pursuant to the provisions of  
11 Section 10 of this act. All monies accruing to the credit of the  
12 fund are hereby appropriated and may be budgeted and expended by the  
13 Mental Wellness Division for the purpose of providing mental  
14 wellness services and programs to public safety personnel.  
15 Expenditures from the fund shall be made upon warrants issued by the  
16 State Treasurer against claims filed as prescribed by law with the  
17 Director of the Office of Management and Enterprise Services for  
18 approval and payment.

19       SECTION 10.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 9109 of Title 74, unless there  
21 is created a duplication in numbering, reads as follows:

22       A. There is hereby authorized the establishment of a not-for-  
23 profit foundation to raise funds for the Mental Wellness Division  
24

1 Revolving Fund, created in Section 9 of this act, and the  
2 achievement of the goals of this act.

3 B. The foundation created pursuant to this section may receive  
4 funds from any public or private source to carry out the purposes of  
5 this act including, but not limited to, gifts or grants from any  
6 department, agency, or instrumentality of the United States or of  
7 this state for any purpose consistent with the provisions of this  
8 act.

9 C. Upon proper incorporation, the foundation shall secure tax-  
10 exempt status under the appropriate provision of Section 501(c) of  
11 the Internal Revenue Code, 26 U.S.C., Section 501(c).

12 D. Any member of the foundation who may have a financial  
13 interest in an action under consideration by the foundation shall  
14 abstain from voting on such matter.

15 SECTION 11. This act shall become effective in accordance with  
16 the provisions of Section 58 of Article V of the Oklahoma  
17 Constitution.

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