

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1602

By: Bergstrom

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6 AS INTRODUCED

7 An Act relating to law enforcement unification;
8 creating the Oklahoma Public Safety Unification Act
9 of 2020; creating the Oklahoma Public Safety Agency;
10 stating the divisions of the Agency; providing for
11 appointment of a Director of the Oklahoma Public
12 Safety Agency; providing for authority of the
13 Director; providing for certain confirmation;
14 providing for certain removal; providing for
15 qualifications; directing affirmation of certain
16 agency positions; stating powers, duties and
17 responsibilities of the Director; providing for
18 Investigative Oversight Commission; providing for
19 membership of Commission; providing for certain
20 investigation oversight; providing for the Oklahoma
21 Public Safety Agency Revolving Fund; providing for
22 noncodification; providing for codification; and
23 providing an effective date.

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

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

31 This act shall be known and may be cited as the "Oklahoma Public
32 Safety Unification Act of 2020".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9100 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Effective December 1, 2020, there is hereby created the
5 Oklahoma Public Safety Agency. It shall be the mission of the
6 Oklahoma Public Safety Agency to enforce the laws protecting the
7 safety of the public and provide for the prevention and detection of
8 crime. The Oklahoma Public Safety Agency shall include the
9 following law enforcement divisions:

10 1. The Oklahoma Highway Patrol Division, to be comprised of the
11 Oklahoma Highway Patrol previously administered by the Department of
12 Public Safety;

13 2. The Oklahoma State Bureau of Investigation Division, to be
14 comprised of the Oklahoma State Bureau of Investigation;

15 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
16 Control Division, to be comprised of the Oklahoma State Bureau of
17 Narcotics and Dangerous Drugs Control;

18 4. The Law Enforcement Education and Training Division, to be
19 comprised of the Council on Law Enforcement Education and Training;

20 5. The State Fire Marshal Division, to be comprised of The
21 Office of the State Fire Marshal;

22 6. The Homeland Security Division, to be comprised of the
23 Oklahoma Office of Homeland Security;

1 7. The Emergency Management Division, to be comprised of the
2 Oklahoma Department of Emergency Management; and

3 8. The ABLE Division, to be comprised of the Oklahoma ABLE
4 Commission.

5 B. The Oklahoma Public Safety Agency may include, but not be
6 limited to the following civilian divisions:

7 1. The Public Safety Division, to be comprised of the remainder
8 of the Department of Public Safety;

9 2. Finance and Budget Division;

10 3. Human Resources Division; and

11 4. Training Division.

12 C. The Director of the Oklahoma Public Safety Agency, created
13 in Section 3 of this act, shall be the chief administrator of the
14 Oklahoma Public Safety Agency. The Director shall have authority to
15 delegate duties and responsibilities to the respective division
16 directors and chiefs.

17 D. Notwithstanding any other provision of law, the Director of
18 the Oklahoma Public Safety Agency, created in Section 3 of this act,
19 shall have authority to budget and expend the operating funds of the
20 Agency.

21 E. No later than December 1, 2021, the Director of the Office
22 of Management and Enterprise Services, when directed to do so by the
23 Director of the Oklahoma Public Safety Agency, shall transfer by
24 monthly allocation any unencumbered funds originally appropriated to
25

1 the Oklahoma State Bureau of Investigation, Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control, the Council on Law
3 Enforcement Education and Training, the Office of the State Fire
4 Marshal, the Oklahoma Office of Homeland Security, the Oklahoma
5 Department of Emergency Management, the ABLE Commission and the
6 Department of Public Safety for the fiscal year ending June 30,
7 2022, to the Oklahoma Public Safety Agency to operate the Oklahoma
8 Public Safety Agency for the remainder of the fiscal year ending
9 June 30, 2022. The funds transferred to the Oklahoma Public Safety
10 Agency shall not be subject to any budgetary limits that may have
11 attached to the funds when the funds were originally appropriated.
12 Funds in revolving funds or otherwise not subject to fiscal year
13 limitations previously available to the Oklahoma State Bureau of
14 Investigation, Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control, the Council on Law Enforcement Education and
16 Training, the Office of the State Fire Marshal, the Oklahoma Office
17 of Homeland Security, the Oklahoma Department of Emergency
18 Management, the ABLE Commission and the Department of Public Safety,
19 shall be transferred to the corresponding Oklahoma Public Safety
20 Agency fund as provided by this act.

21 F. Notwithstanding any other provision of law, the Director of
22 the Oklahoma Public Safety Agency shall have authority to administer
23 all funds appropriated for the fiscal year ending on June 30, 2022,
24 for the operation of the Department of Public Safety, the Oklahoma

1 State Bureau of Investigation and the Oklahoma Bureau of Narcotics
2 and Dangerous Drugs Control, the Council on Law Enforcement
3 Education and Training and the Office of the State Fire Marshal, the
4 Oklahoma Office of Homeland Security, the Oklahoma Department of
5 Emergency Management and the ABLE Commission.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 9101 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Governor shall appoint a Director for the Oklahoma
10 Public Safety Agency who shall be subject to the advice, consent and
11 confirmation by the Oklahoma State Senate. The Director of the
12 Oklahoma Public Safety Agency shall serve at the pleasure of the
13 Governor and may be removed or replaced without cause. Compensation
14 for the Director shall be determined by the Governor. The Director
15 may be removed from office by a two-thirds (2/3) vote of the members
16 elected to and constituting each chamber of the Legislature. The
17 Director shall be qualified for such position by character,
18 knowledge, skill, ability, education, training, administrative
19 experience in the field of law enforcement, public safety or other
20 relevant experience.

21 B. Upon the effective date of this act, the Director of the
22 Oklahoma Public Safety Agency shall have the authority to affirm the
23 current Chief of Administration of the Department of Public Safety,
24 Chief of the Oklahoma Highway Patrol, Director of the Oklahoma State

1 Bureau of Investigation and Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control, Executive Director of the
3 Council on Law Enforcement Education and Training and State Fire
4 Marshal, the Director of the Oklahoma Office of Homeland Security,
5 the Director of the Oklahoma Department of Emergency Management and
6 the Director of the ABLE Commission as the Director or Chief of his
7 or her respective division and to appoint a Director or Chief of a
8 respective division if the current position is vacant.

9 C. All functions currently performed by the Oklahoma Highway
10 Patrol, Oklahoma State Bureau of Investigation and Oklahoma State
11 Bureau of Narcotics and Dangerous Drugs Control, the Office of the
12 State Fire Marshall, the Oklahoma Office of Homeland Security and
13 the Oklahoma Department of Emergency Management shall remain under
14 their respective division; provided, that this provision shall not
15 necessarily apply to administrative, human resources, regulatory,
16 licensing, certification and permitting functions.

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

20 A. The Director of the Oklahoma Public Safety Agency shall have
21 the following powers, duties and responsibilities:

22 1. Formulate and implement a unified law enforcement and public
23 safety strategy for activities of the Agency with annual and long-
24 term measurable goals and objectives to achieve greater public
25

1 safety, which shall be published on the Oklahoma Public Safety
2 Agency website;

3 2. Act as Director of the Oklahoma Public Safety Agency;

4 3. Appoint a Chief of Administration of the Public Safety
5 Division, a Director of the Oklahoma State Bureau of Investigation
6 Division, a Chief of the Oklahoma Highway Patrol Division and a
7 Director of the Oklahoma State Bureau of Narcotics and Dangerous
8 Drugs Control Division, the Law Enforcement Education and Training
9 Division, the State Fire Marshal Division, the Director of the
10 Homeland Security Division, the Director of the Emergency Management
11 Division and the Director of the ABLE Division, and any other
12 directors, assistant directors, deputy directors and other staff
13 that may be necessary and proper for the administration of the
14 Oklahoma Public Safety Agency who shall serve at the pleasure of the
15 Director of the Oklahoma Public Safety Agency. Any employee in a
16 classified position under the Merit System of Personnel
17 Administration who is appointed as staff of the Director shall have
18 the right to return to the classified service without any loss of
19 rights, privileges or benefits immediately upon completion of the
20 duties of the employee provided, the employee is not otherwise
21 disqualified. Classified personnel transferred from their
22 respective division to the Oklahoma Public Safety Agency shall not
23 be required to accept a lesser salary than presently received;
24 provided, the provisions of this section shall not operate to

1 prohibit the imposition of furloughs or reductions-in-force with
2 respect to such personnel as allowed by law. Personnel transferred
3 shall be placed into an existing classified job family at the
4 classification level in which they meet qualifications without an
5 entrance exam or subject to any other competitive hiring process
6 required by the Oklahoma Personnel Act or the Merit System of
7 Personnel Administrative Rules. All such persons shall retain
8 seniority, leave, sick and annual time earned and any retirement
9 benefits which have accrued during their tenure with their
10 respective division. The transfer of personnel among the divisions
11 shall be coordinated with the Office of Management and Enterprise
12 Services;

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

18 5. Prepare proposed rules and regulations considered necessary
19 for the operation of the Oklahoma Public Safety Agency;

20 6. By November 1, 2021, provide to the Governor, the President
21 Pro Tempore of the Senate, the Speaker of the House of
22 Representatives and the minority leaders of the Senate and House of
23 Representatives, a plan for a unified position and compensation
24 system for state law enforcement, a plan to unify state law

1 enforcement data collection and data systems, a plan to standardize
2 and integrate operational boundaries for the Agency and a plan to
3 develop a focused, common training and leadership development
4 program for all members of the Agency;

5 7. Enter into contracts with public agencies, institutions of
6 higher education and private organizations or individuals for the
7 purpose of conducting research, demonstrations or special projects
8 which bear directly on the operation of the Agency or the reduction
9 of crime;

10 8. Enter into contracts for educational and research activities
11 without performance bonds;

12 9. Create, modify, merge or reorganize any of the divisions or
13 units within the Oklahoma Public Safety Agency as the Director may
14 deem appropriate, consistent with this act, to effectively
15 administer a unified law enforcement system in this state;

16 10. Commission employees as peace officers of the Oklahoma
17 Public Safety Agency;

18 11. Investigate any complaint against the Oklahoma Public
19 Safety Agency or any of its employees;

20 12. Be directly responsible for all monies appropriated for and
21 deposited to the credit of the Oklahoma Public Safety Agency and
22 each agency under its control and approve all claims and payments,
23 or delegate responsibility, as provided in Section 34.68 of Title 62
24 of the Oklahoma Statutes;

1 13. Accept gifts, bequests, devices, contributions and grants,
2 public or private, including federal funds or funds from any other
3 source for use in furthering the purpose of the Agency;

4 14. Purchase, lease and maintain motor vehicles and other
5 equipment and properties for use by employees of the Oklahoma Public
6 Safety Agency;

7 15. Purchase or lease and equip motor vehicles for the use of
8 the Governor and Lieutenant Governor;

9 16. Authorize the use of a state-owned motor vehicle as
10 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

11 17. Transfer assets within the Oklahoma Public Safety Agency as
12 may be necessary and proper for the operation of the Agency;

13 18. Maintain records of all proceedings and official orders;
14 and

15 19. No later than December 1, 2021, all employees of the
16 Oklahoma Public Safety Agency shall be under the authority of the
17 Director and shall be exempt from OMES governance.

18 B. After appointment and before entering upon the discharge of
19 duties, the Director shall take and subscribe to the oath of office
20 required by the Constitution. Bonding of the Director and other
21 employees of the Oklahoma Public Safety Agency shall be provided
22 under the provisions of Section 85.26 of Title 74 of the Oklahoma
23 Statutes.

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

4 A. There is hereby created an Investigation Oversight
5 Commission which shall consist of seven (7) members appointed as
6 follows:

7 1. The Oklahoma Attorney General, or designee;

8 2. The Chief Justice of the Oklahoma Supreme Court, or
9 designee;

10 3. The Oklahoma State Auditor and Inspector, or designee;

11 4. One member appointed by the Governor;

12 5. One member appointed by the President Pro Tempore of the
13 Senate;

14 6. One member appointed by the Speaker of the House of
15 Representatives; and

16 7. One member appointed by the District Attorneys Council.

17 B. Each member shall serve so long as the member is qualified
18 until a successor has been appointed. Members serve at the pleasure
19 of his or her appointing authority. Vacancies shall be promptly
20 filled by the respective appointing authority. Members shall not
21 serve for more than six (6) consecutive years without two (2) years
22 off the Commission.

23 C. Annually, the Commission shall select one member of the
24 Commission to serve as chair and one member to serve as vice-chair.

1 No member of the Commission may serve as chair for two (2)
2 consecutive years but shall have a minimum of one year between times
3 of service as chair. The chair shall preside at all meetings of the
4 Commission and shall have the power to call meetings of the
5 Commission. In addition, meetings of the Commission may be called
6 by a majority of the members. The vice-chair shall perform these
7 functions in the absence or incapacity of the chair. A quorum of
8 four members of the Commission shall be necessary to conduct any
9 official business. Any member of the Commission with a personal
10 interest or conflict of interest shall disclose that fact to the
11 members of the Commission and shall not participate in any way
12 including but not limited to discussions, questions, debates and
13 votes on Commission business in which a personal interest or
14 conflict of interest exists. A simple majority of the members of
15 the Commission who do not have a personal interest or conflict of
16 interest shall constitute a quorum of the Commission necessary to
17 conduct any official business in which a member or members disclosed
18 a personal interest or conflict of interest. All actions taken by
19 the Commission shall be by a simple majority vote of a quorum as
20 established in this paragraph. In the event of a tie vote, the
21 measure being voted upon shall be deemed to have failed. The
22 Commission shall adopt rules of procedure for the orderly
23 performance of its functions.

1 D. Members of the Commission shall serve without salary but may
2 be reimbursed for travel and other expenses of attending meetings
3 and performing their duties in the manner provided for other state
4 officers and employees under the State Travel Reimbursement Act.
5 The lay-citizen members shall be paid Thirty Dollars (\$30.00) per
6 diem for attendance at meetings of the Commission.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 9104 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 The Investigation Oversight Commission shall have oversight of
11 any investigation of the State Bureau of Investigation Division of
12 the Oklahoma Public Safety Agency, not covered under Section 150.2
13 of Title 74 of the Oklahoma Statutes, as follows:

14 1. Investigations initiated by the request of the following
15 persons:

- 16 a. the Governor,
- 17 b. the Attorney General,
- 18 c. the Council on Judicial Complaints, upon a vote by a
19 majority of the Council,
- 20 d. the chair of any Legislative Investigating Committee,
21 which has been granted subpoena powers by resolution,
22 upon authorization by a vote of the majority of the
23 Committee,

1 e. the Director of the Department of Human Services, or
2 designee, as authorized by Section 1-2-105 of Title
3 10A of the Oklahoma Statutes, or

4 f. a district court judge as authorized by Section 1-2-
5 103 of Title 10A of the Oklahoma Statutes.

6 2. Requests for investigations shall be submitted in writing
7 and shall contain specific allegations of wrongdoing under the laws
8 of the State of Oklahoma.

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 9105 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 There is hereby created in the State Treasury a revolving fund
13 for the Oklahoma Public Safety Agency to be designated the "Oklahoma
14 Public Safety Agency Revolving Fund". The fund shall be a
15 continuing fund, not subject to fiscal year limitations, and shall
16 consist of any monies received from the sale of surplus and
17 confiscated property, fees and receipts collected pursuant to the
18 Oklahoma Open Records Act, gifts, bequests, devises, contributions
19 or grants, public or private, including federal funds unless
20 otherwise provided by federal law or regulation, reimbursements,
21 refunds, fees and receipts from any other source. All monies, and
22 other money as provided by law, accruing to the credit of the fund
23 are hereby appropriated and may be budgeted and expended by the
24 Oklahoma Public Safety Agency for general operations of the agency.

1 Expenditures from the fund shall be made upon warrants issued by the
2 State Treasurer against claims filed as prescribed by law with the
3 Director of the Office of Management and Enterprise Services for
4 approval and payment.

5 SECTION 8. This act shall become effective November 1, 2020.

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