ENGROSSED HOUSE
BILL NO. 2058

BY: HUTCHCROFT, VAUGHN (George), HAMILTON (Jeff) and SEIKEL

(DEPARTMENT OF PUBLIC SAFETY - AMENDING 74 O.S. 1991, SECTIONS 1811.4E, 2-105.3 AND 2-130 - STATE CAPITOL DIVISION - EFFECTIVE DATE - EMERGENCY)

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1811.4E, is amended to read as follows:

Section 1811.4E A. There is hereby created the Department of Public Safety State Capitol ~~and Cowboy Hall of Fame Parks~~ Division within the Department of Public Safety, to be known as the Oklahoma Capitol Patrol.

B. The Department of Public Safety shall have the authority to provide police patrol, security, and protection of all state buildings and properties within Oklahoma City and Tulsa, and for enforcing all parking, traffic, and criminal laws within the boundaries of the State Capitol Park, ~~the Cowboy Hall of Fame Park,~~ the State Capitol Complex in Tulsa, and the Governor's Mansion and grounds appurtenant thereto.

C. Law enforcement personnel in the Division shall have the powers vested by law in peace officers ~~in the performance of their official duties~~ in this state except the service or execution of civil process, and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of this state. ~~The law enforcement personnel, if required, shall make arrests and prosecute~~

~~any and all persons arrested by them.~~ Executive Security Officers employed pursuant to Section 2-105.3 of Title 47 of the Oklahoma Statutes shall be law enforcement personnel in the Division.

D. The Commissioner of Public Safety, in consultation with the Administrator of the Merit System of Personnel Administration, shall determine minimum qualifications of personnel in the Division. In appointing personnel, the Commissioner shall select them only after examinations to determine their physical and mental qualifications. The scope of the examinations shall be prescribed by the Commissioner. Personnel of the Division shall satisfactorily complete any training requirements that the Commissioner may prescribe.

E. Law enforcement personnel in the Division shall be required to serve a probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period their services may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the probationary period shall entitle such employee to be classified as a permanent employee and he shall be so classified.

F. The Department of Public Safety is authorized to purchase and issue uniforms and necessary equipment to be used only in the performance of their official duties. All uniforms and equipment shall remain the property of the Department. The Commissioner is authorized to pay uniformed personnel an expense allowance in the amount and for the purchases as provided in Section 2-130 of Title 47 of the Oklahoma Statutes.

G. The Department of Public Safety is authorized to purchase and maintain motor vehicles and other equipment for use by the Division.

H. All personnel employed by and assigned to the State Capitol Police of the Office of Public Affairs and the Police of the Oklahoma Capitol Improvement Authority on July 1, 1982, are hereby transferred to the Department of Public Safety. No transferred employee shall be required to accept a lesser grade or salary than presently received plus any salary adjustments provided by the Legislature for state employees, and no entrance examinations shall be required for continued employment in the same or similar positions with the Department of Public Safety. Persons having the title of "Chief of Police", "Police Supervisor", and "Police Officer" shall retain their current titles. All funds, records, radios, motor vehicles, equipment, and supplies now under the jurisdiction and control of the Office of Public Affairs and the Oklahoma Capitol Improvement Authority, which are used in the operation of the State Capitol Police and the Capitol Improvement Authority Police are hereby transferred to the Department of Public Safety in partial consideration of the performance of the security and enforcement functions provided by the Department of Public Safety to the Office of Public Affairs and the Oklahoma Capitol Improvement Authority. The Office of Public Affairs and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the State Capitol ~~and Cowboy Hall of Fame Parks~~ Division.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-105.3, is amended to read as follows:

Section 2-105.3 A. The security officers employed for the security and protection of the Governor's Mansion and grounds appurtenant thereto, for the security and protection of persons as provided for in Section 2-101 of this title, and for other duties as prescribed by the Commissioner shall be designated as Police Officers (DPS).

B. Persons appointed as Police Officers (DPS) shall be citizens of the State of Oklahoma, of good moral character, and graduates of an accredited four-year high school. The maximum age for the initial employment of any person employed as ~~an~~ a Police Officer (DPS) shall be ~~fifty-five (55)~~ thirty-five (35) years of age. The maximum age for initial employment shall not apply to persons serving as Police Officers (DPS) on ~~July 22, 1981~~ June 30, 1992. The Commissioner of Public Safety, in consultation with the Office of Personnel Management, may determine other minimum qualifications. The Commissioner when appointing the officers shall select them only after examinations to determine their physical and mental qualifications. The scope of the examinations shall be prescribed by the Commissioner. Police Officers (DPS) may be required to satisfactorily complete courses in security and police operations as prescribed by the Commissioner.

C. Any unclassified Executive Security Officer positions assigned to the Governor's Mansion on July 1, 1988, shall be placed in the classified service. Officers holding the position of Executive Security Officer I on July 1, 1988, shall be classified as a Police Officer (DPS) and officers holding the position of Executive Security Officer II on July 1, 1988, shall be classified as a Police Supervisor (DPS). Officers assigned to the Governor's Mansion on July 1, 1988, shall be placed in their new classifications without loss of rank or seniority and without the need to meet minimum qualifications or to pass the examination for such positions as prescribed by the job classification as set by the Office of Personnel Management. Such officers so classified to these positions shall be required to serve a probationary period of twelve (12) months. The Commissioner of the Department of Public Safety may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and

the reasons therefor. During such probationary period the services of any such employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the probationary period shall entitle such employee to be classified as a permanent employee and he shall be so classified. Provided any such employee shall be required to comply with the provisions of paragraph 2 of subsection D of Section 3311 of Title 70 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-130, is amended to read as follows:

Section 2-130. A. An expense allowance of One Hundred Fifty Dollars ($150.00) per month for maintenance and cleaning of uniforms, continuing law enforcement education, purchase of practice ammunition, and other related expenses shall be paid to ~~each of the following employees:~~

~~1. Officers and patrolmen of the Highway Patrol Division; and~~

~~2. Lake patrolmen of the Lake Patrol Division~~ all commissioned law enforcement officers of the Department of Public Safety.

B. An expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms, continuing law enforcement education, purchase of practice ammunition, and other related expenses shall be paid to ~~cadets~~ each of the following employees:

1. Cadets while members of a patrol academy or during employment while on provisional or probationary status~~.~~; and

2. Law enforcement personnel on provisional or probationary status.

C. An expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to ~~each of the following employees:~~

~~1. Uniformed employees of the State Capitol and Cowboy Hall of Fame Parks Division; and~~

~~2. All~~ all other uniformed employees of the Department of Public Safety.

SECTION 4. This act shall become effective July 1, 1992.

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

Passed the House of Representatives the 9th day of March, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate