

ENROLLED SENATE
BILL NO. 870

By: Brown, Stipe, Herbert,
Henry, Mickle and Dickerson
of the Senate

and

Maddox (Jim), Erwin,
Fields, Hefner, Rhoads
(Karroll), Satterfield,
Tyler, Culver, Hilliard,
Mass, Ferguson, Webb,
Weese, Bastin, Glover,
Bonny, Hutchison, Dunegan,
Weaver, Beutler, Cozort,
Rice, Phillips, Kirby,
Campbell and Steidley of
the House

An Act relating to state officers and state employees; amending 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 190, O.S.L. 1993 (47 O.S. Supp. 1993, Section 2-105.4), 19 O.S. 1991, Section 215.30, and 74 O.S. 1991, Section 250.4, which relate to salaries of certain officers and employees; deleting obsolete language; specifying salaries for certain officers and employees; providing for certain salary adjustments; providing for future pay increases under certain conditions; prohibiting reassignment for certain purposes; providing that certain provisions supersede existing laws; providing for certain promotions; modifying certain salaries and linking certain salaries to those of certain members of the judiciary; providing for certain salary increases; specifying certain officers and employees ineligible for increase; requiring Office of Personnel Management to complete certain compensation study; and providing for noncodification.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 190, O.S.L. 1993 (47 O.S. Supp. 1993, Section 2-105.4), is amended to read as follows:

Section 2-105.4 A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, shall appoint assistants, deputies, officers, investigators and other employees as may be necessary to carry out the provisions of this title.

B. The Commissioner, subject to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, shall appoint a Chief of the Highway Patrol Division with the rank of Colonel, Assistant Chief of the Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees thereof, including Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen, who shall comprise the Oklahoma Highway Patrol Division.

C. ~~Until July 1, 1993:~~

~~1. The annual salaries for the positions as set out shall be in accordance and conformity with the following salary schedule, exclusive of longevity and extra shift pay as authorized by law and exclusive of any pay increases awarded pursuant to subsection D of this section for Fiscal Year 1993:~~

Position	Step 1	Step 2	Step 3	Step 4	Step 5
Commissioner of Public Safety					
	\$61,620.00				
Assistant Commissioner of Public Safety					
	\$56,820.00				
Chief of the Highway Patrol Division					
	\$55,020.00				
Assistant Chief of the Highway Patrol Division					
	\$48,420.00				
Highway Patrol Majors					
	\$43,020.00				
Highway Patrol Captains					
	\$38,820.00				
Highway Patrol First Lieutenants					
	\$35,820.00				
Highway Patrol Supervisors					
	\$32,820.00				
Highway Patrolmen					
	\$23,220.00	\$25,020.00	\$26,820.00	\$28,620.00	\$30,420.00

~~2. The provisions of this section shall supersede all existing laws covering the salaries of the positions in the Oklahoma Highway Patrol Division. It is provided that the entrance salary of any highway patrolman shall be One Thousand Six Hundred Eighteen Dollars (\$1,618.00) per month, or Nineteen Thousand Four Hundred Twenty Dollars (\$19,420.00) per annum which salary shall be paid during Highway Patrol Academy Training. It is provided that the salary of any probationary highway patrolman shall be One Thousand Seven Hundred Twenty Dollars (\$1,720.00) per month, or Twenty Thousand Six Hundred Twenty Dollars (\$20,620.00) per annum as set out, which salary shall continue during the probationary period following employment, as provided for in subsection (b) of Section 2-105 of this title. Any employee of the Highway Patrol Division being paid according to the schedule set forth in this subsection who is promoted to another position contained in said schedule shall receive not less than the annual salary the employee was paid prior to the promotion, and not more than the next higher salary in the new classification, providing such increase shall not move the salary of the employee off the schedule for the position to which said employee is promoted. Thereafter, salaries will be based upon the schedule.~~

~~D. 1. Effective December 1, 1992, all persons occupying the positions provided for in paragraph 1 of subsection C of this section shall receive a two and one-half percent (2.5%) pay increase. During the period from January 1, 1993, to June 30, 1993, the Department of Public Safety may provide a discretionary two and one-half percent (2.5%) pay increase, in addition to the mandatory~~

~~pay increase provided for in this subsection for all persons occupying the positions provided for in paragraph 1 of subsection C of this section, if the Department can comply with the provisions of subsection K of Section 23 of this act. If the provisions of subsection K of Section 23 of this act cannot be met, the Department shall not authorize the discretionary pay increase provided for in this subsection. However, such a discretionary increase may be instituted at any time during the period from January 1, 1993, to June 30, 1993, that an agency can comply with subsection K of Section 23 of this act. If a discretionary pay increase is granted, all of the Department's classified and unclassified employees whose service ratings are subject to the provisions of the Oklahoma Personnel Act and who have received an overall rating of at least "satisfactory" or its equivalent, on a service rating conducted on or after July 1, 1991, in accordance with Section 841.16 of Title 74 of the Oklahoma Statutes, shall receive the discretionary increase.~~

~~2. In providing for the pay increases authorized in paragraph 1 of this subsection, the Department shall comply with the provisions of subsections H through R of Section 23, Chapter 367, O.S.L. 1992, as amended by Section 2 of this act, and Section 24, Chapter 367, O.S.L. 1992.~~

~~E. Effective July 1, 1993:~~

~~1. The annual salaries for the positions as set out shall be in accordance and conformity with the following salary schedule except as provided by paragraph 2 of this subsection, exclusive of longevity and extra shift pay as authorized by law and exclusive of any pay increases awarded pursuant to subsection F of this section:~~

Commissioner of Public Safety	\$61,620.00
Assistant Commissioner of Public Safety	\$56,820.00
Chief of the Highway Patrol Division	\$55,020.00
Assistant Chief of the Highway Patrol Division	\$48,420.00
Highway Patrol Majors	\$43,020.00
Highway Patrol Captains	\$38,820.00
Highway Patrol First Lieutenants	\$35,820.00
Highway Patrol Supervisors	\$32,820.00
Highway Patrolman	
Step 1	\$23,220.00
Step 2	\$23,800.00
Step 3	\$24,395.00
Step 4	\$25,005.00
Step 5	\$25,630.00
Step 6	\$26,271.00
Step 7	\$26,928.00
Step 8	\$27,601.00
Step 9	\$28,291.00
Step 10	\$28,998.00
Step 11	\$29,723.00
Step 12	\$30,466.00
Step 13	\$31,227.00

~~2. On July 1, 1993, all highway patrolmen shall be assigned to the salary schedule as provided for in paragraph 1 of this subsection to the step nearest the salary the patrolman was earning~~

June 30, 1993. The sole purpose of this paragraph is to assign each highway patrolman to a step in conformity with paragraph 1 of this subsection. It is not the intent of this paragraph to modify in any way the salary a patrolman was earning June 30, 1993. Therefore, the annual salary of the patrolman shall not be changed as a result of the new salary schedule and if the salary of the patrolman as of June 30, 1993 does not correspond to one of the new steps, the salary shall remain off step.

3. The provisions of this section shall supersede all existing laws covering the salaries of the positions in the Oklahoma Highway Patrol Division. It is provided that the entrance salary of any highway patrolman shall be One Thousand Six Hundred Eighteen Dollars (\$1,618.00) per month, or Nineteen Thousand Four Hundred Twenty Dollars (\$19,420.00) per annum which salary shall be paid during Highway Patrol Academy Training. It is provided that the salary of any probationary highway patrolman shall be One Thousand Seven Hundred Twenty Dollars (\$1,720.00) per month, or Twenty Thousand Six Hundred Twenty Dollars (\$20,620.00) per annum as set out, which salary shall continue during the probationary period following employment, as provided for in subsection (b) of Section 2-105 of this title. Any employee of the Highway Patrol Division being paid according to the schedule set forth in this subsection who is promoted to another position contained in said schedule shall receive not less than the annual salary the employee was paid prior to the promotion, and not more than the next higher salary in the new classification, providing such increase shall not move the salary of the employee off the schedule for the position to which said employee is promoted. Thereafter, salaries will be based upon the schedule.

~~F.~~ D. Effective July 1, 1993, the annual salary of any person occupying a position listed in paragraph 1 of subsection ~~F~~ C of this section shall be increased by the percentage or amount provided for salary increases for other employees of the Department of Public Safety for each year beginning with Fiscal Year 1994, if such employee salary increases are authorized by the Legislature.

E. Effective October 1, 1994:

1. The annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the positions within the Highway Patrol Division, as set out in this section, shall be in accordance and conformity with the following salary schedule, as prescribed by paragraph 2 of this subsection, exclusive of longevity pay, as authorized by Section 805.2 of Title 74 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of this title:

<u>Commissioner of Public Safety</u>	<u>\$66,974.00</u>
<u>Assistant Commissioner of Public Safety</u>	<u>\$62,976.00</u>
<u>Highway Patrol Colonel</u>	<u>\$62,976.00</u>
<u>Highway Patrol Lieutenant Colonel</u>	<u>\$52,066.00</u>
<u>Highway Patrol Major</u>	<u>\$48,940.00</u>
<u>Highway Patrol Captain</u>	<u>\$43,646.00</u>
<u>Highway Patrol First Lieutenant</u>	<u>\$38,922.00</u>
<u>Highway Patrol Supervisor</u>	<u>\$35,086.00</u>

Highway Patrolman

<u>Step 1</u>	<u>\$23,800.00</u>
<u>Step 2</u>	<u>\$24,162.00</u>
<u>Step 3</u>	<u>\$24,732.00</u>
<u>Step 4</u>	<u>\$25,320.00</u>
<u>Step 5</u>	<u>\$25,922.00</u>
<u>Step 6</u>	<u>\$26,520.00</u>
<u>Step 7</u>	<u>\$27,156.00</u>
<u>Step 8</u>	<u>\$27,794.00</u>
<u>Step 9</u>	<u>\$28,456.00</u>
<u>Step 10</u>	<u>\$29,132.00</u>
<u>Step 11</u>	<u>\$29,822.00</u>
<u>Step 12</u>	<u>\$30,512.00</u>
<u>Step 13</u>	<u>\$31,222.00</u>
<u>Step 14</u>	<u>\$31,908.00</u>

Probationary Highway Patrolman

\$23,254.00

Cadet Highway Patrolman

\$21,148.00;

2. On October 1, 1994, each Highway Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection. Such initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service said Patrolman has in the Highway Patrol Division of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary he was receiving on September 30, 1994. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on October 1, 1994, said Patrolman shall be assigned to and his salary adjusted to Step 14 of said salary schedule;

3. After July 1, 1995, each Highway Patrolman shall receive upon the anniversary date of such Patrolman an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such Patrolman, within the preceding twelve-month period:

- a. has achieved a satisfactory Performance Rating Score,
- b. has not received any disciplinary action which has resulted in any suspension from the Department, and
- c. has not received any disciplinary action which has resulted in demotion;

4. In any twelve-month period commencing after July 1, 1995, no Highway Patrolman shall receive:

- a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or
- b. more than one such salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division; and

5. The steps prescribed for the position of Highway Patrolman in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Highway Patrolman shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increase provided for in paragraph 3 of this subsection.

F. The provisions of this section shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the positions in the Highway Patrol Division of the Department of Public Safety.

G. Upon graduation from the Highway Patrol Academy, each Cadet Highway Patrolman shall be promoted to and shall receive the salary for the position of Probationary Highway Patrolman. Upon completion of the one-year probationary period, as required in subsection (b) of Section 2-105 of this title, each Probationary Highway Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of Highway Patrolman, as provided for in paragraph 1 of subsection E of this section. Thereafter, the salary of such Patrolman shall be subject to the provisions of subsection E of this section.

SECTION 2. AMENDATORY 19 O.S. 1991, Section 215.30, is amended to read as follows:

Section 215.30 A. ~~Beginning January 1, 1991, each district attorney shall receive a salary of Sixty Thousand Dollars (\$60,000.00) per year, payable monthly.~~

Beginning January 1, 1993, each district attorney shall receive a salary of Sixty-five Thousand Dollars (\$65,000.00) per year, payable monthly. Beginning January 1, 1995, each district attorney shall receive a salary of Sixty-eight Thousand Two Hundred Fifty Dollars (\$68,250.00) per year, payable monthly. Beginning January 1, 1997, each district attorney shall receive a salary of Seventy-one Thousand Six Hundred Sixty-three Dollars (\$71,663.00) per year, payable monthly.

B. All appointees and employees of district attorneys shall be deemed to be state officers or employees for all purposes.

C. Population, for the purposes of Section 215 et seq. of this title, shall be as determined by the last Federal Decennial Census. The salaries of the district attorneys and the salaries of the assistant district attorneys and their operating and maintenance expenses in each county shall be paid by the state. Provided however:

1. In counties having a population of five hundred fifty thousand (550,000) or more, the salary of the district attorney and assistant district attorneys may be supplemented by the county. Such supplement for the district attorney shall not exceed twenty-five percent (25%) of the salary provided for district attorneys by this section. Such supplement for the assistant district attorneys shall not exceed twenty-five percent (25%) of the salary authorized for assistant district attorneys in Section 215.34 of Title 19 of the Oklahoma Statutes.

2. The salaries and operating expenses of those assistant district attorneys who are assigned to child support enforcement duties shall be paid by funds received as reimbursement from the Department of Human Services under terms of a contract with the office of the district attorney as authorized by Section 237.1 of Title 56 of the Oklahoma Statutes.

D. The District Attorneys Council, which may hereinafter be referred to as the "Council", a special division of the Attorney General's Office, is hereby designated as the state agency for the administration and disbursement of all salaries and expenses of the offices of district attorneys authorized by law. All such payrolls and claims against State Treasury funds must be approved by the Council prior to submission to the Office of State Finance for payment. The Council and the Director of State Finance shall promulgate reasonable rules and regulations covering the preparation of estimates of needs, budgets and claims for the administration of

this act, Section 215.1 et seq. of this title, the transmittal of county funds to the State Treasury and the disbursement of all state and county funds under this act.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 250.4, is amended to read as follows:

Section 250.4 Pursuant to provisions of the Constitution of the State of Oklahoma from and after the beginning date of a term of office which commences in, or after, January, ~~1983~~ 1995, the following officers of the State of Oklahoma shall be annually compensated for their services, payable monthly, ~~the following sums~~ as follows:

Governor:	_____	\$70,000.00
Lieutenant Governor:	_____	40,000.00
Attorney General:	_____	55,000.00
Each Member of the		
Corporation Commission:	_____	50,000.00
State Treasurer:	_____	50,000.00
State Auditor		
and Inspector:	_____	50,000.00
State Superintendent of		
Public Instruction:	_____	55,000.00
Secretary of State:	_____	37,500.00
State Insurance Commissioner:	_____	50,000.00
Commissioner of Labor:	_____	37,500.00
Chief Mine Inspector:	_____	37,500.00

1. The Governor shall receive a salary of Seventy Thousand Dollars (\$70,000.00);

2. The Lieutenant Governor shall receive a salary equal to the salary received by an associate district judge in a county with a population greater than ten thousand (10,000) and less than thirty thousand (30,000);

3. The Attorney General shall receive a salary equal to the salary received by a district judge;

4. The State Superintendent of Public Instruction shall receive a salary equal to the salary received by a district judge;

5. Each member of the Corporation Commission shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000);

6. The State Treasurer shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000);

7. The State Auditor and Inspector shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000);

8. The State Insurance Commissioner shall receive a salary equal to the salary received by an associate district judge in a county with a population of over thirty thousand (30,000); and

9. The Commissioner of Labor shall receive a salary equal to the salary received by a special judge.

SECTION 4. Effective October 1, 1994, all full-time and part-time officers and employees of the state shall be awarded an annualized salary increase of Eight Hundred Dollars (\$800.00) per year above the salary amount in effect on September 30, 1994. Such salary increase shall be made regardless of any salary limitation provided in an agency's annual appropriation bill or salary limits set by Section 3601 of Title 74 of the Oklahoma Statutes or Section 102.1 of Title 68 of the Oklahoma Statutes. Part-time employees shall receive a prorated increase. Provided, the following officers and employees shall be ineligible for a pay increase pursuant to this section and nothing, except as otherwise provided by Section

840.16b of Title 74 of the Oklahoma Statutes, shall be construed to authorize any increase or advancement of the salaries of:

- a. state officers and employees whose salaries are set by law, except as provided for in this act,
- b. persons employed pursuant to Section 1806.1 of Title 74 of the Oklahoma Statutes,
- c. persons employed pursuant to Section 1.6a of Title 53 of the Oklahoma Statutes,
- d. persons on temporary, student, internship or other limited term appointments,
- e. officers and employees of institutions under the administrative authority of the State Regents for Higher Education,
- f. persons who, on October 1, 1994, are serving in an initial probationary appointment to the classified service and unclassified employees in regular status who have not completed an initial six (6) months of service; provided, if such persons complete the initial probationary appointment or initial six (6) months of service after October 1, 1994, such persons shall be awarded the annualized salary increase pursuant to this section upon such completion, or
- g. commissioned law enforcement officers and correctional officers and probation and parole officers who are awarded the pay raise pursuant to Sections 1 and 5 of this act.

SECTION 5. Effective October 1, 1994, all commissioned officers of the Department of Public Safety not provided for in Section 2-105.4 of Title 47 of the Oklahoma Statutes, as amended by Section 1 of this act, correctional and probation and parole officers of the Department of Corrections, commissioned officers of the Oklahoma State Bureau of Investigation, commissioned officers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and commissioned officers of the Alcoholic Beverage Laws Enforcement Commission shall be awarded an annualized increase of six percent (6%) to any amount earned annually, exclusive of longevity pay or shift differential pay.

SECTION 6. By September 15, 1994, the Office of Personnel Management shall complete a compensation study of all commissioned officer position classes within the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of Investigation. The study shall identify a level of compensation, excluding benefit allowances, that equals one hundred percent (100%) of current market levels for each position classification.

SECTION 7. The provisions of Sections 4, 5 and 6 of this act shall not be codified in the Oklahoma Statutes.

Passed the Senate the 19th day of May, 1994.

President of the Senate

Passed the House of Representatives the 20th day of May, 1994.

Speaker of the House of
Representatives