

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1916

By: Ferguson

AS INTRODUCED

An Act relating to the Department of Public Safety;
amending 47 O.S. 1991, Sections 2-104 and 2-105.3,
which relate to certain expenses and qualifications
for executive security officers; clarifying
language; amending 74 O.S. 1991, Section 500.18, as
last amended by Section 8, Chapter 283, O.S.L. 1994
(74 O.S. Supp. 1994, Section 500.18), which relates
to the State Travel Reimbursement Act; modifying
number of officers eligible for reimbursement of
certain expenses; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-104, is
amended to read as follows:

Section 2-104. (a) The Commissioner, subject to the Merit
System laws, shall appoint an Assistant Commissioner and such other
deputies, subordinates, officers, investigators, and other employees
as may be necessary to implement the provisions of Sections 2-101
through ~~2-133~~ 2-136 of this title.

(b) All duties and responsibilities of the Examiners Bureau of the Drivers License Division transferred to the Oklahoma Highway Patrol Division on July 1, 1982, shall be transferred to the Examiners Bureau established by Section 2-106 of this title, effective July 1, 1987.

(c) Not more than eight (8) personnel assigned by the Commissioner for executive security shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, when traveling with the Governor or at ~~his~~ the Governor's request and shall receive, in addition to base salary, an additional One Hundred Seventy-five Dollars (\$175.00) per month. The senior grade for said Highway Patrol personnel shall be limited to one captain.

(d) Any person appointed to the position of Assistant Commissioner of Public Safety shall be eligible for retirement participation as a member of the Highway Patrol Division in the Oklahoma Law Enforcement Retirement System if such person at the time of appointment satisfies the age qualifications of an Oklahoma Highway Patrolman as provided in subsection (g) of Section 2-105 of this title, however the Assistant Commissioner shall be eligible for participation in only one retirement system and shall elect in writing the system in which he intends to participate.

(e) The salaries of the subordinates, officers, and other nonuniformed employees, in all divisions of the Department of Public Safety, shall be governed by and in accordance with the procedures established by the Office of Personnel Management. The Commissioner of Public Safety may appoint an employee to the position of Director of Finance for the Department of Public Safety. The Director of Finance for the Department of Public Safety and those employees serving as nonuniformed pilots in the Department of Public Safety shall be unclassified and exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. Those

employees serving as nonuniformed pilots in the Department of Public Safety shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, when on executive assignment.

(f) The Commissioner of Public Safety, in order to administer and enforce the provisions of Sections 7-101 through ~~7-607~~ 7-609 of this title, is hereby authorized to hire sufficient employees, to fix the salaries, subject to Merit System rules, to pay the traveling expenses thereof, and to purchase the necessary supplies and equipment.

(g) Unless otherwise provided by law, salaries and traveling expenses of the employees of the Financial Responsibility Division and the cost of equipment shall be paid from the appropriation made to the Department of Public Safety.

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) years of age. The maximum age for initial employment shall not apply to persons serving as Police Officers (DPS) on July 22, 1981. 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~~ the employee to be classified as a permanent employee and ~~he~~ the employee 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 74 O.S. 1991, Section 500.18, as last amended by Section 8, Chapter 283, O.S.L. 1994 (74 O.S. Supp. 1994, Section 500.18), is amended to read as follows:

Section 500.18 A. Except for members of the Legislature, the Governor and the Lieutenant Governor, provisions of Sections 500.1 through 500.18 of this title shall be mandatory as to all officials and employees of all departments, boards, commissions and institutions of the state, regardless of the provisions of any other act of the Legislature, except as provided by this section. The enactment of any measure in the future providing for travel reimbursement of state officers and employees on the basis of "actual and necessary" expenses or in any other manner inconsistent with Sections 500.1 through 500.18 of this title shall be deemed to provide for reimbursement in accordance with Sections 500.1 through 500.18 of this title unless a contrary intent is explicitly expressed in this section. Sections 500.1 through 500.18 of this title shall not apply, however, to travel reimbursements made by political subdivisions of this state, except as otherwise provided by law.

B. The agencies listed below are authorized certain exceptions and/or exemptions to the provisions of Sections 500.1 through 500.18 of this title to the extent specified:

1. State Department of Agriculture:

The actual and reasonable expenses of travel and subsistence in pursuing and developing markets for Oklahoma agricultural products incurred by the Commissioner, Deputy Commissioner and such employees designated by the State Board of Agriculture within the marketing development programs of the Department of Agriculture shall be reimbursed to the employee incurring such expenses. Reimbursement of such expenses shall be in accordance with rules and regulations adopted by the Board. Such expenses claimed shall, prior to reimbursement, be reviewed by the Board at each regular meeting and individually approved or disapproved.

2. Wheat Utilization, Research and Market Development Commission:

The actual and reasonable expenses of travel, lodging and subsistence in pursuing and developing markets for Oklahoma wheat and wheat products incurred by the Commission, staff and such persons authorized by the Commission shall be reimbursed to the person incurring such expenses. Expenses of wheat trade officials on wheat trade missions from foreign countries and from other states can be reimbursed to the person previously authorized by the Commission to incur the expense. No actual and reasonable expenses shall be paid except for time spent working with wheat trade officials on wheat trade missions. Reimbursement of such expenses shall be made in accordance with rules and regulations adopted by the Commission. Such expenses claimed shall, prior to reimbursement, be reviewed by the Commission at each regular meeting and individually approved or disapproved.

3. Department of Public Safety:

Not more than ~~seven~~ eight personnel assigned by the Commissioner for executive security shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, when traveling with the Governor or at ~~his~~ the Governor's request.

4. Department of Corrections:

The Department of Corrections shall be exempt from limitations of reimbursement for rented automobiles, as set forth in Section 500.5 of Title 74 of the Oklahoma Statutes, when such rental is by a Correctional Officer or Transportation Officer for the limited purpose of transporting inmates. Reimbursement for such expense shall be on the basis of actual cost.

5. Oklahoma Tourism and Recreation Department:

Authorization is provided the Oklahoma Tourism and Recreation Commission and Department staff who promote in-state and out-of-state business to Oklahoma's state-operated parks and lodges and the tourism and recreation industry, the actual and necessary expense of travel, subsistence and entertainment for this purpose.

Authorization is also provided the Director of the Oklahoma Tourism and Recreation Department to reimburse the Publisher of Oklahoma Today magazine and its staff for expenses for meals and other entertainment in order to gain advertising and promotion for Oklahoma Today magazine. Reimbursement of all actual and necessary expenses shall be in accordance with rules and regulations adopted by the Commission on Tourism and Recreation.

6. Oklahoma Department of Commerce:

- a. The actual and necessary expenses incurred by the Director and other employees of the Department authorized by the Director for the purpose of business recruitment shall be reimbursed to such employee. Reimbursement of such expenses shall be in accordance with rules and regulations adopted by the Director of the Oklahoma Department of Commerce. Such expenses claimed shall prior to reimbursement be reviewed by the Director and individually approved or disapproved.
- b. The Department, at the discretion of the Director, may charter aircraft for the purposes of carrying out its duties and responsibilities related to business recruitment and to implement the duties of the Director. The cost of such charter shall be exempt from the provisions of Section 500.6 of this title. Claims filed with the Office of State Finance shall bear the following certification:

The best interests of the citizens of Oklahoma were better served in that conventional ground transportation was not practical or feasible for this trip, aircraft from the Department of Public Safety was not available for this trip, and no other claim has been or will be filed as a payment for the cost of

transportation in connection with this trip herein claimed.

7. ~~Office of Public Affairs~~ Department of Central Services:

The actual expenses of travel and subsistence incurred by the Director, Assistant Director and any employee approved by the Director of the ~~Office of Public Affairs~~ Department of Central Services outside the state in recruiting and evaluating professional money managers for the state's pension funds shall be reimbursed to the employee incurring such expenses. Reimbursement for lodging expenses shall be supported by three telephone bids from hotels within a reasonable distance of the activity for which the travel was approved.

8. Oklahoma Futures:

The actual and necessary expenses incurred by the members of Oklahoma Futures in the performance of their duties shall be reimbursed to the members incurring such expenses. Reimbursement of all actual and necessary expenses shall be in accordance with rules and regulations adopted by Oklahoma Futures.

9. Oklahoma Development Finance Authority:

The actual and necessary expenses incurred by the members and employees of the Oklahoma Development Finance Authority in the performance of their duties shall be reimbursed to the person incurring such expenses. Reimbursement of all actual and necessary expenses shall be in accordance with the bylaws of the Authority.

10. Oklahoma Center for the Advancement of Science and Technology:

The actual and necessary expenses incurred by the members and employees of the Oklahoma Center for the Advancement of Science and Technology in the performance of their duties shall be reimbursed to the person incurring such expenses. Reimbursement of all actual and necessary expenses shall be in accordance with the bylaws of the Center.

11. Center for International Trade Development:

The actual and necessary expenses of travel, lodging and subsistence incurred by the Director and authorized employees of the Center for International Trade Development for performance of their duties for the purpose of business recruitment and assistance shall be reimbursed to the person incurring such expenses. Reimbursement of such expenses shall be in accordance with the rules and regulations adopted by the Director of the Center for International Trade Development. Such expenses claimed shall be reviewed and individually approved or disapproved, prior to reimbursement, first by the Director, and finally by either the Vice President, Business and Finance of Oklahoma State University or the President of Oklahoma State University.

12. Oklahoma State Bureau of Investigation:

The actual and necessary expenses incurred by the Director and other employees of the Bureau authorized by the Director as a result of conducting investigations shall be reimbursed to each such employee incurring the expenses. Reimbursement of the expenses shall be in accordance with rules and regulations adopted by the Director of the Oklahoma State Bureau of Investigation. Prior to reimbursement, expenses claimed shall be reviewed by the Director and individually approved or disapproved.

13. Department of Human Services:

- a. The actual and necessary expenses of travel, lodging and subsistence incurred by employees of the Legal Division in the performance of their duties for the purpose of representing the Department of Human Services or any of its officials, employees, institutions or hospitals at any proceeding, including depositions, held before any court, administrative body or representative thereof, shall be reimbursed to the employee incurring such expenses. Such expenses

claimed shall be approved by the General Counsel and the Director of Human Services prior to reimbursement.

- b. The Department, at the discretion of the Director, may charter aircraft when determined by the Director such charter would be more practical or less expensive than normal modes of transportation and when aircraft of the Department of Public Safety are unavailable. The costs of such charter shall be exempt from the provisions of Section 500.6 of this title.

14. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control:

The actual and necessary expenses incurred by the Director and other employees of the Bureau authorized by the Director as a result of conducting investigations shall be reimbursed to each such employee incurring the expenses. Reimbursement of the expenses shall be in accordance with rules and regulations adopted by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Prior to reimbursement, expenses claimed shall be reviewed by the Director and individually approved or disapproved.

15. University Hospitals:

The actual and necessary expenses of travel, lodging and subsistence incurred by employees of the Legal Office in the performance of their duties for the purpose of representing the University Hospitals or any of its officials, employees, institutions or hospitals at any proceeding, including depositions, held before any court, administrative body or representative thereof, shall be reimbursed to the employee incurring such expenses. Such expenses claimed shall be approved by the Chief Executive Officer of the University Hospitals or by the University Hospitals Authority.

C. The agencies listed in subsection B of this section shall be required to report annually the actual expenses excepted or exempted

from Sections 500.1 through 500.18 of this title to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The report shall be submitted no later than the first day of September following the end of each fiscal year.

SECTION 4. This act shall become effective November 1, 1995.

45-1-6028

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