

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2605

By: Satterfield

AS INTRODUCED

An Act relating to the Department of Public Safety;  
amending 47 O.S. 1991, Section 2-104, which relates  
to subordinate employees of the Department;  
deleting obsolete language; removing restriction on  
number of executive security personnel to be  
allowed certain expenses; eliminating restriction  
for senior grade in executive security division;  
modifying terms; amending 47 O.S. 1991, Section 2-  
105.4, as last amended by Section 1, Chapter 239,  
O.S.L. 1994 (47 O.S. Supp. 1995, Section 2-105.4),  
which relates to Highway Patrol salaries; deleting  
obsolete language; providing for annual salary  
increases corresponding to completed years of  
service if certain criteria are met; amending 74  
O.S. 1991, Section 500.18, as last amended by  
Section 10, Chapter 358, O.S.L. 1995 (74 O.S. Supp.  
1995, Section 500.18), which relates to  
reimbursement of actual and necessary expenses;  
providing that all public safety personnel assigned  
to executive security may receive reimbursement;  
providing an effective date; and declaring an  
emergency.

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)~~ 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, administer and enforce the provisions ~~of Sections 2-101 through 2-133~~ 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)~~ B. All personnel assigned by the Commissioner for executive security shall be allowed their actual and necessary traveling expenses, ~~upon claims approved by the Commissioner~~ as provided for in Section 500.18 of Title 74 of the Oklahoma Statutes, when traveling with the Governor or at ~~his~~ the request of the Governor 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)~~ C. 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~~ that 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~~. The Assistant Commissioner shall be eligible for participation in only one retirement system and

shall elect in writing the system in which ~~he~~ the Assistant Commissioner intends to participate.

~~(e) D.~~ 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.

E. 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~~ noncommissioned 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 noncommissioned~~ noncommissioned 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 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 2-105.4, as last amended by Section 1, Chapter 239, O.S.L. 1994 (47 O.S. Supp. 1995, 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 of the Highway Patrol Division,~~ including Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen, who shall comprise the Oklahoma Highway Patrol Division.

C. ~~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.~~

~~D. Effective July 1, 1993, the annual salary of any person occupying a position listed in paragraph 1 of subsection 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~~ 840-2.18 of Title 74 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Commissioner of Public Safety

\$66,974.00

Assistant Commissioner of Public Safety

\$62,976.00

Highway Patrol Colonel

\$62,976.00

Highway Patrol Lieutenant Colonel

\$52,066.00

Highway Patrol Major

\$48,940.00

Highway Patrol Captain

\$43,646.00

Highway Patrol First Lieutenant

\$38,922.00

Highway Patrol Supervisor

\$35,086.00

Highway Patrolman

Step 1 \$23,800.00

Step 2 \$24,162.00

Step 3 \$24,732.00

Step 4 \$25,320.00

Step 5 \$25,922.00

Step 6 \$26,520.00

Step 7 \$27,156.00

Step 8 \$27,794.00

Step 9 \$28,456.00

Step 10 \$29,132.00

Step 11 \$29,822.00

Step 12 \$30,512.00

Step 13 \$31,222.00

Step 14 \$31,908.00

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

3. After July 1, 1995, each Highway Patrolman shall receive upon the anniversary date of ~~such~~ the Patrolman an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if ~~such~~ the 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~~ For the fiscal year ending June 30, 1997, each Highway Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the step of the salary schedule provided for in paragraph 1 of this subsection whose number corresponds to the number of completed years of service that Patrolman has in the Highway Patrol Division of the Department if the 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 a demotion.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds fourteen (14) years, the Patrolman shall be assigned to and the salary adjusted to Step 14 of the salary schedule;

5. Notwithstanding the provisions of paragraph 4 of this subsection, 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~~ Each Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division; and

~~5.~~ 6. 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~~ the 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~~ paragraphs 3, 4 or 5 of this subsection.

~~F.~~ D. 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.~~ E. 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 ~~F~~ C of this section. Thereafter, the salary of such Patrolman shall be subject to the provisions of subsection ~~F~~ C of this section.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 500.18, as last amended by Section 10, Chapter 358, O.S.L. 1995 (74 O.S. Supp. 1995, 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~~ All 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 request of the Governor.

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 Health Care Authority:

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 Authority or any of its officials or employees, 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 Administrator prior to reimbursement.

15. 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.

16. 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.

17. Oklahoma Historical Society:

The actual and necessary expenses of travel, subsistence and entertainment incurred by the Executive Director, Deputy Director and any employees designated by the Executive Committee of the Oklahoma Historical Society Board of Directors in pursuing and developing programs and projects for the preservation and marketing of Oklahoma history shall be reimbursed to the person incurring the expenses. Reimbursement of expenses shall be in accordance with rules adopted by the Oklahoma Historical Society Board of Directors.

Prior to reimbursement, expenses claimed shall be reviewed by the Executive Committee at a regularly scheduled meeting and each claim shall be individually approved or disapproved.

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 July 1, 1996.

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.

45-2-8563

LAC