

SHORT TITLE: State officers; clarifying powers and duties of certain officers; establishing salary for certain officers; codification; recodification; effective dates; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1052

By: Shurden

AS INTRODUCED

An Act relating to state officers; amending 47 O.S. 1991, Section 2-103, which relates to organization of Department of Public Safety; establishing certain divisions; establishing certain responsibilities for certain officers; amending 47 O.S. 1991, Section 2-117, which relates to the police authority of the Department of Public Safety; modifying designation of divisions and officers; clarifying powers and duties of certain officers; amending 47 O.S. 1991, Section 2-118, which relates to administration of the Highway Patrol; providing for training and education of certain officers; modifying designation of certain officers; amending 47 O.S. 1991, Section 2-134, which relates to the authority of the Lake Patrol; establishing responsibility of certain officials; amending 47 O.S. 1991, Section 2-135, which relates to duties of Lake Patrol Officers; establishing ranks and positions; establishing minimum qualifications for certain officers; establishing salary for certain officers; amending 63 O.S. 1991, Section 4022, which relates to vessel registration fees; modifying certain fees; providing for legislative intent; amending 74 O.S. 1991, Section 1811.4E, as last amended by Section 1, Chapter 131, O.S.L. 1995 (74 O.S. Supp. 1995, Section 1811.4E), which relates to State Capitol Division; specifying jurisdiction; establishing certain ranks and positions; establishing minimum qualifications for certain officers; establishing salary for certain officers; providing for codification; providing for recodification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-103, is amended to read as follows:

Section 2-103. A. The Commissioner shall organize the Department of Public Safety in such manner as ~~he~~ may ~~deem~~ be deemed necessary and proper to segregate and conduct the work of the Department, and the Department shall ~~be divided into five principal~~

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~~divisions, to be known respectively as~~ consist of, but not be limited to, the Oklahoma Highway Patrol Division, Drivers License Division, Oklahoma Lake Patrol Division, Oklahoma Capitol Patrol Division, Financial Responsibility Division and Administrative Division. The latter division shall include the Technical and Communications Section, and any other section or bureau deemed necessary by the Commissioner.

B. The Commissioner shall be the chief officer of the Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division, and the Oklahoma Capitol Patrol Division. The Chief of the Oklahoma Highway Patrol Division, the Director of the Oklahoma Lake Patrol Division and the Director of the Oklahoma Capitol Patrol Division shall execute the lawful orders of the Commissioner and shall be responsible directly to the Commissioner for the operation and administration of the respective division.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-117, is amended to read as follows:

Section 2-117. A. The Commissioner and each commissioned law enforcement officer of the Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division, hereinafter in this section referred to as the Patrol Divisions, of the Department as he shall designate and all members of the Oklahoma Highway Patrol Division shall have the power:

~~1. Of peace officers for the purpose of enforcing the provisions of the Uniform Vehicle Code and any other law regulating the operation of vehicles or the use of the highways, including the Motor Carriers Act of this state or any other laws of this state by the direction of the Governor.~~

~~2. The officers and members of the Oklahoma Highway Patrol Division of Public Safety~~ are hereby declared to be peace officers

of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. ~~The members of the Oklahoma Highway Patrol Division~~

B. The Commissioner and each commissioned law enforcement officer of the Patrol Divisions of the Department shall have the powers, duties and responsibilities now or hereafter vested by law in peace officers for the purpose of enforcing the provisions of any laws of this state or by the direction of the Governor, except the serving or execution of civil process. ~~The members of the Oklahoma Highway Patrol Division~~

C. The Commissioner and each commissioned law enforcement officer of the Patrol Divisions of the Department shall have the authority to and duty:

1. To arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state. ~~When a member of the Oklahoma Highway Patrol Division is in pursuit of a violator or suspected violator and is unable to arrest such violator or suspected violator within the limits of the district or territory over which the jurisdiction of such member of the Oklahoma Highway Patrol Division extends, he shall be and is hereby authorized to;~~

2. To pursue or continue in pursuit of such a violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever he may be overtaken, and to violator or suspected violator;

3. To assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith;

~~The powers and duties conferred on the members and officers of the Oklahoma Highway Patrol Division shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state, provided however, that the Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways. The Commissioner may designate any portion of the National System of Interstate and Defense Highways for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways without prior coordination and written approval of the Commissioner. This section shall not limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.~~

~~3. 4. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law. A member of the Oklahoma Highway Patrol Division shall have the authority, and it shall be his duty, to;~~

~~5.~~ 5. To require satisfactory proof of ownership of the contents of any motor vehicle ~~as defined in this act,~~ including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of ~~a member of the Oklahoma Highway Patrol Division to~~ the officer to take the motor vehicle, driver and the contents of the motor vehicle into custody and deliver the same to the sheriff of the county wherein the ~~charge~~ contents, motor vehicle and driver are taken into custody-;

~~4.~~ 6. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of ~~the Uniform Vehicle Code,~~ this title or any other law regulating the operation of vehicles, to require the ~~driver thereof~~ vehicle operator to stop and exhibit ~~his driver's~~ the operator's driver license and the certificate of registration card issued for the vehicle and submit to an inspection of ~~such~~ the vehicle, the ~~registration license~~ plates and certificate of registration card ~~thereon~~ or to any inspection and test of the equipment of ~~such~~ the vehicle-;

~~5.~~ 7. To inspect any vehicle of a type required to be registered ~~hereunder~~ under the provisions of this title in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof-;

~~6.~~ 8. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways and bench warrants issued for nonpayment of fines and costs for moving traffic violations-;

~~7.~~ 9. To investigate traffic accidents and secure testimony of witnesses or of persons involved-;

~~8.~~ 10. To investigate reported thefts of motor vehicles, trailers and semitrailers;~~;~~

~~9.~~ 11. To stop and inspect any motor vehicle or trailer for ~~such~~ any mechanical tests as may be prescribed by the Commissioner to determine the ~~vehicle's roadability~~ safety of the mechanical condition of the vehicle. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from ~~said~~ the highway until ~~such~~ alterations or repairs have been made that will render ~~said~~ the vehicle safe and serviceable for use on the highway;~~;~~

12. To stop ~~and inspect the contents of all~~ any motor ~~vehicles~~ vehicle and inspect the contents thereof to ascertain whether or not the provisions of all general laws are being observed;~~;~~

~~10. It shall be the duty of the Oklahoma Highway Patrol Division to~~

13. To enforce the laws of the state relating to the registration and licensing of motor vehicles; ~~to~~

14. To enforce the laws relating to the operation and use of vehicles on the highway; ~~to~~

15. To enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways; ~~to~~

16. To investigate and report to the ~~Corporation Commission and the Oklahoma Tax Commission~~ appropriate state agency any violation of ~~their~~ its rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire; ~~to~~

17. To investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels; ~~and~~

18. To regulate the movement of traffic on the roads of the state highway system. ~~It shall be the duty of the Oklahoma Highway Patrol Division, whenever possible, to;~~

19. To determine, whenever possible, persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, ~~or~~ or guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution. ~~It shall be the duty of the Oklahoma Highway Patrol Division to;~~ and

20. To investigate and report all motor vehicle accidents on the state highway system outside of incorporated municipalities and in such other jurisdictions as may be authorized by law.

D. Whenever any person is arrested by a ~~patrolman~~ commissioned law enforcement officer of any of the Patrol Divisions of the Department for a traffic violation, the provisions of Sections 16-101 through 16-114 of this title shall apply.

E. 1. The powers and duties conferred on the Commissioner and on commissioned law enforcement officers of the Patrol Divisions of the Department shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state. Provided, the Patrol Divisions of the Department have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways.

2. The Commissioner may designate any portion of the National System of Interstate and Defense Highways for special traffic-related enforcement by the Patrol Divisions of the Department and

issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways without prior coordination and written approval of the Commissioner.

3. This section shall not limit a commissioned law enforcement officer of any of the Patrol Divisions of the Department from requesting assistance from any other law enforcement agency nor limit officers of the other agency from rendering the requested assistance.

~~11. F.~~ No state official shall have any power, right, or authority to command, order, or direct any member of the Oklahoma Highway Patrol Division commissioned law enforcement officer of the Department to perform any duty or service contrary to the provisions of the Uniform Vehicle Code this title or any other law of this state.

G. No citation issued by a commissioned law enforcement officer of the Patrol Divisions of the Department shall be waived, voided or amended by any other employee of the Department.

H. The Commissioner shall require that the commissioned law enforcement officers of the Department properly perform their duties and cooperate with sheriffs and police officers in enforcing the laws of this state.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-118, is amended to read as follows:

Section 2-118. ~~(a) The Commissioner shall require that the Division of Highway Patrol properly patrol the highways of this state and cooperate with sheriffs and police officers in enforcing~~

~~the laws regulating the operation of vehicles and the use of highways.~~

~~(b)~~ A. The Commissioner ~~may~~ shall establish a ~~school~~ program for the training and education of the ~~members~~ commissioned law enforcement officers of ~~said Division~~ the Department of Public Safety. Such program shall include instruction in traffic regulation, the promotion of traffic safety and enforcement of the laws regulating the operation of vehicles and the use of the highways all laws for which the enforcement and administration are now or hereafter vested in such officers.

~~(c)~~ B. The Commissioner shall establish a standard policy and procedures guide for all Patrol Divisions of the Department of Public Safety, taking into consideration those duties and responsibilities of the respective Patrol Division.

C. The initial selection process for the positions of Director of the Lake Patrol Division and the Director of the Capitol Patrol Division shall be accomplished through a promotional process committee. This committee shall be composed of the Commissioner of Public Safety, the Administrator or designee of the Office of Personnel Management, and the Equal Employment Opportunity Coordinator for the Department of Public Safety. The selection process shall meet the criteria required for the rank of a highway patrol captain as established in the current Highway Patrol Division Policies and Procedures Manual. All commissioned officers of the Lake Patrol Division and the Capitol Patrol Division who attain the rank of second lieutenant or above on or before October 1, 1996, shall be considered for the position of Director of the respective division.

D. Future promotions to the position of Director of the Lake Patrol Division or the Capitol Patrol Division shall be accomplished

by procedures as established in accordance with paragraph B of this section.

E. All ~~members~~ commissioned law enforcement officers of said ~~Division~~ the Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division, when on duty, shall be dressed in a distinctive uniform and display a badge of office.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 2-134, is amended to read as follows:

Section 2-134. A. There is hereby created in the Department of Public Safety ~~a Division of~~ the Oklahoma Lake Patrol Division which shall consist of such employees as may be necessary to enforce ~~the~~ any provisions of this act law, the enforcement and administration of which are now or hereafter vested in the Division. All members of the Lake Patrol Division as designated by the Commissioner shall have the authority to stop and board any vessel subject to ~~this act~~ the jurisdiction of the Division and make any necessary arrest for violations of ~~this act~~ any law of the state or the rules ~~and regulations~~ promulgated by the Department of Public Safety or the Department of Wildlife Conservation or take any other action within their lawful authority.

B. The Director of the Lake Patrol Division shall be responsible to the Commissioner of Public Safety for the operation and administration of the Division and shall also serve as the Boating Law Administrator for the state.

C. Unless otherwise provided by law, salaries and traveling expenses of officers and employees of the Lake Patrol Division and the cost of equipment and maintenance of all motor vehicles and vessels for the Division shall be paid from the appropriation made to the Department of Public Safety.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 2-135, is amended to read as follows:

Section 2-135. A. ~~Subject~~ On October 1, 1996, subject to state laws providing for a Merit System of Personnel Administration and regulations adopted pursuant to said laws the Oklahoma Personnel Act, the positions of ~~Lake Patrol Director~~, Commander, ~~Supervisors~~ Supervisor, and ~~Lake Patrolmen~~ Patrol Officer are created in the ~~Department of Public Safety~~ Lake Patrol Division of the Department of Public Safety. The Director shall have the rank of Captain, the ~~Commander of the Lake Patrol Division~~ shall have the rank of First Lieutenant and ~~the supervisors~~ shall be responsible to the Director for the operation of the Division. The Supervisors shall have the rank of Second Lieutenant. Salaries and promotional requirements for all ~~officers and non-commissioned~~ employees of the Division shall be governed by procedures established by the Office of Personnel Management ~~and~~. Salaries for commissioned law enforcement officers of the Division shall conform with a regional the salary schedule and promotional procedures established in this section. Promotional procedures for commissioned law enforcement officers of the Division shall be established by the Commissioner of Public Safety and a lake patrol Lake Patrol promotional process committee, appointed by the Commander Director of the Lake Patrol Division.

~~The Commissioner of Public Safety shall have authority to appoint employees to positions created in this section and prescribe duties and compensation of such officers and employees. The Commander of the Lake Patrol Division, the supervisors of the Lake Patrol Division, and the lake patrolmen~~ Commissioned law enforcement officers assigned to the Lake Patrol Division shall be considered, for all other purposes, to be peace officers of the state.

B. The Commissioner of Public Safety, when ~~appointing Lake Patrol Officers~~ making appointments to positions created in this section, shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers only after examinations to determine their physical and mental qualifications for such position. The content of the examinations shall be prescribed by the Commissioner and Administrator of the Office of Personnel Management, and all appointees shall satisfactorily complete a course of training in law enforcement and Lake Patrol operations and procedures prescribed by the Commissioner. No person shall be appointed as a commissioned law enforcement officer of the Lake Patrol unless the person is or has been a citizen of this state, is of good moral character, is not less than twenty-three (23) years of age, and possesses a minimum of thirty (30) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registers and Admissions Officers and whose hours are transferable between such recognized institutions.

Lake Patrol Officers provided for in this section 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 thereof. During such probationary period the services may be terminated at any time and for any reason at the discretion of the Commissioner. Retention after expiration of the probationary period shall entitle such employee to be classified as a permanent employee, and ~~he~~ the employee shall be so classified.

The Commissioner of Public Safety is hereby authorized to send ~~members~~ officers of the Lake Patrol Division to such schools and

training programs as would be conducive to improving the efficiency of the Lake Patrol Division.

C. All commissioned law enforcement officers of the Lake Patrol Officers Division shall have, in addition to their primary duty, a secondary duty to enforce all state statutes and to make arrests for violations. ~~Such persons shall be required to qualify to perform said additional duties by satisfactorily completing a course of training prescribed by the Commissioner. The provisions of this subsection and the previous subsection shall be conditioned upon the satisfactory completion of said prescribed course of training.~~

D. The maximum age for the initial employment of any person employed as a commissioned law enforcement officer of the Lake Patrol Division shall be thirty-five (35) years of age. Any former officer of the Lake Patrol Division whose separation from the organization was at the request of said officer, and not a result of any action contrary to the policy of the Department, may make application for reinstatement as an officer of the Lake Patrol Division provided, the officer, if reinstated, will be able to complete twenty (20) years of credited service by the time the officer reaches fifty-five (55) years of age. The Commissioner may waive the requirement of possessing the number of semester hours as required in subsection B of this section for any former officer making application for reinstatement as an officer in the Lake Patrol Division. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War or any other future hostility, any period of military service served by an officer of the Lake Patrol

Division shall be considered as continued service with such Division, provided such officer returns to duty within sixty (60) days after release from military service.

E. Effective October 1, 1996:

1. The annual salaries for the positions within the Lake Patrol Division, as set out in this section, shall be in accordance and conformity with the following salary schedule and as prescribed by paragraph 2 of this subsection, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Director of the Lake Patrol, Captain

\$43,646.00

Commander of the Lake Patrol, First Lieutenant

\$38,922.00

Lake Patrol Supervisor, Second Lieutenant

\$35,086.00

Senior Lake Patrol Officer

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 Lake Patrol Officer

\$23,254.00

Cadet Lake Patrol Officer

\$21,148.00

2. On October 1, 1996, each Senior Lake Patrol Officer shall be assigned and the salary of such officer 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 commissioned law enforcement service said officer has in the Department of Public Safety. Provided, however, no such officer shall receive less than the salary he was receiving on September 30, 1996. If the number of completed years of service of such officer exceeds fourteen (14) years on October 1, 1996, said officer shall be assigned to and the salary adjusted to Step 14 of said salary schedule;

3. After October 1, 1997, each Senior Lake Patrol Officer shall receive upon each anniversary date of such officer an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such officer, within the preceding twelve-month period:

- a. has achieved a satisfactory Performance Rating Score, and
- 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 October 1, 1997, no Senior Lake Patrol Officer 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.

The officer shall receive the salary increase which results from a promotion to another position within the Lake Patrol Division; and

5. The steps prescribed for the position of Senior Lake Patrol Officer in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No officer 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 and salary schedules covering the salaries for the commissioned law enforcement officers of the Lake Patrol Division of the Department of Public Safety.

G. Upon graduation from the Public Safety Patrol School, in accordance with Section 2-105.2 of this title, each Cadet Lake Patrol Officer shall be promoted to and shall receive the salary for the position of Probationary Lake Patrol Officer. Upon completion of the one-year probationary period, as required in subsection B of this section, each Probationary Lake Patrol Officer shall be promoted to and shall receive the salary for Step 1 of the position of Senior Lake Patrol Officer, as provided for in paragraph 1 of subsection E of this section. Thereafter, the salary of such officer shall be subject to the provisions of subsection E of this section.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 4022, is amended to read as follows:

Section 4022. A. In addition to the registration fees required by Section ~~21~~ 4021 of this ~~act~~ title, when any such application for registration is made directly to the Commission or to any motor vehicle agent, a One Dollar and twenty-five cents (\$1.25) fee shall be collected and apportioned as provided by the provisions of the Oklahoma Vessel and Motor Registration Act.

B. 1. The charge for a copy of certificate of registration information is One Dollar (\$1.00) for each instrument.

2. The charge for a certified copy of certificate of registration information is Two Dollars (\$2.00) for each instrument.

C. 1. In addition to any other fees imposed by the Oklahoma Vessel and Motor Registration Act, there shall be levied a fee of Two Dollars (\$2.00) upon every vessel and every motor registered or licensed pursuant to the Oklahoma Vessel and Motor Registration Act. The fee shall be due and payable in the same manner as all other vessel or motor license and registrations pursuant to the Oklahoma Vessel and Motor Registration Act. The fee shall be paid in full for the current year at the time any vessel or motor is first registered.

2. The fees collected pursuant to this subsection shall be apportioned and distributed monthly by the Oklahoma Tax Commission to the State Treasurer to be credited to the General Revenue Fund.

3. The collection and payment of the fee shall be a prerequisite to license or registration of any vessel or motor pursuant to the provisions of the Oklahoma Vessel and Motor Registration Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4022.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It shall be the intent of the Oklahoma Legislature that the fee levied in subsection C of Section 4022 of this title shall be utilized for the purpose of salary enhancement for commissioned law enforcement officers of the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division of the Department of Public Safety.

B. Because of ambiguous and conflicting interpretations regarding exclusion from the Social Security Act for state employees holding positions as commissioned law enforcement officers in the Oklahoma Capitol Patrol and the Oklahoma Lake Patrol, such officers shall receive ninety-three and one-half percent (93 1/2%) of their respective salaries as set forth in the salary schedules prescribed in Sections 5 and 8 of this act. Upon receipt by the Oklahoma Legislature of an affirmative opinion of exclusion from the Social Security Act for the commissioned law enforcement officers of the Oklahoma Capitol Patrol and the Oklahoma Lake Patrol, the respective salaries of such officers shall be immediately adjusted to the full amount as set forth in the salary schedules prescribed in Sections 2-135 and 1811.4E of this title. Provided, if the affirmative opinion is received by the Oklahoma Legislature prior to the effective date of this act, the salaries of the commissioned law enforcement officers of the Oklahoma Capitol Patrol and the Oklahoma Lake Patrol shall be adjusted upon the dates as provided for in Sections 2-135 and 1811.4E of this title.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 1811.4E, as last amended by Section 1, Chapter 131, O.S.L. 1995 (74 O.S. Supp. 1995, Section 1811.4E), is amended to read as follows:

Section 1811.4E A. There is hereby created in the Department of Public Safety ~~State~~ the Oklahoma Capitol Patrol Division ~~within the Department of Public Safety,~~ to be known as ~~the Oklahoma Capitol Patrol~~ which shall consist of those employees necessary to enforce any provisions of law, the enforcement and administration which are now or hereafter vested in the Division. The Director of the Capitol Patrol Division shall be responsible to the Commissioner of Public Safety for the operation and administration of the Division.

B. The Oklahoma Capitol Patrol Division shall have the authority:

1. As its primary duty to provide police patrol, security, and protection of all state buildings and properties, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties ~~including grounds appurtenant thereto,~~; and

2. As its secondary duty, to enforce all ~~parking, traffic, and eriminal~~ laws of this state within ~~Oklahoma and Tulsa Counties,~~ any part of the state; and ~~shall have the authority to~~

3. To perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

C. Law enforcement personnel in the Division shall have the powers vested by law in peace officers in this state except the service or execution of civil process, and shall be so deemed and taken as peace officers in all courts having jurisdiction of offenses against the laws of this state. 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. On October 1, 1996, subject to the Oklahoma Personnel Act, the positions of Director, Commander, Supervisor and Capitol Patrol Officer are created in the Capitol Patrol Division of the Department

of Public Safety. The Director shall have the rank of Captain and the Commander of the Capitol Patrol shall have the rank of First Lieutenant. The Commander of the Capitol Patrol shall be responsible to the Director for the operation of the Division. The Supervisors shall have the rank of Second Lieutenant.

E. Salaries and promotional requirements for all noncommissioned employees of the Division shall be governed by procedures established by the Office of Personnel Management. Salaries for commissioned law enforcement officers of the Division shall conform with the salary schedule established in this section. Promotional procedures for commissioned law enforcement officers of the Division shall be established by the Commissioner of Public Safety and a Capitol Patrol Division promotional process committee, appointed by the Director of the Capitol Patrol Division.

F. The Commissioner of Public Safety, when making appointments to positions created in this section, in consultation with the Administrator of the ~~Merit System~~ Office of Personnel Administration Management, shall determine minimum qualifications of personnel in the Division. In appointing personnel, the Commissioner and shall select ~~them~~ officers only after examinations to determine their physical and mental qualifications for such positions. The ~~scope content~~ of the examinations shall be prescribed by the Commissioner. ~~Personnel of the Division and the Administrator of the Office of Personnel Management and all appointees~~ shall satisfactorily complete ~~any~~ a course of training requirements that in law enforcement and Capitol Patrol operations and procedures prescribed by the Commissioner may prescribe. No person shall be appointed as a commissioned law enforcement officer of the Capitol Patrol unless the person is or has been a citizen of this state, is of good moral character, is not less than twenty-three (23) years of age, and

possesses a minimum of thirty (30) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registers and Admissions Officers and whose hours are transferable between such recognized institutions.

~~E.~~ G. 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~~ the employee shall be so classified.

~~F.~~ H. 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.~~ I. 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 Division.~~

J. The maximum age for the initial employment of any person employed as a commissioned law enforcement officer of the Capitol Patrol Division shall be thirty-five (35) years of age. Any former officer of the Capitol Patrol Division whose separation from the organization was at the request of the officer, and not a result of any action contrary to the policy of the Department, may make application for reinstatement as an officer of the Capitol Patrol Division provided, the officer, if reinstated, will be able to complete twenty (20) years of credited service by the time the officer reaches fifty-five (55) years of age. The Commissioner may waive the requirement of possessing the number of semester hours as required in subsection E of this section for any former officer

making application for reinstatement as an officer in the Capitol Patrol Division. The Commissioner may require the applicant, for reinstatement, to attend selected courses of instruction, as prescribed by the Commissioner. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War or any other future hostility, any period of military service served by an officer of the Capitol Patrol Division shall be considered as continued service with such Division, provided such officer returns to duty within sixty (60) days after release from military service.

K. Effective October 1, 1996:

1. The annual salaries for the positions within the Capitol Patrol Division, as set out in this section, shall be in accordance and conformity with the following salary schedule and as prescribed by paragraphs 2 and 3 of this subsection, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of Title 47 of the Oklahoma Statutes:

Director of the Capitol Patrol, Captain

\$43,646.00

Commander of the Capitol Patrol, First Lieutenant

\$38,922.00

Capitol Patrol Supervisor, Second Lieutenant

\$35,086.00

Capitol Patrol Officer

Step 1 \$23,800.00

Step 2 \$24,162.00

Step 3 \$24,732.00

Step 4 \$25,320.00

<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 Capitol Patrol Officer

\$23,254.00

Cadet Capitol Patrol Officer

\$21,148.00

2. On October 1, 1996, each Police Officer of the Department of Public Safety shall be assigned to the position of Capitol Patrol Officer and the salary of such officer 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 commissioned law enforcement service the officer has in the Department of Public Safety. Provided, however, no such officer shall receive less than the salary received on September 30, 1996. If the number of completed years of service of such officer exceeds fourteen (14) years on October 1, 1996, the officer shall be assigned to and the salary adjusted to Step 14 of the salary schedule;

3. After October 1, 1996, each Police Supervisor I and each Police Supervisor II of the Department of Public Safety shall be assigned to the position of Capitol Patrol Supervisor and the salary

of each officer shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection;

4. After October 1, 1997, each Capitol Patrol Officer shall receive, upon each anniversary date of the officer, an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such officer, within the preceding twelve-month period:

- a. has achieved a satisfactory Performance Rating Score, and
- 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;

5. In any twelve-month period commencing after October 1, 1997, no Capitol Patrol Officer 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.

The officer shall receive the salary increase which results from a promotion to another position within the Capitol Patrol Division; and

6. The steps prescribed for the position of Capitol Patrol Officer in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No officer 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 4 of this subsection.

L. The provisions of this section shall supersede all existing laws and salary schedules covering the salaries for the commissioned law enforcement officers of the Capitol Patrol Division of the Department of Public Safety.

M. Upon graduation from the Public Safety Patrol School, in accordance with Section 2-105.2 of Title 47 of the Oklahoma Statutes, each Cadet Capitol Patrol Officer shall be promoted to and shall receive the salary for the position of Probationary Capitol Patrol Officer. Upon completion of the one-year probationary period, as required in subsection G of this section, each Probationary Capitol Patrol Officer shall be promoted to and shall receive the salary for Step 1 of the position of Capitol Patrol Officer, as provided for in paragraph 1 of subsection K of this section. Thereafter, the salary of the officer shall be subject to the provisions of subsection K of this section.

SECTION 9. RECODIFICATION 74 O.S. 1991, Section 1811.4E, as last amended by Section 8 of this act, shall be recodified as Section 2-140 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 10. Section 6 of this act shall become effective July 1, 1996.

SECTION 11. Sections 1, 2, 3, 4, 5, 7, 8 and 9 of this act shall become effective October 1, 1996.

SECTION 12. 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.

45-2-1801

NP