STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 286

By: Shurden of the Senate

and

Leist of the House

COMMITTEE SUBSTITUTE

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

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1811.4E, as last amended by Section 1, Chapter 131, O.S.L. 1995 (74 O.S. Supp. 1996, Section 1811.4E), is amended to read as follows:

Section 1811.4E A. There is hereby created ~~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~~.

B. The Oklahoma Capitol Patrol Division shall have the authority to provide ~~police patrol, security, and protection of~~ law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties ~~including grounds appurtenant thereto,~~ and to enforce all parking, traffic, and criminal laws within Oklahoma and Tulsa Counties, and shall have the authority 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 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 Oklahoma Capitol Patrol Division.

D. The Commissioner of Public Safety, when appointing the members of the Oklahoma Capitol Patrol Division shall determine, in consultation with the Administrator of the Merit System of Personnel Administration, ~~shall determine~~ minimum qualifications ~~of personnel in the Division. In appointing personnel, the Commissioner~~ 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~~ Each appointee of the Oklahoma Capitol Patrol Division shall satisfactorily complete ~~any~~ a course of training ~~requirements that~~ in operations and procedures prescribed by the Commissioner ~~may prescribe~~. No person shall be

appointed as a member of the Oklahoma Capitol Patrol Division unless the person is or has been a citizen of the State of Oklahoma, is of good moral character, is not less than twenty-one (21) years of age, and possesses a high school diploma or GED equivalency certificate.

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

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

H. ~~All personnel employed by and assigned to the State Capitol Police of the Office of Public Affairs and the Police of the Oklahoma Capitol Improvement Authority on July 1, 1982, are hereby transferred to the Department of Public Safety. No transferred employee shall be required to accept a lesser grade or salary than presently received plus any salary adjustments provided by the Legislature for state employees, and no entrance examinations shall~~

~~be required for continued employment in the same or similar positions with the Department of Public Safety. Persons having the title of "Chief of Police", "Police Supervisor", and "Police Officer" shall retain their current titles. All funds, records, radios, motor vehicles, equipment, and supplies now under the jurisdiction and control of the Office of Public Affairs and the Oklahoma Capitol Improvement Authority, which are used in the operation of the State Capitol Police and the Capitol Improvement Authority Police are hereby transferred to the Department of Public Safety in partial consideration of the performance of the security and enforcement functions provided by the Department of Public Safety to the Office of Public Affairs and the Oklahoma Capitol Improvement Authority.~~ The ~~Office of Public Affairs~~ Department of Central Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the ~~State~~ Oklahoma Capitol Patrol Division. The maximum age for the initial employment of any person employed as a member of the Oklahoma Capitol Patrol Division shall be thirty-five (35) years of age. Any former officer of the Oklahoma 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 Oklahoma 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 D of this section for any former officer making application for reinstatement as an officer in the Oklahoma Capitol Patrol Division. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner, at a CLEET Academy. 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, any period of military service served by an officer of the Oklahoma Capitol Patrol Division shall be considered as continued service with the Oklahoma Capitol Patrol Division, provided the officer returns to duty within sixty (60) days after release from military service.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-141 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner subject to the Oklahoma Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes shall appoint a Capitol Patrol Commander, Supervisor II, Supervisor I, Patrolman and Trainee in the Oklahoma Capitol Patrol Division. The Commander of the Capitol Patrol Division shall have the rank of First Lieutenant, the Supervisor II shall have the rank of Second Lieutenant, Supervisor I shall have the rank of Sergeant, and other Patrolmen shall comprise the Oklahoma Capitol Patrol Division.

B. Effective July 1, 1997:

1. The annual salaries for the positions within the Oklahoma Capitol 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 805.2 of Title 74 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Capitol Patrol Commander

$36,794.00

Capitol Patrol Second Lieutenant

$32,958.00

Capitol Patrol Sergeant

$31,369.00

Capitol Patrolman

Step 1	$21,672.00
Step 2	$22,034.00
Step 3	$22,604.00
Step 4	$23,192.00
Step 5	$23,794.00
Step 6	$24,392.00
Step 7	$25,028.00
Step 8	$25,666.00
Step 9	$26,328.00
Step 10	$27,004.00
Step 11	$27,694.00
Step 12	$28,384.00
Step 13	$29,094.00
Step 14	$29,780.00

Probationary Capitol Patrolman

$19,929.00

Capitol Patrol Trainee

$17,820.00

2. On July 1, 1997, each Capitol Patrolman shall be assigned, and the salary of the Capitol Patrolman shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection. The initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service the Capitol Patrolman has in the Oklahoma Capitol Patrol Division of the Department of Public Safety. Provided, however, no Capitol Patrolman shall receive less than the salary received on June 30, 1997. If the number of years of service of the Capitol Patrolman exceeds fourteen (14) years on July 1, 1997, the Capitol Patrolman shall be assigned to and the salary adjusted to Step 14 of the salary schedule;

3. After July 2, 1997, each Capitol Patrolman shall receive, upon each anniversary date of the Capitol Patrolman, an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if the Capitol 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, 1998, no Capitol 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.

5. The steps prescribed for the position of Capitol Patrolman in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Capitol Patrolman shall be reassigned to another such step of 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 3 of this subsection.

C. The provisions of this section shall supersede all existing laws covering the salaries for positions in the Oklahoma Capitol Patrol Division of the Department of Public Safety.

D. Upon graduation from the CLEET Academy, each trainee shall be promoted to and shall receive the salary for the position of Probationary Capitol Patrolman. Upon completion of the one-year probationary period, as required in subsection E of Section 2-103 of

Title 47 of the Oklahoma Statutes, each Probationary Capitol Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of Capitol Patrolman, as provided for in paragraph 1 of subsection B of this section. Thereafter, the salary of the Capitol Patrolman shall be subject to the provisions of subsection B of this section.

SECTION 4. RECODIFICATION 74 O.S. 1991, Section 1811.4E, as last amended by Section 2 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 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.

46-1-10155 JB