

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 286

By: Shurden of the Senate

and

Leist of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Department of Public Safety and state employees; amending 47 O.S. 1991, Section 2-103 and 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), which relate to the organization of the Department of Public Safety and the Oklahoma Capitol Patrol; changing organization of the Department of Public Safety; clarifying jurisdiction of authority; modifying certain qualifications; deleting obsolete provisions relating to transfers; stating minimum age for initial employment; providing reinstatement of certain members; providing for training and education and waiver of certain requirements; requiring certain conditions for continued service; providing procedures for selection and promotion of certain members; establishing certain ranks and positions; establishing salary and salary increases for certain members; limiting purposes of salary steps; construing provisions of sections of law; stating salary upon completion of certain educational and experience requirements; amending 74 O.S. 1991, Section 1303, as last amended by Section 1, Chapter 239, O.S.L. 1995 (74 O.S. Supp. 1996, Section 1303), which relates to the State and Education Employees Group Insurance Act; modifying definition of state employee; providing for codification; providing for recodification; 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 2-103, 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. AMENDATORY 74 O.S. 1991, Section 1303, as last amended by Section 1, Chapter 239, O.S.L. 1995 (74 O.S. Supp. 1996, Section 1303), is amended to read as follows:

Section 1303. For the purposes of and as used in this act:

(a) "Board" means the State and Education Employees Group Insurance Board as created by this act;

(b) "Employee" means those state employees, education employees and other eligible employees participating in the State and Education Employees Group Insurance Act;

(c) "Education Employee" means those employees other than adjunct professors employed by a state institution of higher education, in the service of an education entity who are members or are or will be eligible to become members of the Teachers' Retirement System of Oklahoma and who receive compensation for such service after the education entity begins to participate in the State and Education Employees Group Insurance Act and visiting faculty who are not eligible for membership in the Teachers' Retirement System of Oklahoma;

(d) "Adjunct Professor" means a person employed by an institution of higher education who is attached in a subordinate or temporary capacity to the faculty or staff, and who is contracted to instruct in a given specific discipline;

(e) "Visiting Faculty" means a person employed by an institution of higher education who is not eligible for academic rank or tenure, other than an adjunct professor, and who is contracted to instruct in a given specific discipline generally not to exceed one (1) academic year;

(f) "Education Entity" means a school district, an area vocational-technical school district or an institution comprising The Oklahoma State System of Higher Education;

(g) "State Employee" means and includes each officer or employee in the service of the State of Oklahoma who, after January 1, 1966, ~~received his~~ receives compensation for service rendered to the State of Oklahoma on a warrant issued pursuant to a payroll certified by a department or by an elected or duly appointed officer of the state or who receives payment for the performance of personal services on a warrant issued pursuant to a payroll certified by a department and drawn by the State Treasurer against appropriations made by the Legislature from any state fund

or against trust funds held by the State Treasurer, who is employed in a position normally requiring actual performance of duty during not less than one thousand (1,000) hours per year, and whose employment is not seasonal or temporary, except that a person who is employed on a seasonal or temporary basis but works full-time during that period shall be considered an employee and a person elected by popular vote will be considered an employee during ~~his~~ the tenure in office of the elected person. ~~Provided however, that employees~~ Employees who are otherwise eligible who are on approved leave without pay shall be eligible to continue coverage during such leave not to exceed twenty-four (24) months, as provided in the Merit Rules for Employment published by the Office of Personnel Management, from the date the employee goes on such leave provided the employee pays the full premiums due or persons who are drawing disability benefits under Section 1331 et seq. of this title or meet each and every requirement of the State Employees Disability Program shall be eligible to continue coverage provided the person pays the full premiums due;

(h) "Carrier" means the State of Oklahoma or a state designated Health Maintenance Organization (HMO). Such HMO shall be a federally qualified Health Maintenance Organization under 42 U.S.C., Section 300e et seq.;

(i) "Health Insurance Plan" means a self-insured plan by the State of Oklahoma for the purpose of paying the cost of hospital and medical care up to the maximum coverage provided by said plan or prepaid medical plan(s) offered to employees as an alternative to the state-administered plan by federally qualified HMOs which have contracted with the state;

(j) "Life Insurance Plan" means a self-insured plan for the purpose of paying death and dismemberment benefits up to the maximum coverage provided by said plan;

(k) "Dental Insurance Plan" means a self-insured plan by the State of Oklahoma for the purpose of paying the cost of dental care up to the maximum coverage provided by said plan;

(l) "Other insurance" means any type of coverage other than basic hospital and medical benefits, major medical benefits,

comprehensive benefits, life insurance benefits or dental insurance benefits, which the Board may be directed to offer;

(m) "Dependent" means an employee's spouse and any unmarried child (1) under the age of nineteen (19) years, regardless of residence, providing that the employee is primarily responsible for their support, including (a) an adopted child and (b) a stepchild or child who lives with the employee in a regular parent-child relationship, or (2) under the age of twenty-five (25) and who is dependent upon the employee for support who is enrolled as a full-time student at an accredited secondary school, college, university or institution of higher learning accredited by the State Department of Education, State Board of Vocational and Technical Education, State Regents for Higher Education or the Oklahoma Board of Private Schools, and (3) regardless of age who is incapable of self-support because of mental or physical incapacity that existed prior to ~~his~~ reaching the age of nineteen (19) years;

(n) "Comprehensive benefits" means benefits which reimburse the expense of hospital room and board, other hospital services, certain outpatient expenses, maternity benefits, surgical expense, including obstetrical care, in-hospital medical care expense, diagnostic radiological and laboratory benefits, physicians' services provided by house and office calls, treatments administered in physicians' office, prescription drugs, psychiatric services, Christian Science practitioners' services, Christian Science nurses' services, optometric medical services for injury or illness of the eye, home health care, home nursing service, hospice care and such other benefits as may be determined by the Board. Such benefits shall be provided on a copayment or coinsurance basis, the insured to pay a proportion of the cost of such benefits, and may be subject to a deductible that applies to all or part of the benefits as determined by the Board; and

(o) "Life insurance coverage" shall include a maximum amount of basic life insurance or benefit with or without a double indemnity provision and an amount of accidental death and dismemberment insurance or benefit per employee other than

education employees to be provided by the State of Oklahoma, and the employee other than an education employee shall have the option to purchase additional life insurance or benefits on his life up to the amount provided by the plan. Such basic life insurance benefits, with or without double indemnity, and accidental death and dismemberment benefits shall not exclude coverage for death or dismemberment resulting from war, insurrection or riot. The Board may also extend dependent life insurance in an amount to be determined by the Board to each insured employee other than an education employee who elects to insure his eligible dependents. Premiums for the dependent life insurance shall be paid wholly by the employee other than an education employee.

SECTION 5. 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 6. Sections 1, 2, 3 and 5 of this act shall become effective January 1, 1998.

SECTION 7. 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.

46-1-1758

SB