

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3160

By: Satterfield, Weaver,
Braddock, Ferguson, Kouba,
Hilliard, Seikel, Gilbert
and Hefner of the House

and

Morgan and Williamson of
the Senate

AS INTRODUCED

An Act relating to the Department of Public Safety;
amending 47 O.S. 1991, Sections 2-103, 2-104, 2-
105, as last amended by Section 3, Chapter 218,
O.S.L. 1994, 2-105.4, as last amended by Section 1,
Chapter 201, O.S.L. 1997, and 2-105.5 (47 O.S.
Supp. 1997, Sections 2-105 and 2-105.4), which
relate to the organization and personnel of the
Department of Public Safety; modifying duties of
Commissioner; establishing certain rights for
Assistant Commissioners; specifying ranks and
modifying qualifications for certain positions;
restricting use of certain property; modifying
terms; modifying salary schedules for certain
positions; extending drug-testing requirements to
certain persons; modifying organizational structure
of the Oklahoma Lake Patrol; reclassifying certain
ranks; establishing criteria for transfer to
Highway Patrol Division; establishing salaries;
providing for salary increases; creating the
Oklahoma Capitol Patrol; stating duties;

establishing salary schedule; providing for salary increases; establishing Department of Public Safety Communications Division; establishing salary schedule; establishing criteria for educational incentives; amending 74 O.S. 1991, Section 840.20, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 5, Chapter 286, O.S.L. 1997 (74 O.S. Supp. 1997, Section 840-4.13), which relates to competitive appointment through the Office of Personnel Management; modifying provisions regarding disqualification of certain persons as Highway Patrol Cadets; repealing 47 O.S. 1991, Sections 2-134, 2-135 and 2-136, which relate to Lake Patrol officers and equipment; repealing 47 O.S. 1991, Section 377.1, as amended by Section 1, Chapter 176, O.S.L. 1993 (47 O.S. Supp. 1997, Section 377.1), which relates to the Communications Division of the Department of Public Safety; repealing 74 O.S. 1991, Section 1811.4E, as last amended by Section 1, Chapter 131, O.S.L. 1995 (74 O.S. Supp. 1997, Section 1811.4E), which relates to the Oklahoma Capitol Patrol; providing for codification; 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. A. The Commissioner shall organize the Department of Public Safety as prescribed by law and 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 the Oklahoma Highway Patrol Division, Drivers License Division, Lake 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.~~ The Commissioner shall appoint assistants, deputies, officers, investigators and other employees as may be necessary to carry out the provisions of this title.

B. Unless otherwise provided by law, salaries and traveling expenses of employees of the Department and the cost of equipment for the Department shall be paid from the appropriations made to the Department of Public Safety.

C. The Commissioner is authorized to purchase and maintain motor vehicles and other equipment for use by the employees of the Department.

SECTION 2. 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 the provisions of Sections 2-101 through 2-133 of this title. Any employee of the Department appointed to the position of Assistant Commissioner shall have a right to return to the previous position of the employee without any loss of rights, privileges or benefits immediately upon completion of the duties as Assistant Commissioner, provided the employee is not otherwise disqualified.

~~(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.~~

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

~~(d)~~ 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 person at the time of appointment satisfies the age qualifications of an Oklahoma Highway Patrolman as provided in subsection (g) of Section 2-105 of this title, however the Assistant Commissioner shall be eligible for participation in only one retirement system and shall elect in writing the system in which he intends to participate.

~~(e)~~ 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, unless otherwise provided by law. 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 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 3. AMENDATORY 47 O.S. 1991, Section 2-105, as last amended by Section 3, Chapter 218, O.S.L. 1994 (47 O.S. Supp. 1997, Section 2-105), is amended to read as follows:

Section 2-105. ~~(a)~~ A. The Commissioner, subject to the Oklahoma Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, shall appoint:

1. 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 of the Highway Patrol Division, including Colonels, Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen, who shall comprise the Highway Patrol Division of the Department of Public Safety;

2. A First Lieutenant, Supervisors with the rank of Second Lieutenant, and Patrolmen who shall comprise the Lake Patrol Section of the Oklahoma Highway Patrol Division;

3. A Commander of the Oklahoma Capitol Patrol Division with the rank of First Lieutenant, Supervisors with the rank of Second Lieutenant, Sergeants and Patrolmen, who shall comprise the Oklahoma Capitol Patrol Division of the Department of Public Safety; and

4. A Director of the Communications Division with the rank of Captain, Communications Coordinators with the rank of First Lieutenant, Communications Superintendents with the rank of Second Lieutenant, Communications Supervisors with the rank of Sergeant, Communications Dispatchers, Radio Technicians and Tower Maintenance Officers who shall comprise the Communications Division of the Department of Public Safety.

B. 1. The Commissioner, when appointing the subordinate commissioned officers such as majors, captains, first lieutenants, second lieutenants, and patrolmen and employees to the positions set out in subsection A of this section, shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily complete a course of training in Highway Patrol operations and procedures as prescribed by the Commissioner.

2. No person shall be appointed to the Oklahoma Highway Patrol Division any position set out in subsection A of this section unless the person is or has been a citizen of the State of Oklahoma United States of America, shall be of good moral character, and:

a. for commissioned officer positions, shall be not less than ~~twenty-three (23)~~ twenty-one (21) years of age nor more than thirty-five (35) years of age, and shall possess:

(1) for any person appointed to the Oklahoma Highway Patrol Division on or before December 31, 1998, 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 Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions,

(2) for any person appointed to the Oklahoma Highway Patrol Division on or after January 1, 1999, an associate degree or a minimum of sixty-two (62) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions, or

(3) for any person appointed to the Oklahoma Capitol Patrol Division, a high school diploma or General Educational Development equivalency certificate; shall possess either six (6) months of previous experience in law enforcement or security work or fifteen (15) successfully completed semester hours from a college or university which is recognized and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions, or

b. for any such position in the Communications Division, a person shall be at least twenty (20) years of age and shall possess a high school diploma or General Educational Development equivalency certificate; shall possess either six (6) months of previous experience as a dispatcher or fifteen (15) successfully completed semester hours from a college or university which is

recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions.

3. No ~~member, commissioned officer, major, captain, first lieutenant, second lieutenant, or patrolman~~ of the ~~Oklahoma Highway Patrol Division~~ Department shall, while in such position, be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this ~~section~~ paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

4. The Commissioner or any ~~member~~ employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No ~~member commissioned officer~~ of the ~~Oklahoma Highway Patrol~~ Department, while in the performance of the ~~member's~~ officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned officer who is a member of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

5. Drunkenness or being under the influence of intoxicating liquors shall be sufficient grounds for the removal of any ~~member~~ commissioned officer of the ~~Highway Patrol~~ Department, in and by the manner provided for in this section.

~~(b) Patrolmen provided for in this section~~ C. 1. Upon initial appointment to the position of Patrolman or Communications Dispatcher, the appointed employee shall be required to serve a an

initial 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~~ the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and ~~he~~ the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

2. A ~~member~~ commissioned officer of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such ~~member~~ officer satisfactorily completes all training requirements prescribed by the Commissioner. ~~No permanent employee may be discharged or removed except as provided for in this section.~~

~~(e)~~ D. 1. No permanent employee, as provided for in this section, who is a commissioned officer of the Department, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons therefor. No such notice shall be given by the Commissioner unless sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred, the Commissioner ~~at his discretion~~ may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to ~~his~~ pay during the period of such suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

3. ~~Uniformed members~~ Commissioned officers of the ~~Oklahoma Highway Patrol Division of the~~ Department of Public Safety are not

entitled to appeal intraagency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act, Section ~~840.1~~ 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, unless transfer is in violation of Section ~~841.7~~ 840-2.5 or ~~841.10~~ 840-2.9 of Title 74 of the Oklahoma Statutes.

4. The Department of Public Safety shall follow the uniform grievance procedure established and adopted by the Office of Personnel Management for permanent classified employees, except for those employees who are ~~uniformed members~~ commissioned officers of the ~~Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division~~ Department. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for ~~uniformed members~~ commissioned officers of the ~~Oklahoma Highway Patrol Division, the Oklahoma Lake Patrol Division and the Oklahoma Capitol Patrol Division~~ Department which is otherwise in compliance with the provisions of Section ~~841.9~~ 840-6.2 of Title 74 of the Oklahoma Statutes.

~~(d)~~ E. 1. The Commissioner is hereby authorized to purchase and issue uniforms and necessary equipment for all ~~members~~ commissioned officers of the ~~Oklahoma Highway Patrol Division, and each~~ Department. All uniforms and equipment shall be used only in the performance of the official duties of such officers and shall remain the property of the Department, except as provided in Section 2-313 of this title.

2. Each of said ~~members~~ commissioned officers assigned to the Department of Public Safety shall be entitled to ~~his~~ traveling, telephone, and telegraph expenses while away from the city or town designated by the Chief of the Oklahoma Highway Patrol Division as headquarters, when such expense is incurred in service of the state.

~~(e)~~ F. The position of Chief of the Oklahoma Highway Patrol Division shall be filled from ~~the membership of the uniformed~~ body of commissioned officers of the Oklahoma Highway Patrol Division and

appointment to said position shall be based on qualifications, previous record as a ~~member~~ commissioned officer of the Oklahoma Highway Patrol Division, length of service, and efficiency of service performed. The Chief of the Oklahoma Highway Patrol Division shall have the rank of Colonel.

~~(f)~~ G. The Commissioner of Public Safety is hereby authorized to send ~~members~~ employees of the Department of Public Safety to such schools as Northwestern University Traffic Institute, Northwestern University Police Administrator's Institute, the National Police Academy conducted by the Federal Bureau of Investigation, or to any other such schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol and the Department of Public Safety.

~~(g)~~ ~~The maximum age for the initial employment of any person employed as a member of the Oklahoma Highway Patrol Division shall be thirty-five (35) years of age.~~

H. Any former ~~member~~ commissioned officer of the ~~Oklahoma Highway Patrol Division~~ Department whose separation from the ~~organization~~ Department was at ~~his~~ such officer's own request and not a result of ~~his~~ such officer's own actions contrary to the policy of the ~~organization~~ Department may make application for reinstatement as a ~~member~~ commissioned officer of the division or section of the Oklahoma Highway Patrol Division Department in which such officer was previously employed, provided ~~he~~ such reinstated officer will be able to complete twenty (20) years of credited service by the time ~~he~~ the reinstated officer reaches fifty-five (55) years of age. The Commissioner may waive the requirements of possessing the number of semester hours as required in subsection ~~(a)~~ B of this section for any former ~~member~~ commissioned officer making application for reinstatement as a ~~member~~ commissioned officer of the ~~Oklahoma Highway Patrol Division~~ Department. The Commissioner may require the applicant for reinstatement to attend

selected courses of instruction, as prescribed by the Commissioner, ~~at the Oklahoma Highway Patrol 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 a ~~member~~ commissioned officer of the ~~Oklahoma Highway Patrol Division~~ Department shall be considered as continued service with such ~~Oklahoma Highway Patrol Division~~ Department, provided such ~~member~~ commissioned officer returns to duty within sixty (60) days after ~~his~~ release from military service.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 1997, Section 2-105.4), is amended to read as follows:

Section 2-105.4 ~~A. The Commissioner of the Department of Public Safety 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, 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 of the Highway Patrol Division, including Colonels, Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen, who shall comprise the Highway Patrol Division of the Department of Public Safety.~~

~~C. 1. Effective July 1, 1996:~~

~~1. The 1998, the annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the ~~positions~~ commissioned officers within the Highway Patrol Division, as set out in this section, shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes,~~

~~and expense allowance, as authorized by Section 2-130 of this title,~~
irregular shift pay, as authorized by Section 2-130.1 of this title,
~~and educational incentive, as authorized by Section 9 of this act:~~

Commissioner of Public Safety	\$68,174.00
	<u>\$85,000.00</u>
Assistant Commissioner of Public Safety	\$64,176.00
	<u>\$79,214.00</u>
Highway Patrol Colonel	\$64,176.00
	<u>\$79,214.00</u>
Highway Patrol Lieutenant Colonel	\$53,266.00
	<u>\$70,727.00</u>
Highway Patrol Major	\$50,140.00
	<u>\$63,718.00</u>
Highway Patrol Captain	\$44,846.00
	<u>\$57,926.00</u>
Highway Patrol First Lieutenant	\$40,122.00
	<u>\$53,143.00</u>
Highway Patrol Supervisor	\$36,286.00
	<u>\$49,206.00</u>
Highway Patrolman	
Step 1	\$25,000.00
Step 2	\$25,362.00
	<u>\$26,200.00</u>
Step 3	\$25,932.00
	<u>\$27,458.00</u>
Step 4	\$26,520.00
	<u>\$28,776.00</u>
Step 5	\$27,122.00
	<u>\$30,157.00</u>
Step 6	\$27,720.00
	<u>\$31,604.00</u>
Step 7	\$28,356.00

	<u>\$33,121.00</u>
Step 8	\$28,994.00
	<u>\$34,711.00</u>
Step 9	\$29,656.00
	<u>\$36,377.00</u>
Step 10	\$30,332.00
	<u>\$38,123.00</u>
Step 11	\$31,022.00
	<u>\$39,953.00</u>
Step 12	\$31,712.00
	<u>\$41,871.00</u>
Step 13	\$32,422.00
	<u>\$43,881.00</u>
Step 14	\$33,108.00
	<u>\$45,987.00</u>
Probationary Highway Patrolman	\$24,454.00
Cadet Highway Patrolman	\$22,348.00 +

2. ~~Each~~ After July 1, 1998, 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 which step number corresponds to the number of completed years of service the Patrolman has accumulated in the Highway Patrol Division of the Department of Public Safety 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 for a period of ten (10) or more days, and
- c. has not received any disciplinary action which has resulted in demotion~~+~~.

Provided, if the number of completed years of service on the anniversary date of the Patrolman is or exceeds fourteen (14) years,

said Patrolman shall be assigned to, and ~~his~~ the salary of the Patrolman adjusted to, Step 14 of said salary schedule~~7~~.

~~3. Each highway patrol officer granted a salary increase on July 1, 1995, shall retain said salary increase and thereafter shall be adjusted to the proper step pursuant to paragraph 2 of this subsection;~~

~~4. Notwithstanding the provisions of paragraph 2 of this subsection, in any twelve-month period commencing July 1, 1996, 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 step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division~~7~~and.

~~5.~~ 4. 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 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 2, 3 or 4 of this subsection.

~~D.~~ 5. The provisions of this ~~section~~ subsection shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officer positions in the Highway Patrol Division of the Department of Public Safety.

~~E.~~ 6. 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)~~ C 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 this subsection ~~C of this section~~. Thereafter, the salary of such Patrolman shall be subject to the provisions of ~~subsection C of this section~~ subsection.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 2-105.5, is amended to read as follows:

Section 2-105.5 All applicants, including reinstatements, for all commissioned ~~law enforcement officer~~ officer positions ~~in the Oklahoma Highway Patrol, Lake Patrol and the State Capitol and Cowboy Hall of Fame Parks Divisions~~ within the Department of Public Safety shall, prior to initial appointment or reinstatement, be required to submit to and successfully pass a controlled substance screening conducted by a National Institute on Drug Abuse (NIDA) certified laboratory. The Commissioner of Public Safety shall establish the necessary procedures to implement this requirement. The Commissioner of Public Safety is authorized to expend the funds necessary to accomplish these screenings.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-105.6 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1998, the Oklahoma Lake Patrol Division of the Department of Public Safety is hereby abolished.

B. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Lake Patrol Section which shall consist of such employees as may be necessary to enforce the provisions of Section 4001 et seq. of Title 63 of the Oklahoma

Statutes. All commissioned officers of the Lake Patrol Section as designated by the Commissioner shall have the authority to stop and board any vessel subject to Section 4001 et seq. of Title 63 of the Oklahoma Statutes and make any necessary arrest for violations of Section 4001 et seq. of Title 63 of the Oklahoma Statutes or the rules promulgated by the Department of Public Safety or the Department of Wildlife Conservation or take any other action within their lawful authority. Any statutory references to the Oklahoma Lake Patrol Division shall mean the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

C. Effective July 1, 1998, all commissioned officers in the Oklahoma Lake Patrol Division of the Department of Public Safety and the powers, duties, responsibilities and authority of said Division are hereby transferred to the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety, as established in subsection B of this section. Each officer classified as a Senior Lake Patrol Officer (DPS) on June 30, 1998, shall be reclassified as a Patrolman, each officer classified as a Supervisor, Lake Patrol Division (DPS) on June 30, 1998, shall be reclassified as a Patrol Supervisor, with the rank of Second Lieutenant, and each officer classified as a Commander, Lake Patrol Division (DPS) on June 30, 1998, shall be reclassified as a Patrol First Lieutenant as established in subsection F of this section.

D. After July 1, 1998, any such officer set out in subsection C of this section may request reclassification to the equivalent lateral position, rank and salary within the Oklahoma Highway Patrol Division and shall be reclassified to such position if the officer:

1. Meets the requirements of paragraph 2 of subsection B of Section 2-105 of this title. Provided, such officer shall be exempt from the maximum age limitation;

2. Satisfactorily completes a course of training as prescribed by the Commissioner; and

3. Serves a twelve-month probationary period which shall commence upon entering into the course of training required by paragraph 2 of this subsection.

E. All commissioned officers of the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection B of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner.

F. 1. Effective July 1, 1998, the annual salaries for the commissioned officers within the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, irregular shift pay, as authorized by Section 2-130.1 of this title, and educational incentive pay, as authorized by Section 9 of this act:

Patrol First Lieutenant	\$53,143.00
Patrol Supervisor	\$49,206.00
Patrolman	
Step 1	\$25,000.00
Step 2	\$26,200.00
Step 3	\$27,458.00
Step 4	\$28,776.00
Step 5	\$30,157.00
Step 6	\$31,604.00
Step 7	\$33,121.00
Step 8	\$34,711.00
Step 9	\$36,377.00
Step 10	\$38,123.00
Step 11	\$39,953.00

Step 12	\$41,871.00
Step 13	\$43,881.00
Step 14	\$45,987.00

2. On July 1, 1998, each Patrolman shall be assigned and the salary of such Patrolman 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 which number corresponds to the number of completed years of service said Patrolman has in the commissioned service of the former Lake Patrol Division of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on June 30, 1998. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on July 1, 1998, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 14 of said salary schedule.

3. After July 1, 1998, each Patrolman shall receive upon the anniversary date of 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 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 for a period of ten (10) or more days, and
- c. has not received any disciplinary action which has resulted in demotion.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this subsection, in any twelve-month period no 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 step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Oklahoma Highway Patrol Division.

5. The steps prescribed for the position of Patrolman in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Patrolman 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 2, 3 or 4 of this subsection.

6. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-105.7 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Capitol Patrol Division within the Department of Public Safety.

B. The Oklahoma Capitol Patrol Division shall have the authority to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties 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.

D. The Department of Central Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the Oklahoma Capitol Patrol Division.

E. 1. Effective January 1, 1998, the annual salaries for the commissioned officers within the Oklahoma Capitol Patrol Division 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, expense allowance, as authorized by Section 2-130 of this title, irregular shift pay, as authorized by Section 2-130.1 of this title, and educational incentive pay, as authorized by Section 9 of this act:

Capitol Patrol Commander	\$36,794.00
Capitol Patrol Supervisor	\$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 January 1, 1998, each Capitol Patrolman shall be assigned and the salary of such Patrolman 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 which number corresponds to the number of completed years of service such Patrolman has accumulated in the Oklahoma Capitol Patrol Division of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on December 31, 1997. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on January 1, 1998, then said Patrolman shall be assigned to, and the salary of such Patrolman shall be adjusted to, Step 14 of said salary schedule.

3. After January 1, 1998, each Capitol Patrolman shall receive upon the anniversary date of 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 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 for a period of ten (10) or more days, and
- c. has not received any disciplinary action which has resulted in demotion.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this subsection, in any twelve-month period 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 step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Oklahoma Capitol Patrol Division.

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 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 2, 3 or 4 of this subsection.

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

7. Upon graduation from the Council on Law Enforcement Education and Training Academy, each Capitol Patrol 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 C of Section 2-105 of this title, 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 this subsection. Thereafter, the salary of such Patrolman shall be subject to the provisions of this subsection.

8. The annual salaries listed in this section shall be retroactive to January 1, 1998.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-105.8 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Communications Division within the Department of Public Safety. This division shall be divided into a Dispatchers Bureau and a Technicians Bureau and such other bureaus as the Commissioner may direct.

B. Before the Department of Public Safety may add or change any communication site or dispatch office, the Commissioner of Public Safety shall submit a plan for approval by the Legislature.

C. 1. Effective July 1, 1998, the annual salaries for the positions of Director, Coordinator, Superintendent, Supervisor and Dispatcher within the Communications Division 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, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Communications Director	\$45,215.00
Communications Coordinator	\$41,105.00
Communications Superintendent	\$37,368.00
Communications Supervisor	\$33,971.00
Communications Dispatcher	
Step 1	\$22,404.00
Step 2	\$22,964.00
Step 3	\$23,538.00
Step 4	\$24,126.00
Step 5	\$24,729.00
Step 6	\$25,347.00
Step 7	\$25,981.00
Step 8	\$26,631.00
Step 9	\$27,297.00

Step 10	\$27,979.00
Step 11	\$28,678.00
Step 12	\$29,395.00
Step 13	\$30,130.00
Step 14	\$30,883.00

2. On July 1, 1998, each Communications Dispatcher shall be assigned and the salary of such Dispatcher 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 which number corresponds to the number of completed years of service such Dispatcher has accumulated in the Communications Division of the Department of Public Safety. Provided, however, no such Dispatcher shall receive less than the salary the Dispatcher was receiving on June 30, 1998. If the number of completed years of service of such Dispatcher exceeds fourteen (14) years on July 1, 1998, then said Dispatcher shall be assigned to, and the salary of such Dispatcher shall be adjusted to, Step 14 of said salary schedule.

3. After July 1, 1998, each Communications Dispatcher shall receive upon the anniversary date of such Dispatcher an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such Dispatcher, 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 for a period of ten (10) or more days, and
- c. has not received any disciplinary action which has resulted in demotion.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this subsection, in any twelve-month period no Dispatcher 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 step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Dispatcher shall receive the salary increase which results from a promotion to another position within the Communications Division.

5. The steps prescribed for the position of Communications Dispatcher in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Communications Dispatcher 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 2, 3 or 4 of this subsection.

6. The provisions of this subsection shall supersede all existing laws covering the salaries for the positions in the Communications Division of the Department of Public Safety, as set out in this subsection.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-130.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

Effective July 1, 1998, an educational incentive for the completion of degrees of higher education shall be paid to commissioned officers of the Department of Public Safety in the following amounts:

1. For an associate's degree, Fifty Dollars (\$50.00) per month;
2. For a bachelor's degree, One Hundred Dollars (\$100.00) per month; or

3. For a master's degree or higher, One Hundred Twenty-five Dollars (\$125.00) per month.

Such educational incentive pay shall not be cumulative, and any commissioned officer of the Department entitled to receive such pay shall receive pay for only the highest degree completed. Said degree shall have been granted from a college or university which is recognized and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions.

SECTION 10. AMENDATORY 74 O.S. 1991, Section 840.20, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 5, Chapter 286, O.S.L. 1997 (74 O.S. Supp. 1997, Section 840-4.13), is amended to read as follows:

Section 840-4.13 A. Based upon the results of competitive entrance examinations and registers, as provided by the Oklahoma Personnel Act, the Administrator of the Office of Personnel Management shall certify to the appointing authority the names of the ten persons receiving the highest grade or score in said examinations plus all eligible applicants whose grade or score is tied with the lowest ranking of those so eligible. The Administrator of the Office of Personnel Management is authorized to implement a pilot project which will allow agencies to make appointments from broad band certificates issued by the Administrator. The pilot project shall include no more than twenty (20) classes and will begin no earlier than January 1, 1996, and end July 1, 1999. During the pilot project, the Administrator may implement a variety of broad band certification methods that certify to appointing authorities no fewer names for appointment than they otherwise receive. The Administrator shall consult with employing agencies prior to implementing broad band certification for a specific class and shall notify eligibles for a specific class subject to the pilot project.

B. In addition to establishing statewide registers pursuant to subsection A of this section, the Administrator is hereby authorized to promulgate rules creating a local register to fill a vacancy in a local office of an agency by providing a certificate of available names of eligible persons who are residents of the county where the local office is located or said county and adjacent counties or a group of contiguous counties comprising a service area of an agency. Available eligible residents shall be certified ahead of other available eligible persons who reside outside the area of the local register. In filling vacant positions, the appointing authority shall select any one of the persons whose names have been so certified and may give preference in all cases to persons who have resided in this state for at least one (1) year prior to the date of the examination. Provided, however, that any appointing authority authorized to employ persons who are not citizens of the United States, pursuant to Section 255 of this title, may request the Office to certify only the names of persons who are citizens of the United States in carrying out the provisions of this section; and such appointing authority may select any person so certified to the Administrator to fill such vacant positions even though a noncitizen may have received a higher grade on the examination. Provided, further, that any appointing authority may select special disabled veterans considered for employment pursuant to Sections 401 through 404 of Title 72 of the Oklahoma Statutes. The Department of Public Safety, in filling vacancies for Highway Patrol Cadets, may disqualify any eligible whose name has been certified for Highway Patrol Cadet pursuant to subsection A of this section, if the Department of Public Safety considers the eligible in connection with the hiring of three other eligibles pursuant to subsection A of this section from that certificate. The name of such disqualified eligible shall be omitted from ~~future~~ further certification to, and consideration by, the Department of Public Safety for appointment as

a Highway Patrol Cadet to the next immediate Highway Patrol Academy for which vacancies are being filled. Such disqualification shall ~~not~~ neither deprive any person of any preference pursuant to paragraph 3 of subsection A of Section 840-4.14 of this title nor deprive any person from certification to, and consideration by, the Department of Public Safety for appointment as a Highway Patrol Cadet to a Highway Patrol Academy to be held after the next immediate Highway Patrol Academy. The Department of Public Safety shall provide written notice of the disqualification to the Office of Personnel Management.

C. Agencies may fill positions requiring professional practice licensure and hard-to-fill positions pursuant to authorization by the Administrator without regard to subsections A and B of this section. The Administrator shall promulgate rules to authorize agencies to fill positions directly, pursuant to this subsection. Such rules shall include criteria for identifying professional practice licensure positions and hard-to-fill positions which shall not require establishment of an employment list of eligible persons or the application of veterans preference. The Administrator shall monitor appointments made by agencies pursuant to this subsection and shall establish recordkeeping and reporting procedures and the conditions under which the Administrator may withdraw authorization for agencies to directly hire persons into hard-to-fill positions. Nothing in this subsection shall be construed to waive any requirement for any job classification or position established by statute or the Administrator.

D. Every person, except for agents employed by the Alcoholic Beverage Laws Enforcement Commission who shall be appointed for probationary periods of one (1) year, upon initial appointment under the classified service, shall be appointed for a probationary period of six (6) months, except that the appointing authority may extend a probationary period, not to exceed a total of nine (9) months for an

individual, provided, however, that the employee and the Administrator of the Office of Personnel Management shall be notified in writing as to such action and the reason therefor. The probationary appointment of any person may be terminated at any time during the probationary period without the right of appeal. At the close of the probationary period, as herein provided, said person shall acquire a permanent status under the conditions prescribed in the Oklahoma Personnel Act.

SECTION 11. REPEALER 47 O.S. 1991, Sections 2-134, 2-135, 2-136 and 377.1, as amended by Section 1, Chapter 176, O.S.L. 1993 (47 O.S. Supp. 1997, Section 377.1), are hereby repealed.

SECTION 12. REPEALER 74 O.S. 1991, Section 1811.4E, as last amended by Section 1, Chapter 131, O.S.L. 1995 (74 O.S. Supp. 1997, Section 1811.4E), is hereby repealed.

SECTION 13. This act shall become effective July 1, 1998.

SECTION 14. 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.

46-2-9269

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