

SHORT TITLE: Motor vehicles; providing certain persons to serve as unclassified employees; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 255

By: Rozell

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 2-104 and 2-105.4, as last amended by Section 1, Chapter 300, O.S.L. 1996 (47 O.S. Supp. 1996, Section 2-105.4), which relate to the creation, the organization and the responsibilities of the Department of Public Safety; providing for certain persons to serve as unclassified employees; providing for appointments of Deputy Commissioners; clarifying language; deleting obsolete language; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-104, is amended to read as follows:

Section 2-104. ~~(a)~~ A. The Commissioner, ~~subject to the Merit System laws,~~ shall appoint an Assistant Commissioner and shall, subject to the Oklahoma Personnel Act, appoint 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. The Commissioner may also appoint Deputy Commissioners, to serve as unclassified employees and to be exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. Provided, any commissioned officer of the Department who is appointed to the position of Deputy Commissioner

shall retain the rank the person was holding at the time of such appointment.

~~(b) All duties and responsibilities of the Examiners Bureau of the Drivers License Division transferred to the Oklahoma Highway Patrol Division on July 1, 1982, shall be transferred to the Examiners Bureau established by Section 2-106 of this title, effective July 1, 1987.~~

~~(c) 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 or her 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~~ an officer 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 or she intends to participate.

~~(e) D.~~ The salaries of the ~~subordinates, officers, and other nonuniformed~~ noncommissioned employees, in all divisions of the Department of Public Safety, shall be governed by and in accordance with the procedures established by the Office of Personnel Management.

E. The Commissioner of Public Safety may appoint an employee to the position of Director of Finance for the Department of Public

Safety. The Director of Finance for the Department of Public Safety and those employees serving as ~~nonuniformed~~ noncommissioned pilots in the Department of Public Safety shall be unclassified and exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. Those employees serving as ~~nonuniformed~~ pilots in the Department of Public Safety shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner, when on executive assignment.

~~(f) The Commissioner of Public Safety, in order to administer and enforce the provisions of Sections 7-101 through 7-607 of this title, is hereby authorized to hire sufficient employees, to fix the salaries, subject to Merit System rules, to pay the traveling expenses thereof, and to purchase the necessary supplies and equipment.~~

~~(g) Unless otherwise provided by law, salaries and traveling expenses of the employees of the Financial Responsibility Division and the cost of equipment shall be paid from the appropriation made to the Department of Public Safety.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 300, O.S.L. 1996 (47 O.S. Supp. 1996, Section 1-105.4), 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, and an Assistant Chief of the Highway Patrol Division with the rank of Lieutenant Colonel, to serve as unclassified employees and to be exempt from the rules and procedures of the Office of Personnel Management, except leave regulations, and subordinate shall, subject to the Oklahoma Personnel Act, appoint

other officers and employees of the Highway Patrol Division, including Colonels, Lieutenant 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. Effective July 1, 1996:

1. The annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the positions within the Highway Patrol Division, as set out in this section, shall be in accordance and conformity with the following salary schedule, 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:

Commissioner of Public Safety

\$68,174.00

Assistant Commissioner of Public Safety

\$64,176.00

Highway Patrol Colonel

\$64,176.00

Highway Patrol Lieutenant Colonel

\$53,266.00

Highway Patrol Major

\$50,140.00

Highway Patrol Captain

\$44,846.00

Highway Patrol First Lieutenant

\$40,122.00

Highway Patrol Supervisor

\$36,286.00

Highway Patrolman

Step 1 \$25,000.00

Step 2 \$25,362.00

Step 3	\$25,932.00
Step 4	\$26,520.00
Step 5	\$27,122.00
Step 6	\$27,720.00
Step 7	\$28,356.00
Step 8	\$28,994.00
Step 9	\$29,656.00
Step 10	\$30,332.00
Step 11	\$31,022.00
Step 12	\$31,712.00
Step 13	\$32,422.00
Step 14	\$33,108.00

Probationary Highway Patrolman

\$24,454.00

Cadet Highway Patrolman

\$22,348.00;

2. 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, 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 salary adjusted to, Step 14 of said salary schedule;

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; and

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

E. Upon graduation from the Highway Patrol Academy, each Cadet Highway Patrolman shall be promoted to and shall receive the salary for the position of Probationary Highway Patrolman. Upon completion of the one-year probationary period, as required in subsection (b)

of Section 2-105 of this title, each Probationary Highway Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of Highway Patrolman, as provided for in paragraph 1 of subsection C of this section. Thereafter, the salary of such Patrolman shall be subject to the provisions of subsection C of this section.

SECTION 3. This law shall become effective November 1, 1997.

46-1-0838

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