

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 992

By: Morgan and Crutchfield of
the Senate

and

Dunegan of the House

(law enforcement officers - Department of Public
Safety - salary increases - future step increases -
Lake Patrol - Highway Patrol - effective date -
emergency)

AUTHOR: Add the following House Coauthor: Corn

AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

"An Act relating to the Department of Public Safety;
amending 47 O.S. 1991, Section 2-105, as last
amended by Section 3, Chapter 245, O.S.L. 1998 (47
O.S. Supp. 1999, Section 2-105), which relates to
the Highway Patrol Division; establishing
educational requirements for certain commissioned
officers; amending Section 6, Chapter 245, O.S.L.
1998, as amended by Section 11 of Enrolled Senate
Bill No. 959 of the 2nd Session of the 47th Oklahoma
Legislature, which relates to Oklahoma Lake Patrol
Division; eliminating provisions regarding initial
salary adjustments; amending Section 8, Chapter 245,
O.S.L. 1998, as amended by Section 13 of Enrolled
Senate Bill No. 959 of the 2nd Session of the 47th
Oklahoma Legislature, which relates to the
communications division; establishing salary amount
for Probationary Communications Dispatcher;
eliminating provisions regarding initial salary
adjustments; establishing promotion and step
increases after completion of probationary period;
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 2-105, as last amended by Section 3, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1999, Section 2-105), is amended to read as follows:

Section 2-105. 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 with the rank of Trooper, 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 commissioned officers 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 operations and procedures as prescribed by the Commissioner.

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

a. for commissioned officer positions, shall be not less than 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~~ associate's 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 Highway Patrol Division on or after July 1, 2004, a bachelor's degree 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 an associate's 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 transferable between such recognized institutions and at least two (2) years' experience as a Council on Law Enforcement Education and Training (C.L.E.E.T.) certified law enforcement officer,
or

(4) 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 commissioned officer of the 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 paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

4. The Commissioner or any 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 commissioned officer of the Department, while in the performance of the 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 commissioned officer of the Department, in and by the manner 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 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, 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 the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

2. A commissioned officer of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such officer satisfactorily completes all training requirements prescribed by the Commissioner.

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 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 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. Commissioned officers 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 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, unless transfer is in violation of Section 840-2.5 or 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 commissioned officers of the Department. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for commissioned officers of the Department which is otherwise in compliance with the provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

E. 1. The Commissioner is hereby authorized to purchase and issue uniforms and necessary equipment for all commissioned officers of the 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 commissioned officers assigned to the Department of Public Safety shall be entitled to 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.

F. The position of Chief of the Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a commissioned officer of the Oklahoma Highway Patrol Division, length of service, and efficiency of service performed.

G. The Commissioner of Public Safety is hereby authorized to send 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.

H. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches fifty-five (55) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War, any period of military service served by a commissioned officer of the Department shall be considered as continued service with such Department, provided such commissioned officer returns to duty within sixty (60) days after release from military service.

SECTION 2. AMENDATORY Section 6, Chapter 245, O.S.L. 1998, as amended by Section 11 of Enrolled Senate Bill No. 959 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 2-105.6 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.~~ B. 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~~ A 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~~ E of this section.

~~D.~~ C. After July 1, 1998, any such officer set out in subsection ~~C~~ B 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.~~ D. 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~~ A 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.~~ E. 1. Effective October 1, 2000, 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, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Patrol First Lieutenant	\$55,143.00
Patrol Supervisor	\$51,206.00
Patrolman	
Step 1	\$27,000.00
Step 2	\$28,200.00
Step 3	\$29,458.00
Step 4	\$30,776.00

Step 5	\$32,157.00
Step 6	\$33,604.00
Step 7	\$35,121.00
Step 8	\$36,711.00
Step 9	\$38,377.00
Step 10	\$40,123.00
Step 11	\$41,953.00
Step 12	\$43,871.00
Step 13	\$45,881.00
Step 14	\$47,987.00

~~2. 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 September 30, 2000. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on October 1, 2000, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 14 of said salary schedule.~~

~~3.~~ 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 3.~~ Except as provided in paragraphs 2 1 and 3 2 of this subsection, in any twelve-month period no ~~patrolman~~ 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. 4.~~ 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~~ increases provided for in ~~paragraph~~ paragraphs 1 and 2, 3 or 4 of this subsection.

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

SECTION 3. AMENDATORY Section 8, Chapter 245, O.S.L. 1998, as amended by Section 13 of Enrolled Senate Bill No. 959 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 2-105.8 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 October 1, 2000, 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	\$47,215.00
Communications Coordinator	\$43,105.00
Communications Superintendent	\$39,368.00
Communications Supervisor	\$35,971.00
Communications Dispatcher	
Step 1	\$24,404.00
Step 2	\$24,964.00
Step 3	\$25,538.00
Step 4	\$26,126.00
Step 5	\$26,729.00
Step 6	\$27,347.00
Step 7	\$27,981.00
Step 8	\$28,631.00
Step 9	\$29,297.00
Step 10	\$29,979.00
Step 11	\$30,678.00
Step 12	\$31,395.00
Step 13	\$32,130.00
Step 14	\$32,883.00

~~2. 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 September 30, 2000. If the number of completed years of service of such Dispatcher exceeds fourteen (14) years on October 1, 2000, then said Dispatcher shall be assigned to, and the salary of such Dispatcher shall be adjusted to, Step 14 of said salary schedule.~~

~~3.~~ 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 3.~~ 3. Except as provided in paragraphs 1 and 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.~~ 4. 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~~ increases provided for in ~~paragraph~~ paragraphs 1 and 2, 3 or 4 of this subsection.

~~6.~~ 5. Upon completion of the one-year probationary period as required in subsection D of Section 840-4.13 of Title 74 of the Oklahoma Statutes, each Probationary Communications Dispatcher shall be promoted to and shall receive the salary for Step 1 of the position of Communications Dispatcher, as provided for in paragraph 1 of this subsection. Thereafter, the salary of such Dispatcher shall be subject to the provisions of this subsection.

D. The provisions of this ~~subsection~~ section 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 4. This act shall become effective July 1, 2000.

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."

Passed the House of Representatives the 13th day of April, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate