

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1692

By: Dunegan

COMMITTEE SUBSTITUTE

(Department of Public Safety - amending 47 O.S. 1991, Section 2-105, as last amended by Section 1, Chapter 378, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-105) - qualifications for Highway Patrolman - amending 47 O.S. 1991, Section 2-105.4, as last amended by Section 10, Chapter 37, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-105.4) - Highway Patrol salaries - stipend - amending Section 6, Chapter 245, O.S.L. 1998, as last amended by Section 2, Chapter 195, O.S.L. 2000 and Section 7, Chapter 245, O.S.L. 1998, as last amended by Section 2, Chapter 378, O.S.L. 2000 (47 O.S. Supp. 2000, Sections 2-105.6 and 2-105.7) - salaries for Lake Patrol and Capitol Patrol - monthly bonus pay - retroactive pay - codification - noncodification - effective date -

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 1, Chapter 378, O.S.L. 2000 (47 O.S. Supp. 2000, 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 Oklahoma Highway Patrol Division with the rank of Colonel, Assistant Chief of the Oklahoma Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Oklahoma Highway Patrol Division,

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

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

3. A First Lieutenant, Supervisors with the rank of Second Lieutenant, Sergeants, and Patrolmen, who shall comprise the Capitol Patrol Section of the Oklahoma Highway 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 after January 1, 1999,~~ 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,

(2) for any person appointed to the Oklahoma Highway Patrol Division on or after July 1, 2004:

i. 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 transferable between such recognized institutions, or

ii. 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

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 transferable 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 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 Highway Patrolman, 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 interagency 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 Division 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 or was not as a result of the retirement of that officer from 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 47 O.S. 1991, Section 2-105.4, as last amended by Section 10, Chapter 37, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-105.4), is amended to read as follows:

Section 2-105.4 A. 1. Effective ~~October 1, 2000~~ July 1, 2001, the annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division 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:

Commissioner of Public Safety	\$85,000.00
Assistant Commissioner of Public Safety	\$81,214.00
Highway Patrol Colonel	\$81,214.00
Highway Patrol Lieutenant Colonel	\$72,727.00 <u>\$73,939.00</u>
Highway Patrol Major	\$65,718.00 <u>\$67,974.00</u>
Highway Patrol Captain	\$59,926.00 <u>\$62,618.00</u>
Highway Patrol First Lieutenant	\$55,143.00 <u>\$57,767.00</u>
Highway Patrol Supervisor	\$51,206.00 <u>\$53,338.00</u>
Highway Patrolman	
Step 1	\$27,000.00 <u>\$31,075.00</u>
Step 2	\$28,200.00 <u>\$32,310.00</u>
Step 3	\$29,458.00 <u>\$33,594.00</u>

Step 4	\$30,776.00
	<u>\$34,938.00</u>
Step 5	\$32,157.00
	<u>\$36,334.00</u>
Step 6	\$33,604.00
	<u>\$37,787.00</u>
Step 7	\$35,121.00
	<u>\$39,301.00</u>
Step 8	\$36,711.00
	<u>\$40,881.00</u>
Step 9	\$38,377.00
	<u>\$42,529.00</u>
Step 10	\$40,123.00
	<u>\$44,247.00</u>
Step 11	\$41,953.00
	<u>\$45,162.00</u>
Step 12	\$43,871.00
	<u>\$46,121.00</u>
Step 13	\$45,881.00
	<u>\$47,126.00</u>
Step 14	\$47,987.00
	<u>\$48,179.00</u>
Probationary Highway Patrolman	\$26,454.00
	<u>\$29,552.00</u>
Cadet Highway Patrolman	\$24,348.00
	<u>\$26,894.00</u>

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, including service in the former Lake Patrol Division and the former

Capitol 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 the salary of the Patrolman adjusted to, Step 14 of said salary schedule.

3. ~~Notwithstanding the provisions of paragraph~~ Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period 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.

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

5. ~~The provisions of this 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~~ The salary for the rank of Highway Patrol Sergeant shall be the step salary of the Highway Patrolman, as provided in paragraphs 1 and 2 of this subsection, plus an additional One Hundred Eighty-two Dollars (\$182.00) per month, 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.

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 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. Thereafter, the salary of such Patrolman shall be subject to the provisions of this subsection.

B. 1. Effective July 1, 2002, the annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division 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:

Commissioner of Public Safety

\$85,000.00

<u>Assistant Commissioner of Public Safety</u>	<u>\$81,214.00</u>
<u>Highway Patrol Colonel</u>	<u>\$81,214.00</u>
<u>Highway Patrol Lieutenant Colonel</u>	<u>\$75,150.00</u>
<u>Highway Patrol Major</u>	<u>\$70,230.00</u>
<u>Highway Patrol Captain</u>	<u>\$65,310.00</u>
<u>Highway Patrol First Lieutenant</u>	<u>\$60,390.00</u>
<u>Highway Patrol Supervisor</u>	<u>\$55,470.00</u>
<u>Highway Patrol Sergeant (see paragraph 5 of this subsection)</u>	
<u>Highway Patrolman</u>	
<u>Step 1</u>	<u>\$35,150.00</u>
<u>Step 2</u>	<u>\$36,420.00</u>
<u>Step 3</u>	<u>\$37,730.00</u>
<u>Step 4</u>	<u>\$39,100.00</u>
<u>Step 5</u>	<u>\$40,510.00</u>
<u>Step 6</u>	<u>\$41,970.00</u>
<u>Step 7</u>	<u>\$43,480.00</u>
<u>Step 8</u>	<u>\$45,050.00</u>
<u>Step 9</u>	<u>\$46,680.00</u>
<u>Step 10</u>	<u>\$48,370.00</u>
<u>Probationary Highway Patrolman</u>	<u>\$32,650.00</u>
<u>Cadet Highway Patrolman</u>	<u>\$29,440.00</u>

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, including service in the former Lake Patrol Division and the former Capitol 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.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds ten (10) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

3. Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period 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.

The Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division.

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 step of the salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increases provided for in paragraphs 1 and 2 of this subsection.

5. The salary for the rank of Highway Patrol Sergeant shall be the step salary of the Highway Patrolman, as provided in paragraphs 1 and 2 of this subsection, plus an additional One Hundred Eighty-two Dollars (\$182.00) per month, 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.

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 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. Thereafter, the salary of the Patrolman shall be subject to the provisions of this subsection.

C. 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 commissioned officers in the Highway Patrol Division of the Department of Public Safety.

SECTION 3. AMENDATORY Section 6, Chapter 245, O.S.L. 1998, as last amended by Section 2, Chapter 195, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-105.6), is amended to read as follows:

Section 2-105.6 A. 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.

~~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 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 E of this section.~~

~~C. After July 1, 1998, any such Any officer set out in subsection B of this section the Lake Patrol Section of the Highway Patrol Division 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.

~~D. C.~~ 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 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.

E. D. 1. Effective ~~October 1, 2000~~ July 1, 2001, 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
	<u>\$57,767.00</u>
Patrol Supervisor	\$51,206.00
	<u>\$53,338.00</u>
Patrolman	
Step 1	\$27,000.00
	<u>\$31,075.00</u>
Step 2	\$28,200.00
	<u>\$32,310.00</u>
Step 3	\$29,458.00
	<u>\$33,594.00</u>
Step 4	\$30,776.00
	<u>\$34,938.00</u>
Step 5	\$32,157.00
	<u>\$36,334.00</u>
Step 6	\$33,604.00
	<u>\$37,787.00</u>
Step 7	\$35,121.00
	<u>\$39,301.00</u>
Step 8	\$36,711.00
	<u>\$40,881.00</u>
Step 9	\$38,377.00

	<u>\$42,529.00</u>
Step 10	\$40,123.00
	<u>\$44,247.00</u>
Step 11	\$41,953.00
	<u>\$45,162.00</u>
Step 12	\$43,871.00
	<u>\$46,121.00</u>
Step 13	\$45,881.00
	<u>\$47,126.00</u>
Step 14	\$47,987.00
	<u>\$48,179.00</u>

2. 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.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds fourteen (14) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 14 of the salary schedule.

3. Except as provided in paragraphs 1 and 2 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.

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 increases provided for in paragraphs 1 and 2 of this subsection.

5. The salary for the rank of Patrol Sergeant shall be the step salary of the Patrolman, as provided in paragraphs 1 and 2 of this subsection, plus an additional One Hundred Eighty-two Dollars (\$182.00) per month, 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.

E. 1. Effective July 1, 2002, 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.

<u>Patrol First Lieutenant</u>	<u>\$60,390.00</u>
<u>Patrol Supervisor</u>	<u>\$55,470.00</u>
<u>Patrolman</u>	
<u>Step 1</u>	<u>\$35,150.00</u>
<u>Step 2</u>	<u>\$36,420.00</u>

<u>Step 3</u>	<u>\$37,730.00</u>
<u>Step 4</u>	<u>\$39,100.00</u>
<u>Step 5</u>	<u>\$40,510.00</u>
<u>Step 6</u>	<u>\$41,970.00</u>
<u>Step 7</u>	<u>\$43,480.00</u>
<u>Step 8</u>	<u>\$45,050.00</u>
<u>Step 9</u>	<u>\$46,680.00</u>
<u>Step 10</u>	<u>\$48,370.00</u>

2. 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 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.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds ten (10) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

3. Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period 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.

The Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division.

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 step of the salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increases provided for in paragraphs 1 and 2 of this subsection.

5. The salary for the rank of Patrol Sergeant shall be the step salary of the Patrolman, as provided in paragraphs 1 and 2 of this subsection, plus an additional One Hundred Eighty-two Dollars (\$182.00) per month, 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.

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

SECTION 4. AMENDATORY Section 7, Chapter 245, O.S.L. 1998, as last amended by Section 2, Chapter 378, O.S.L. 2000 (47 O.S. Supp. 2000, Section 2-105.7), is amended to read as follows:

Section 2-105.7 A. ~~Effective January 1, 2001, the Oklahoma Capitol 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 Capitol Patrol Section which shall consist of such employees as may be necessary to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma County and Tulsa County. All commissioned officers of the Capitol Patrol

Section as designated by the Commissioner shall have the authority to enforce all parking, traffic, and criminal laws within Oklahoma County and Tulsa County, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

~~C. B. Effective January July 1, 2001, all commissioned officers in the Oklahoma Capitol Patrol Division of the Department of Public Safety and the powers, duties, responsibilities and authority of the Division are hereby transferred to the Capitol 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 Capitol Patrol Trainee on December 31, 2000, shall be reclassified as a Patrol Trainee, each officer classified as Probationary Capitol Patrolman on December 31, 2000, shall be reclassified as a Probationary Patrolman, each officer classified as a Capitol Patrol Officer on December 31, 2000, shall be reclassified as a Patrolman, each officer classified as a Capitol Patrol Sergeant on ~~December 31, 2000~~ June 30, 2001, shall be reclassified as a Capitol Patrol Sergeant, each officer classified as a Capitol Patrol Supervisor on December 31, 2000, shall be reclassified as a Patrol Supervisor with the rank of Second Lieutenant, and each officer classified as a Capitol Patrol Commander on December 31, 2000, shall be reclassified as a Patrol First Lieutenant as established in subsection C of this section. Officers transferred pursuant to the provisions of this subsection, except as provided in subsection D of this section, shall not be required to meet the educational requirements set forth in paragraph 2 of subsection B of Section 2-105 of this title. Effective July 1, 2001, a Patrolman shall not be promoted to the position of Capitol Patrol Sergeant but may be promoted, if qualified, to the position of Patrol Sergeant.~~

~~D. After January 1, 2001, any~~

C. ~~Any officer set out in subsection C of this section the~~ Capitol Patrol Section of the Oklahoma Highway Patrol Division may request reclassification to the equivalent lateral position, rank, and salary within the Oklahoma Highway Patrol Division and shall be reclassified to the position if the officer:

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

2. Satisfactorily completes a Patrol Academy of the Department of Public Safety; and

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

Such reclassified officer shall be subject to reassignment as determined by the Chief of the Oklahoma Highway Patrol Division.

~~E.~~ D. All commissioned officers of the Capitol 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 of Public Safety in accordance with Section 2-117 of this title.

~~F.~~ E. The Department of Central Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

~~G.~~ F. 1. Effective ~~January 1, 2001~~ July 1, 2001, the annual salaries for the commissioned officers within the Capitol 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 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:

Patrol First Lieutenant	\$55,143.00
	<u>\$57,767.00</u>
Patrol Supervisor	\$51,206.00
	<u>\$53,338.00</u>
<u>Capitol</u> Patrol Sergeant	\$49,546.00
	<u>\$50,048.00</u>
<u>Patrol Sergeant (see paragraph 5</u>	
<u>of this subsection)</u>	
Patrolman	
Step 1	\$27,000.00
	<u>\$31,075.00</u>
Step 2	\$28,200.00
	<u>\$32,310.00</u>
Step 3	\$29,458.00
	<u>\$33,594.00</u>
Step 4	\$30,776.00
	<u>\$34,938.00</u>
Step 5	\$32,157.00
	<u>\$36,334.00</u>
Step 6	\$33,604.00
	<u>\$37,787.00</u>
Step 7	\$35,121.00
	<u>\$39,301.00</u>
Step 8	\$36,711.00
	<u>\$40,881.00</u>
Step 9	\$38,377.00
	<u>\$42,529.00</u>
Step 10	\$40,123.00
	<u>\$44,247.00</u>

Step 11	\$41,953.00
	<u>\$45,162.00</u>
Step 12	\$43,871.00
	<u>\$46,121.00</u>
Step 13	\$45,881.00
	<u>\$47,126.00</u>
Step 14	\$47,987.00
	<u>\$48,179.00</u>
Probationary Patrolman	\$26,454.00
	<u>\$29,552.00</u>
Patrol Trainee	\$24,348.00

~~2. On January 1, 2001, 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 such Patrolman has accumulated in the former 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, 2000. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on January 1, 2001, 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, 2001, each 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.~~ 3. Except as provided in paragraphs ~~1~~ and 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 Capitol Patrol Section.

~~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 increases provided for in ~~paragraph~~ paragraphs 1 and 2 ~~and 3~~ of this subsection.

~~6.~~ ~~Upon graduation from the Council on Law Enforcement Education and Training Academy, each Patrol Trainee shall be promoted to and shall receive the salary for the position of Probationary Patrolman. Upon completion of the one-year probationary period, as required in subsection C of Section 2-105 of this title, each Probationary Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of 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.~~

5. The salary for the position of Patrol Sergeant shall be the step salary of the Patrolman, as provided in paragraphs 1 and 2 of this subsection, plus an additional One Hundred Eighty-two Dollars (\$182.00) per month, 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:

G. 1. Effective July 1, 2002, the annual salaries for the commissioned officers within the Capitol 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 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:

<u>Patrol First Lieutenant</u>	<u>\$60,390.00</u>
<u>Patrol Supervisor</u>	<u>\$55,470.00</u>
<u>Capitol Patrol Sergeant</u>	<u>\$50,550.00</u>
<u>Patrol Sergeant (see paragraph 5</u> <u>of this subsection)</u>	
<u>Patrolman</u>	
<u>Step 1</u>	<u>\$35,150.00</u>
<u>Step 2</u>	<u>\$36,420.00</u>
<u>Step 3</u>	<u>\$37,730.00</u>
<u>Step 4</u>	<u>\$39,100.00</u>
<u>Step 5</u>	<u>\$40,510.00</u>
<u>Step 6</u>	<u>\$41,970.00</u>
<u>Step 7</u>	<u>\$43,480.00</u>
<u>Step 8</u>	<u>\$45,050.00</u>
<u>Step 9</u>	<u>\$46,680.00</u>
<u>Step 10</u>	<u>\$48,370.00</u>

2. 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 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.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds ten (10) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

3. Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period 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.

The Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division.

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 step of the salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increases provided for in paragraphs 1 and 2 of this subsection.

5. The salary for the position of Patrol Sergeant shall be the step salary of the Patrolman, as provided in paragraphs 1 and 2 of this subsection, plus an additional One Hundred Eighty-two Dollars (\$182.00) per month, 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.

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

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-103.2 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established for the Department of Public Safety an incentive pay plan to encourage each commissioned officer of the Department who is serving in a commissioned position to continue the formal education of the officer and attain an associate's, bachelor's, or master'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 transferable between such recognized institutions.

B. The pay incentive plan shall be considered as bonus pay, exclusive of the base salary of the officer, as authorized by Section 2-105.4, 2-105.6 or 2-105.7 of Title 47 of the Oklahoma Statutes, 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 Title 47 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of title 47 of the Oklahoma Statutes, and shall consist of:

1. Fifty Dollars (\$50.00) per month for an associate's degree earned;

2. One Hundred Dollars (\$100.00) per month for a bachelor's degree earned; or

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

C. The bonus pay shall not be cumulative, and an officer shall receive the bonus pay for only one degree earned. However, nothing shall preclude the officer from subsequently receiving the higher bonus pay for a subsequent higher degree earned. The bonus pay shall continue for as long as the officer remains in a commissioned position of the Department.

D. On the effective date of this act, any commissioned officer of the Department who is serving in a commissioned position and who already has earned a degree described in this section shall begin receiving the bonus pay for that degree.

SECTION 6. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Highway Patrolmen who served with the former Capitol Patrol Division shall receive back pay for the period beginning with the month of January 2001, and ending with the month this act becomes effective. Such back pay shall equal the difference between the salary of the patrolman during this period, which did not include former Capitol Patrol Division service credit, and what the salary would have been had such former Capitol Patrol Division service credit been included.

SECTION 7. This act shall become effective July 1, 2001.

SECTION 8. 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.

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