STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2640: Steele

AS INTRODUCED

An Act relating to Department of Public Safety; amending 47 O.S. 2001, Sections 2-105.4 and 2-105.6, which relate to Highway Patrol Division and Lake Patrol Section salaries; modifying salary schedule; requiring assignment and adjustment of salary by certain date; clarifying procedure for initial adjustment; 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. 2001, Section 2-105.4, is amended to read as follows:

Section 2-105.4 A. 1. Effective ~~October 1, 2000~~ July 1, 2004, 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	$87,000.00
Assistant Commissioner of Public Safety	$81,214.00
Highway Patrol Colonel	$81,214.00
Highway Patrol Lieutenant Colonel	$72,727.00
Highway Patrol Major	$65,718.00
Highway Patrol Captain	$59,926.00
Highway Patrol First Lieutenant	$55,143.00
Highway Patrol Supervisor	$51,206.00

Highway Patrol Sergeant (see paragraph ~~5~~ 6 of this subsection)	
Highway Patrolman	
~~Step 1~~	~~$27,000.00~~
Step ~~2~~ 1	$28,200.00
~~Step 3~~	~~$29,458.00~~
Step ~~4~~ 2	$30,776.00
~~Step 5~~	~~$32,157.00~~
Step ~~6~~ 3	$33,604.00
~~Step 7~~	~~$35,121.00~~
Step ~~8~~ 4	$36,711.00
~~Step 9~~	~~$38,377.00~~
Step ~~10~~ 5	$40,123.00
~~Step 11~~	~~$41,953.00~~
Step ~~12~~ 6	$43,871.00
~~Step 13~~	~~$45,881.00~~
Step ~~14~~ 7	$47,987.00
Probationary Highway Patrolman	$26,454.00
Cadet Highway Patrolman	$24,348.00

2. ~~Each~~ On July 1, 2004, each Highway Patrolman shall be assigned and the salary of the Patrolman shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection. The initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service the Patrolman has in the commissioned service of the former Lake Patrol Division of the Department of Public Safety. No Patrolman shall receive less than the salary the Patrolman was receiving on June 30, 2004. If the number of completed years of service of the Patrolman exceeds seven (7) years on July 1, 2004, the Patrolman shall be assigned to and the salary of the Patrolman adjusted to Step 7 of the salary schedule.

3. After July 1, 2004, 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)~~ seven (7) years, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step ~~14~~ 7 of said salary schedule.

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

~~5.~~ 6. The salary for the rank of Highway Patrol Sergeant shall be the step salary of the Highway Patrolman, as provided in paragraphs 1, 2 and ~~2~~ 3 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.~~ 7. 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. 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 2. AMENDATORY 47 O.S. 2001, 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. Any officer of the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety 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.

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.

D. 1. Effective July 1, ~~2001~~ 2004, 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
Patrol Sergeant (see paragraph ~~5~~ 6 of this subsection)	
Patrolman	
~~Step 1~~	~~$27,000.00~~
Step ~~2~~ 1	$28,200.00
~~Step 3~~	~~$29,458.00~~
Step ~~4~~ 2	$30,776.00
~~Step 5~~	~~$32,157.00~~
Step ~~6~~ 3	$33,604.00
~~Step 7~~	~~$35,121.00~~
Step ~~8~~ 4	$36,711.00
~~Step 9~~	~~$38,377.00~~
Step ~~10~~ 5	$40,123.00
~~Step 11~~	~~$41,953.00~~
Step ~~12~~ 6	$43,871.00
~~Step 13~~	~~$45,881.00~~
Step ~~14~~ 7	$47,987.00

2. On July 1, 2004, each Lake Patrolman shall be assigned and the salary of the Patrolman shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection. The initial

adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service the Patrolman has in the commissioned service of the former Lake Patrol Division of the Department of Public Safety. No Patrolman shall receive less than the salary the Patrolman was receiving on June 30, 2004. If the number of completed years of service of the Patrolman exceeds seven (7) years on July 1, 2004, the Patrolman shall be assigned to and the salary of the Patrolman adjusted to Step 7 of the 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.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds ~~fourteen (14)~~ seven (7) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step ~~14~~ 7 of the salary schedule.

~~3.~~ 4. Except as provided in paragraphs 1, 2 and ~~2~~ 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.

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

~~5.~~ 6. The salary for the rank of Patrol Sergeant shall be the step salary of the Patrolman, as provided in paragraphs 1, 2 and ~~2~~ 3 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. 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 3. This act shall become effective July 1, 2004.

SECTION 4. 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.

49-2-7339 GRS 01/19/04