

EHB 2664

THE STATE SENATE
Tuesday, April 11, 2006

ENGROSSED

House Bill No. 2664

As Amended

ENGROSSED HOUSE BILL NO. 2664 - By: ROAN of the House and CORN of the Senate.

[motor vehicles - organization and responsibilities of Department of Public Safety - emergency]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-105, as last amended by Section 3, Chapter 418, O.S.L. 2004 (47 O.S. Supp. 2005, Section 2-105), is amended to read as follows:

Section 2-105. A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, shall appoint:

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, ~~Assistant Chief~~ Deputy Chiefs 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, Lieutenant 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; provided, any officer appointed to a commissioned

1 position prescribed in this paragraph which is unclassified pursuant
2 to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a
3 right of return to the highest previously held classified
4 commissioned position within the Highway Patrol Division of the
5 Department of Public Safety without any loss of rights, privileges
6 or benefits immediately upon completion of the duties in the
7 unclassified commissioned position;

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

12 3. A ~~First Lieutenant~~ Captain, ~~Supervisors with the rank of~~
13 ~~Second Lieutenant~~ Lieutenants, ~~Sergeants~~, and Patrolmen, who shall
14 comprise the Capitol Patrol Section of the Oklahoma Highway Patrol
15 Division of the Department of Public Safety; and

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

1 B. 1. The Commissioner, when appointing commissioned officers
2 and employees to the positions set out in subsection A of this
3 section, shall determine, in consultation with the Administrator of
4 the Office of Personnel Management, minimum qualifications and shall
5 select such officers and employees only after examinations to
6 determine their physical and mental qualifications for such
7 positions. The content of the examinations shall be prescribed by
8 the Commissioner, and all such appointees shall satisfactorily
9 complete a course of training in operations and procedures as
10 prescribed by the Commissioner.

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

14 a. for commissioned officer positions, shall be at least
15 twenty-one (21) years of age but less than forty-three
16 (43) years of age, and shall possess:

17 (1) an associate's degree or a minimum of sixty-two
18 (62) successfully completed semester hours from a
19 college or university which is recognized by and
20 accepted by the American Association of
21 Collegiate Registrars and Admissions Officers and
22 whose hours are transferable between such
23 recognized institutions, and

1 (2) for any person appointed to the Oklahoma Highway
2 Patrol Division on or after July 1, 2008:

3 (a) a bachelor's degree from a college or
4 university which is recognized by and
5 accepted by the American Association of
6 Collegiate Registrars and Admissions
7 Officers and whose hours are transferable
8 between such recognized institutions, or

9 (b) an associate's degree or a minimum of sixty-
10 two (62) successfully completed semester
11 hours from a college or university which is
12 recognized by and accepted by the American
13 Association of Collegiate Registrars and
14 Admissions Officers and whose hours are
15 transferable between such recognized
16 institutions, and:

17 i. at least two (2) years' experience as a
18 law enforcement officer certified by
19 the Council on Law Enforcement
20 Education and Training (C.L.E.E.T.) or
21 by the equivalent state agency in
22 another state or by any law enforcement
23 agency of the federal government, or

1 ii. at least two (2) years of honorable
2 military service in an active or
3 reserve component of the United States
4 Armed Forces.

5 Provided, such years of experience or service shall
6 have been consecutive and shall have been completed no
7 more than two (2) years prior to application for
8 appointment, or

9 b. for any such position in the Communications Division,
10 a person shall be at least twenty (20) years of age
11 and shall possess a high school diploma or General
12 Educational Development equivalency certificate; shall
13 possess either six (6) months of previous experience
14 as a dispatcher or fifteen (15) successfully completed
15 semester hours from a college or university which is
16 recognized by and accepted by the American Association
17 of Collegiate Registrars and Admissions Officers and
18 whose hours are transferable between such recognized
19 institutions.

20 3. No commissioned officer of the Department shall, while in
21 such position, be a candidate for any political office or take part
22 in or contribute any money or other thing of value, directly or
23 indirectly, to any political campaign or to any candidate for public

1 office. Anyone convicted of violating the provisions of this
2 paragraph shall be guilty of a misdemeanor and shall be punished as
3 provided by law.

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

15 5. Drunkenness or being under the influence of intoxicating
16 substances shall be sufficient grounds for the removal of any
17 commissioned officer of the Department, in and by the manner
18 provided for in this section.

19 C. 1. Upon initial appointment to the position of Cadet
20 Highway Patrolman, ~~Patrolman~~ or Probationary Communications
21 Dispatcher, the appointed employee shall be required to serve an
22 initial probationary period of twelve (12) months. The Commissioner
23 may extend the probationary period for up to three (3) additional

1 months provided that the employee and the Office of Personnel
2 Management are notified in writing as to such action and the reasons
3 therefor. During such probationary period, the employee may be
4 terminated at any time and for any reason at the discretion of the
5 Commissioner. Retention in the service after expiration of the
6 initial probationary period shall entitle such employee to be
7 classified as a permanent employee and the employee shall be so
8 classified. No permanent employee may be discharged or removed
9 except as provided for in this section.

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

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

21 2. Whenever such charges are preferred, the Commissioner may
22 suspend the accused pending the hearing and final determination of
23 such charges. If the charges are not sustained in whole or in part,

1 the accused shall be entitled to pay during the period of such
2 suspension. If the charges are sustained in whole or in part, the
3 accused shall not receive any pay for the period of such suspension.

4 3. Commissioned officers of the Department of Public Safety are
5 not entitled to appeal intra-agency transfer to the Oklahoma Merit
6 Protection Commission pursuant to the Oklahoma Personnel Act unless
7 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74
8 of the Oklahoma Statutes.

9 4. The Department of Public Safety shall follow the uniform
10 grievance procedure established and adopted by the Office of
11 Personnel Management for permanent classified employees, except for
12 those employees who are commissioned officers of the Department.
13 The Department of Public Safety shall establish and adopt a
14 proprietary grievance procedure for commissioned officers of the
15 Department which is otherwise in compliance with the provisions of
16 Section 840-6.2 of Title 74 of the Oklahoma Statutes.

17 E. 1. The Commissioner is hereby authorized to purchase and
18 issue uniforms and necessary equipment for all commissioned officers
19 of the Highway Patrol Division of the Department. All uniforms and
20 equipment shall be used only in the performance of the official
21 duties of such officers and shall remain the property of the
22 Department, except as provided in Section 2-150 of this title.

1 2. Each commissioned officer of the Highway Patrol Division of
2 the Department of Public Safety shall be entitled to reimbursement
3 of expenses pursuant to the State Travel Reimbursement Act while
4 away from the assigned area of the officer as designated by the
5 Chief of the Oklahoma Highway Patrol Division, when such expense is
6 incurred in the service of the state.

7 F. 1. The ~~position~~ positions with the rank of Colonel, and
8 Lieutenant Colonel, ~~and Major~~ of the Oklahoma Highway Patrol
9 Division shall be filled from the body of commissioned officers of
10 the Oklahoma Highway Patrol Division and appointment to said
11 position shall be based on qualifications, previous record as a
12 commissioned officer of the Oklahoma Highway Patrol Division, length
13 of service, years of experience within the Oklahoma Highway Patrol
14 Division or other service as prescribed in this subsection, and
15 efficiency of service performed.

16 ~~1.~~ 2. In addition to the requirements of paragraph 1 of
17 this subsection, the position of Chief of the Oklahoma Highway
18 Patrol Division ~~shall be filled from the body of commissioned~~
19 ~~officers of the Oklahoma Highway Patrol Division and appointment to~~
20 ~~said position~~ shall be based on ~~qualifications, previous record as a~~
21 ~~commissioned officer of the Oklahoma Highway Patrol Division, length~~
22 ~~of service, efficiency of service performed,~~ and one of the
23 following:

- 1 a. one (1) year of experience in any combination:
2 (1) as Commissioner of Public Safety,
3 (2) as Assistant Commissioner of Public Safety, or
4 (3) as Assistant Chief of the Oklahoma Highway Patrol
5 Division,
- 6 b. two (2) years of experience in any combination:
7 (1) as Deputy Chief or higher rank, or
8 (2) if the experience was prior to the effective date
9 of this act, as Major or higher rank ~~of the~~
10 ~~Oklahoma Highway Patrol Division,~~
- 11 c. four (4) years of experience in any combination:
12 (1) as Major or higher rank, or
13 (2) if the experience was prior to the effective date
14 of this act, as Captain or higher rank ~~of the~~
15 ~~Oklahoma Highway Patrol Division,~~ or
- 16 d. six (6) years of experience in any combination:
17 (1) as Captain or higher rank, or
18 (2) if the experience was prior to the effective date
19 of this act, as First Lieutenant or higher rank
20 ~~of the Oklahoma Highway Patrol Division.~~

21 ~~2. The position of Assistant Chief of the Oklahoma Highway~~
22 ~~Patrol Division shall be filled from the body of commissioned~~
23 ~~officers of the Oklahoma Highway Patrol Division and appointment to~~

1 ~~said position shall be based on qualifications, previous record as a~~
2 ~~commissioned officer of the Oklahoma Highway Patrol Division, length~~
3 ~~of service, efficiency of service performed, and one of the~~
4 ~~following:~~

5 a. ~~one (1) year of experience in any combination as~~
6 ~~Assistant Commissioner of Public Safety or Major of~~
7 ~~the Oklahoma Highway Patrol Division,~~

8 b. ~~two (2) years of experience in any combination as~~
9 ~~Captain or higher rank of the Oklahoma Highway Patrol~~
10 ~~Division, or~~

11 e. ~~four (4) years of experience in any combination as~~
12 ~~First Lieutenant or higher rank of the Oklahoma~~
13 ~~Highway Patrol Division.~~

14 3. The In addition to the requirements of paragraph 1 of this
15 subsection, the position of Major Deputy Chief of the Oklahoma
16 Highway Patrol Division ~~shall be filled from the body of~~
17 ~~commissioned officers of the Oklahoma Highway Patrol Division and~~
18 ~~appointment to said position shall be based on qualifications,~~
19 ~~previous record as a commissioned officer of the Oklahoma Highway~~
20 ~~Patrol Division, length of service, efficiency of service performed,~~
21 ~~and one of the following:~~

22 a. one (1) year of experience in any combination:
23 (1) as Commissioner of Public Safety,

1 (2) as Assistant Commissioner of Public Safety, or

2 (3) as Colonel,

3 b. two (2) years of experience in any combination:

4 (1) as Major or higher rank, or

5 (2) if the experience was prior to the effective date

6 of this act, as Captain of the Oklahoma Highway

7 Patrol Division or higher rank, or

8 ~~b. three (3)~~

9 c. four (4) years of experience in any combination:

10 (1) as Captain or higher rank, or

11 (2) if the experience was prior to the effective date

12 of this act, as Highway Patrol First Lieutenant

13 or higher rank of the Oklahoma Highway Patrol

14 Division.

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

16 send employees of the Department of Public Safety to ~~such~~ schools

17 such as Northwestern University ~~Traffic Institute, Northwestern~~

18 ~~University Police Administrator's Institute~~ Center for Public

19 Safety, Southern Police Institute, the FBI National Police Academy

20 ~~conducted by the Federal Bureau of Investigation, the Institute of~~

21 Police Technology and Management, or to any other ~~such~~ schools of

22 similar training which would be conducive to improving the

1 efficiency of the Oklahoma Highway Patrol Division and the
2 Department of Public Safety.

3 H. 1. Any former commissioned officer of the Department whose
4 separation from the Department was at such officer's own request and
5 not a result of such officer's own actions contrary to the policy of
6 the Department or was not as a result of the retirement of that
7 officer from the Department may make application for reinstatement
8 as a commissioned officer of the division or section of the
9 Department in which such officer was previously employed, provided
10 such reinstated officer will be able to complete twenty (20) years
11 of credited service by the time the reinstated officer reaches
12 sixty-two (62) years of age. The Commissioner may waive the
13 requirements of possessing the number of semester hours or degree as
14 required in subsection B of this section for any former commissioned
15 officer making application for reinstatement as a commissioned
16 officer of the Department. The Commissioner may require the
17 applicant for reinstatement to attend selected courses of
18 instruction, as prescribed by the Commissioner.

19 2. In the event of future hostilities wherein the Congress of
20 the United States declares this nation in a state of war with a
21 foreign nation, including military service brought about by the
22 Vietnam War, any period of military service served by a commissioned
23 officer of the Department shall be considered as continued service

1 with such Department, provided such commissioned officer returns to
2 duty with the Department within sixty (60) days after release from
3 military service.

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-105.4, as
5 amended by Section 1, Chapter 161, O.S.L. 2004 (47 O.S. Supp. 2005,
6 Section 2-105.4), is amended to read as follows:

7 Section 2-105.4 A. 1. a. ~~Effective January 1, 2005, the~~
8 ~~annual salaries for the Commissioner of Public Safety, the Assistant~~
9 ~~Commissioner of Public Safety and the commissioned officers within~~
10 ~~the Highway Patrol Division shall be in accordance and conformity~~
11 ~~with the following salary schedule, exclusive of longevity pay, as~~
12 ~~authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes,~~
13 ~~expense allowance, as authorized by Section 2-130 of this title,~~
14 ~~irregular shift pay, as authorized by Section 2-130.1 of this title:~~

15	Commissioner of Public Safety	\$88,400.00
16	Assistant Commissioner of Public Safety	\$82,614.00
17	Highway Patrol Colonel	\$82,614.00
18	Highway Patrol Lieutenant Colonel	\$74,127.00
19	Highway Patrol Major	\$67,118.00
20	Highway Patrol Captain	\$61,326.00
21	Highway Patrol First Lieutenant	\$56,543.00
22	Highway Patrol Supervisor	\$52,606.00
23	Highway Patrolman	

1	Step 1	\$36,711.00
2	Step 2	\$38,377.00
3	Step 3	\$40,123.00
4	Step 4	\$41,953.00
5	Step 5	\$43,871.00
6	Step 6	\$45,881.00
7	Step 7	\$49,387.00
8	Probationary Highway Patrolman	\$33,000.00
9	Cadet Highway Patrolman	\$30,000.00

10 ~~b. On January 1, 2005, each Patrolman shall be assigned~~
11 ~~and the salary of such Patrolman shall be adjusted to~~
12 ~~the salary schedule provided for in subparagraph a of~~
13 ~~this paragraph. Such initial adjustment of salaries~~
14 ~~shall be to the step whose number corresponds to the~~
15 ~~number of completed years of service the Patrolman has~~
16 ~~accumulated in the Highway Patrol Division, including~~
17 ~~service in the former Lake Patrol Division and the~~
18 ~~former Capitol Patrol Division of the Department of~~
19 ~~Public Safety. Provided, however, no such Patrolman~~
20 ~~shall receive less than the salary the Patrolman was~~
21 ~~receiving on December 31, 2004. If the number of~~
22 ~~completed years of service of such Patrolman exceeds~~
23 ~~seven (7) years on January 1, 2005, the Patrolman~~

1 ~~shall be assigned to and the Patrolman's salary~~
2 ~~adjusted to Step 7 of the salary schedule.~~

3 e. ~~Beginning January 2, 2005, through June 30, 2005,~~
4 ~~inclusive, each Highway Patrolman shall receive upon~~
5 ~~the anniversary date of the Patrolman an annual salary~~
6 ~~increase to the step of the salary schedule provided~~
7 ~~for in subparagraph a of this paragraph which step~~
8 ~~number corresponds to the number of completed years of~~
9 ~~service the Patrolman has accumulated in the Highway~~
10 ~~Patrol Division, including service in the former Lake~~
11 ~~Patrol Division and the former Capitol Patrol~~
12 ~~Division, of the Department of Public Safety if the~~
13 ~~Patrolman, within the preceding twelve month period:~~

14 ~~(1) has achieved a satisfactory Performance Rating~~
15 ~~Score,~~

16 ~~(2) has not received any disciplinary action which~~
17 ~~has resulted in any suspension from the~~
18 ~~Department for a period of ten (10) or more days,~~
19 ~~and~~

20 ~~(3) has not received any disciplinary action which~~
21 ~~has resulted in demotion.~~

22 ~~Provided, if the number of completed years of service on the~~
23 ~~anniversary date of the Patrolman is or exceeds seven (7) years,~~

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

3 2. a. ~~Effective July 1, 2005, the~~ The annual salaries for
4 the Commissioner of Public Safety, the Assistant
5 Commissioner of Public Safety and the commissioned
6 officers within the Highway Patrol Division shall be
7 in accordance and conformity with the following salary
8 schedule, exclusive of longevity pay, as authorized by
9 Section 840-2.18 of Title 74 of the Oklahoma Statutes,
10 expense allowance, as authorized by Section 2-130 of
11 this title, and irregular shift pay, as authorized by
12 Section 2-130.1 of this title:

13	Commissioner of Public Safety	\$89,100.00
14	Assistant Commissioner of Public Safety	\$83,314.00
15	Highway Patrol Colonel <u>(Chief)</u>	\$83,314.00
16	Highway Patrol Lieutenant Colonel	
17	<u>(Assistant Chief)</u>	\$74,827.00
18	Highway Patrol Major <u>Lieutenant Colonel</u>	
19	<u>(Deputy Chief)</u>	\$67,818.00
20	Highway Patrol Captain <u>Major</u>	\$62,026.00
21	Highway Patrol First Lieutenant <u>Captain</u>	\$57,243.00
22	Highway Patrol Supervisor <u>Lieutenant</u>	\$53,306.00
23	Highway Patrolman <u>(Trooper)</u>	

1	Step 1	\$36,711.00
2	Step 2	\$38,377.00
3	Step 3	\$40,123.00
4	Step 4	\$41,953.00
5	Step 5	\$43,871.00
6	Step 6	\$45,881.00
7	Step 7	\$50,087.00
8	Probationary Highway Patrolman	\$33,000.00
9	Cadet Highway Patrolman	\$30,000.00

10 b. ~~On July 1, 2005, each Patrolman shall be assigned and~~
11 ~~the salary of such Patrolman shall be adjusted to the~~
12 ~~salary schedule provided for in subparagraph a of this~~
13 ~~paragraph. Such initial adjustment of salaries shall~~
14 ~~be to the step whose number corresponds to the number~~
15 ~~of completed years of service the Patrolman has~~
16 ~~accumulated in the Highway Patrol Division, including~~
17 ~~service in the former Lake Patrol Division and the~~
18 ~~former Capitol Patrol Division of the Department of~~
19 ~~Public Safety. Provided, however, no such Patrolman~~
20 ~~shall receive less than the salary the Patrolman was~~
21 ~~receiving on June 30, 2005. If the number of~~
22 ~~completed years of service of such Patrolman exceeds~~
23 ~~seven (7) years on July 1, 2005, the Patrolman shall~~

1 ~~be assigned to and the Patrolman's salary adjusted to~~
2 ~~Step 7 of the salary schedule.~~

3 e. ~~After July 1, 2005, each~~ Each Highway Patrolman shall
4 receive upon the anniversary date of the Patrolman an
5 annual salary increase to the step of the salary
6 schedule provided for in subparagraph ~~b~~ a of this
7 paragraph which step number corresponds to the number
8 of completed years of service the Patrolman has
9 accumulated in the Highway Patrol Division, including
10 service in the former Lake Patrol Division and the
11 former Capitol Patrol Division of the Department of
12 Public Safety if the Patrolman, within the preceding
13 twelve-month period:

14 (1) has achieved a satisfactory Performance Rating
15 Score,

16 (2) has not received any disciplinary action which
17 has resulted in any suspension from the
18 Department for a period of ten (10) or more days,
19 and

20 (3) has not received any disciplinary action which
21 has resulted in demotion.

22 Provided, if the number of completed years of service on the
23 anniversary date of the Patrolman is or exceeds seven (7) years,

1 said Patrolman shall be assigned to, and the salary of the Patrolman
2 adjusted to, Step 7 of said salary schedule.

3 ~~3.~~ 2. Except as provided in ~~paragraphs~~ paragraph 1 and 2 of
4 this subsection, in any twelve-month period no Highway Patrolman
5 shall receive:

- 6 a. a salary increase which exceeds an increase to the
7 next higher step of the salary schedule provided for
8 in ~~paragraphs~~ paragraph 1 and 2 of this subsection, or
9 b. more than one such salary increase to the step of the
10 salary schedule provided for in ~~paragraphs~~ paragraph 1
11 ~~and 2~~ of this subsection, unless salary increases are
12 authorized by the Legislature.

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

16 ~~4.~~ 3. The steps prescribed for the position of Highway
17 Patrolman in the salary schedule provided for in ~~paragraphs~~
18 paragraph 1 and 2 of this subsection are for salary and compensation
19 purposes only. No Highway Patrolman shall be reassigned to another
20 such step of said salary schedule for the purposes of demotion,
21 discipline, promotion, incentive, reward or for any other reason
22 other than the salary increases provided for in ~~paragraphs~~ paragraph
23 ~~1 and 2~~ of this subsection.

1 ~~5.~~ 4. Upon graduation from the Highway Patrol Academy, each
2 Cadet Highway Patrolman shall be promoted to and shall receive the
3 salary for the position of Probationary Highway Patrolman. Upon
4 completion of the one-year probationary period, as required in
5 subsection C of Section 2-105 of this title, each Probationary
6 Highway Patrolman shall be promoted to and shall receive the salary
7 for Step 1 of the position of Highway Patrolman, as provided for in
8 paragraph 1 ~~or~~ 2 of this subsection, as applicable. Thereafter, the
9 salary of such Patrolman shall be subject to the provisions of this
10 subsection.

11 B. The provisions of this section shall supersede all existing
12 laws covering the salaries for the Commissioner of Public Safety,
13 the Assistant Commissioner of Public Safety and the commissioned
14 officers in the Highway Patrol Division of the Department of Public
15 Safety.

16 SECTION 3. AMENDATORY 47 O.S. 2001, Section 2-105.6, as
17 last amended by Section 44, Chapter 1, O.S.L. 2005 (47 O.S. Supp.
18 2005, Section 2-105.6), is amended to read as follows:

19 Section 2-105.6 A. There is hereby created within the Oklahoma
20 Highway Patrol Division of the Department of Public Safety a Lake
21 Patrol Section which shall consist of such employees as may be
22 necessary to enforce the provisions of Section 4001 et seq., Section
23 4101 et seq., and Section 4200 et seq. of Title 63 of the Oklahoma

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

11 B. Any officer of the Lake Patrol Section of the Oklahoma
12 Highway Patrol Division of the Department of Public Safety may
13 request reclassification to the equivalent lateral position, rank
14 and salary within the Oklahoma Highway Patrol Division and shall be
15 reclassified to such position if the officer:

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

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

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

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

7 D. 1. a. ~~Effective January 1, 2005, the annual salaries for the~~
8 ~~commissioned officers within the Lake Patrol Section~~
9 ~~of the Oklahoma Highway Patrol Division of the~~
10 ~~Department of Public Safety shall be in accordance and~~
11 ~~conformity with the following salary schedule,~~
12 ~~exclusive of longevity pay, as authorized by Section~~
13 ~~840-2.18 of Title 74 of the Oklahoma Statutes, expense~~
14 ~~allowance, as authorized by Section 2-130 of this~~
15 ~~title, and irregular shift pay, as authorized by~~
16 ~~Section 2-130.1 of this title:~~

17	Patrol First Lieutenant	\$56,543.00
18	Patrol Supervisor	\$52,606.00
19	Patrolman	
20	Step 6	\$45,881.00
21	Step 7	\$49,387.00

22 b. ~~On January 1, 2005, each Patrolman shall be assigned~~
23 ~~and the salary of such Patrolman shall be adjusted to~~

1 ~~the salary schedule provided for in subparagraph a of~~
2 ~~this paragraph. Such initial adjustment of salaries~~
3 ~~shall be to the step whose number corresponds to the~~
4 ~~number of completed years of service the Patrolman has~~
5 ~~accumulated in the Highway Patrol Division, including~~
6 ~~service in the former Lake Patrol Division of the~~
7 ~~Department of Public Safety. Provided, however, no~~
8 ~~such Patrolman shall receive less than the salary the~~
9 ~~Patrolman was receiving on December 31, 2004. If the~~
10 ~~number of completed years of service of such Patrolman~~
11 ~~exceeds seven (7) years on January 1, 2005, the~~
12 ~~Patrolman shall be assigned to and the Patrolman's~~
13 ~~salary adjusted to Step 7 of the salary schedule.~~
14 e. ~~Beginning January 2, 2005, through June 30, 2005,~~
15 ~~inclusive, each Patrolman shall receive upon the~~
16 ~~anniversary date of the Patrolman an annual salary~~
17 ~~increase to the next higher step of the salary~~
18 ~~schedule provided for in subparagraph a of this~~
19 ~~paragraph if such Patrolman, within the preceding~~
20 ~~twelve-month period:~~
21 ~~(1) has achieved a satisfactory Performance Rating~~
22 ~~Score,~~

1 ~~(2) has not received any disciplinary action which~~
2 ~~has resulted in any suspension from the~~
3 ~~Department for a period of ten (10) or more days,~~
4 ~~and~~
5 ~~(3) has not received any disciplinary action which~~
6 ~~has resulted in demotion.~~

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

11 2. a. ~~Effective July 1, 2005, the~~ The annual salaries for
12 the commissioned officers within the Lake Patrol
13 Section of the Oklahoma Highway Patrol Division of the
14 Department of Public Safety shall be in accordance and
15 conformity with the following salary schedule,
16 exclusive of longevity pay, as authorized by Section
17 840-2.18 of Title 74 of the Oklahoma Statutes, expense
18 allowance, as authorized by Section 2-130 of this
19 title, and irregular shift pay, as authorized by
20 Section 2-130.1 of this title:

21 Patrol First Lieutenant <u>Captain</u>	\$57,243.00
22 Patrol Supervisor <u>Lieutenant</u>	\$53,306.00
23 Patrolman	

- 1 (1) has achieved a satisfactory Performance Rating
2 Score,
3 (2) has not received any disciplinary action which
4 has resulted in any suspension from the
5 Department for a period of ten (10) or more days,
6 and
7 (3) has not received any disciplinary action which
8 has resulted in demotion.

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

13 ~~3.~~ 2. Except as provided in ~~paragraphs~~ paragraph 1 and 2 of
14 this subsection, in any twelve-month period no Patrolman shall
15 receive:

- 16 a. a salary increase which exceeds an increase to the
17 next higher step of the salary schedule provided for
18 in ~~paragraphs~~ paragraph 1 and 2 of this subsection, or
19 b. more than one such salary increase to the step of the
20 salary schedule provided for in ~~paragraphs~~ paragraph 1
21 ~~and 2~~ of this subsection, unless salary increases are
22 authorized by the Legislature.

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

4 ~~4.~~ 3. The steps prescribed for the position of Patrolman in the
5 salary schedule provided for in ~~paragraphs~~ paragraph 1 ~~and 2~~ of this
6 subsection are for salary and compensation purposes only. No
7 Patrolman shall be reassigned to another such step of said salary
8 schedule for the purposes of demotion, discipline, promotion,
9 incentive, reward or for any other reason other than the salary
10 increases provided for in ~~paragraphs~~ paragraph 1 ~~and 2~~ of this
11 subsection.

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

16 SECTION 4. AMENDATORY 47 O.S. 2001, Section 2-105.7, as
17 last amended by Section 1, Chapter 354, O.S.L. 2004 (47 O.S. Supp.
18 2005, Section 2-105.7), is amended to read as follows:

19 Section 2-105.7 A. There is hereby created within the Oklahoma
20 Highway Patrol Division of the Department of Public Safety a Capitol
21 Patrol Section which shall consist of such employees as may be
22 necessary to provide law enforcement services to all state buildings
23 and properties, including grounds appurtenant thereto, within

1 Oklahoma County and Tulsa County. All commissioned officers of the
2 Capitol Patrol Section as designated by the Commissioner shall have
3 the authority to enforce all parking, traffic, and criminal laws
4 within Oklahoma County and Tulsa County, and shall have the
5 authority to perform other law enforcement duties within the state
6 as prescribed by the Commissioner of Public Safety.

7 B. A Patrolman shall not be promoted to the position of Capitol
8 Patrol Sergeant.

9 C. Any officer of the Capitol Patrol Section of the Oklahoma
10 Highway Patrol Division may request reclassification to the
11 equivalent lateral position, rank, and salary within the Oklahoma
12 Highway Patrol Division and shall be reclassified to the position if
13 the officer:

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

17 2. Satisfactorily completes a course of training as prescribed
18 by the Commissioner. Provided, the course of training shall be
19 comparable to the course of training conducted pursuant to paragraph
20 2 of subsection B of Section 2-105.6 of this title and shall be
21 conducted and completed within six (6) months of the effective date
22 of this act; and

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

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

6 D. All commissioned officers of the Capitol Patrol Section of
7 the Oklahoma Highway Patrol Division of the Department of Public
8 Safety shall have, in addition to their primary duty as prescribed
9 in subsection A of this section, a secondary duty to enforce all
10 state statutes, to make arrests for violations and to perform other
11 duties as prescribed by the Commissioner of Public Safety in
12 accordance with Section 2-117 of this title.

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

17 F. 1. a. ~~Effective January 1, 2005, the annual salaries for the~~
18 ~~commissioned officers within the Capitol Patrol~~
19 ~~Section of the Oklahoma Highway Patrol Division of the~~
20 ~~Department of Public Safety shall be in accordance and~~
21 ~~conformity with the following salary schedule,~~
22 ~~exclusive of longevity pay, as authorized by Section~~
23 ~~840-2.18 of Title 74 of the Oklahoma Statutes, expense~~

1 ~~allowance, as authorized by Section 2-130 of this~~
2 ~~title, and irregular shift pay, as authorized by~~
3 ~~Section 2-130.1 of this title:~~

4	Patrol First Lieutenant	\$56,543.00
5	Patrol Supervisor	\$52,606.00
6	Capitol Patrol Sergeant	\$50,946.00
7	Patrolman	
8	 Step 4	\$41,953.00
9	 Step 5	\$43,871.00
10	 Step 6	\$45,881.00
11	 Step 7	\$49,387.00

12 ~~b. On January 1, 2005, each Patrolman shall be assigned~~
13 ~~and the salary of such Patrolman shall be adjusted to~~
14 ~~the salary schedule provided for in subparagraph a of~~
15 ~~this paragraph. Such initial adjustment of salaries~~
16 ~~shall be to the step whose number corresponds to the~~
17 ~~number of completed years of service the Patrolman has~~
18 ~~in the Highway Patrol Division, including service in~~
19 ~~the former Capitol Patrol Division of the Department~~
20 ~~of Public Safety. Provided, however, no such~~
21 ~~Patrolman shall receive less than the salary the~~
22 ~~Patrolman was receiving on December 31, 2004. If the~~
23 ~~number of completed years of service of such Patrolman~~

1 ~~exceeds seven (7) years on January 1, 2005, the~~
2 ~~Patrolman shall be assigned to and the Patrolman's~~
3 ~~salary adjusted to Step 7 of the salary schedule.~~

4 e. ~~Beginning January 2, 2005, through June 30, 2005,~~
5 ~~inclusive, each Patrolman shall receive upon the~~
6 ~~anniversary date of the Patrolman an annual salary~~
7 ~~increase to the next higher step of the salary~~
8 ~~schedule provided for in subparagraph a of this~~
9 ~~paragraph if such Patrolman, within the preceding~~
10 ~~twelve-month period:~~

11 ~~(1) has achieved a satisfactory Performance Rating~~
12 ~~Score,~~

13 ~~(2) has not received any disciplinary action which~~
14 ~~has resulted in any suspension from the~~
15 ~~Department for a period of ten (10) or more days,~~
16 ~~and~~

17 ~~(3) has not received any disciplinary action which~~
18 ~~has resulted in demotion.~~

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

1 ~~of completed years of service the Patrolman has~~
2 ~~accumulated in the Highway Patrol Division, including~~
3 ~~service in the former Capitol Patrol Division of the~~
4 ~~Department of Public Safety. Provided, however, no~~
5 ~~such Patrolman shall receive less than the salary the~~
6 ~~Patrolman was receiving on June 30, 2005. If the~~
7 ~~number of completed years of service of such Patrolman~~
8 ~~exceeds seven (7) years on July 1, 2005, the Patrolman~~
9 ~~shall be assigned to and the Patrolman's salary~~
10 ~~adjusted to Step 7 of the salary schedule.~~

11 e. ~~After July 1, 2005, each~~ Each Patrolman shall receive
12 upon the anniversary date of the Patrolman an annual
13 salary increase to the next higher step of the salary
14 schedule provided for in subparagraph a of this
15 paragraph if the Patrolman, within the preceding
16 twelve-month period:

17 (1) has achieved a satisfactory Performance Rating
18 Score,

19 (2) has not received any disciplinary action which
20 has resulted in any suspension from the
21 Department for a period of ten (10) or more days,
22 and

1 (3) has not received any disciplinary action which
2 has resulted in demotion.

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

7 ~~3.~~ 2. Except as provided in ~~paragraphs~~ paragraph 1 and 2 of
8 this subsection, in any twelve-month period no Patrolman shall
9 receive:

- 10 a. a salary increase which exceeds an increase to the
11 next higher step of the salary schedule provided for
12 in ~~paragraphs~~ paragraph 1 and 2 of this subsection, or
13 b. more than one such salary increase to the step of the
14 salary schedule provided for in ~~paragraphs~~ paragraph 1
15 ~~and 2~~ of this subsection, unless salary increases are
16 authorized by the Legislature.

17 Provided, however, such Patrolman shall receive the salary increase
18 which results from a promotion to another position within the
19 Capitol Patrol Section.

20 ~~4.~~ 3. The steps prescribed for the position of Patrolman in the
21 salary schedule provided for in ~~paragraphs~~ paragraph 1 and 2 of this
22 subsection are for salary and compensation purposes only. No
23 Patrolman shall be reassigned to another such step of said salary

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

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

9 SECTION 5. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect
12 and be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO
14 PASS, As Amended.