

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2809

By: Trebilcock

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 2-105.4, as amended by Section 1, Chapter 161, O.S.L. 2004, 2-105.6, as last amended by Section 44, Chapter 1, O.S.L. 2005 and 2-105.7, as last amended by Section 1, Chapter 354, O.S.L. 2004 (47 O.S. Supp. 2005, Sections 2-105.4, 2-105.6 and 2-105.7), which relate to salaries of the Highway Patrolman, Lake Patrol and Capitol Patrol; modifying salary schedules; and providing for an emergency.

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

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

Section 2-105.4

A. 1. a. ~~Effective January 1, 2005, 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	\$88,400.00
Assistant Commissioner of Public Safety	\$82,614.00
Highway Patrol Colonel	\$82,614.00
Highway Patrol Lieutenant Colonel	\$74,127.00

Highway Patrol Major	\$67,118.00
Highway Patrol Captain	\$61,326.00
Highway Patrol First Lieutenant	\$56,543.00
Highway Patrol Supervisor	\$52,606.00
Highway Patrolman	
Step 1	\$36,711.00
Step 2	\$38,377.00
Step 3	\$40,123.00
Step 4	\$41,953.00
Step 5	\$43,871.00
Step 6	\$45,881.00
Step 7	\$49,387.00
Probationary Highway Patrolman	\$33,000.00
Cadet Highway Patrolman	\$30,000.00

- b. ~~On January 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose 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. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on December 31, 2004. If the number of completed years of service of such Patrolman exceeds seven (7) years on January 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.~~
- e. ~~Beginning January 2, 2005, through June 30, 2005, inclusive, 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 subparagraph a of this paragraph 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:~~

- ~~(1) has achieved a satisfactory Performance Rating Score,~~
- ~~(2) 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~~
- ~~(3) 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 seven (7) years, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of said salary schedule.~~

2. a. Effective July 1, 2005 2006, 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	\$89,100.00
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Assistant Commissioner of Public Safety	\$83,314.00
Highway Patrol Colonel	\$83,314.00
Highway Patrol Lieutenant Colonel	\$74,827.00
Highway Patrol Major	\$67,818.00
Highway Patrol Captain	\$62,026.00
Highway Patrol First Lieutenant	\$57,243.00
Highway Patrol Supervisor	\$53,306.00
Highway Patrolman	
Step 1	\$36,711.00
	<u>\$37,911.00</u>
Step 2	\$38,377.00
	<u>\$39,577.00</u>
Step 3	\$40,123.00
	<u>\$41,323.00</u>
Step 4	\$41,953.00
	<u>\$43,153.00</u>
Step 5	\$43,871.00
	<u>\$45,071.00</u>
Step 6	\$45,881.00
	<u>\$47,081.00</u>
Step 7	\$50,087.00
	<u>\$51,287.00</u>
Probationary Highway Patrolman	\$33,000.00
Cadet Highway Patrolman	\$30,000.00

b. ~~On July 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose 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. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on June 30, 2005. If the number of completed years of service of such Patrolman exceeds seven (7) years on July 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.~~

~~e.~~ After July 1, 2005, each 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 subparagraph b of this paragraph 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:

- (1) has achieved a satisfactory Performance Rating Score,
- (2) 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
- (3) 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 seven (7) years, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of said salary schedule.

~~3.~~ 2. Except as provided in ~~paragraphs~~ paragraph 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 ~~paragraphs~~ paragraph 1 and 2 of this subsection, or
- b. more than one such salary increase to the step of the salary schedule provided for in ~~paragraphs~~ paragraph 1 and 2 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.~~ 3. The steps prescribed for the position of Highway Patrolman in the salary schedule provided for in ~~paragraphs~~ paragraph 1 and 2 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~~ paragraph 1 and 2 of this subsection.

~~5.~~ 4. 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 ~~or 2~~ of this subsection, as applicable. 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, as last amended by Section 44, Chapter 1, O.S.L. 2005 (47 O.S. Supp. 2005, 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., Section 4101 et seq., and Section 4200 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. a. ~~Effective January 1, 2005, 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	\$56,543.00
Patrol Supervisor	\$52,606.00
Patrolman	
Step 6	\$45,881.00
Step 7	\$49,387.00

b. ~~On January 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose 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 of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on December 31, 2004. If the number of completed years of service of such Patrolman exceeds seven (7) years on January 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.~~

~~e. Beginning January 2, 2005, through June 30, 2005, inclusive, 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 subparagraph a of this paragraph if such Patrolman, within the preceding twelve-month period:~~

- ~~(1) has achieved a satisfactory Performance Rating Score,~~
- ~~(2) 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~~
- ~~(3) 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 seven (7) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of the salary schedule.~~

2. a. ~~Effective July 1, 2005, the~~ 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	\$57,243.00
Patrol Supervisor	\$53,306.00
Patrolman	
Step 6	\$45,881.00
	<u>\$47,081.00</u>
Step 7	\$50,087.00
	<u>\$51,287.00</u>

- b. ~~On July 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose 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 of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on June 30, 2005. If the number of completed years of service of such Patrolman exceeds seven (7) years on July 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.~~
- e. ~~After July 1, 2005, each~~ Each Highway 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 subparagraph a of this

paragraph if the Patrolman, within the preceding twelve-month period:

- (1) has achieved a satisfactory Performance Rating Score,
- (2) 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
- (3) 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 seven (7) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of the salary schedule.

~~3.~~ 2. Except as provided in ~~paragraphs~~ paragraph 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 ~~paragraphs~~ paragraph 1 ~~and 2~~ of this subsection, or
- b. more than one such salary increase to the step of the salary schedule provided for in ~~paragraphs~~ paragraph 1 ~~and 2~~ 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.~~ 3. The steps prescribed for the position of Patrolman in the salary schedule provided for in ~~paragraphs~~ paragraph 1 ~~and 2~~ 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~~ paragraph 1 and 2 of this subsection.

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

Section 2-105.7 A. 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.

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

C. Any officer of 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 course of training as prescribed by the Commissioner. Provided, the course of training shall be comparable to the course of training conducted pursuant to paragraph 2 of subsection B of Section 2-105.6 of this title and shall be conducted and completed within six (6) months of the effective date of this act; and

3. Serves a twelve-month probationary period which shall commence upon entering the course of training 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.

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 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.

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.

F. 1. a. ~~Effective January 1, 2005, 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, 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	\$56,543.00
Patrol Supervisor	\$52,606.00
Capitol Patrol Sergeant	\$50,946.00
Patrolman	
Step 4	\$41,953.00
Step 5	\$43,871.00
Step 6	\$45,881.00
Step 7	\$49,387.00

- ~~b. On January 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such 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 Highway Patrol Division, including service in the former 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, 2004. If the number of completed years of service of such Patrolman exceeds seven (7) years on January 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.~~
- ~~c. Beginning January 2, 2005, through June 30, 2005, inclusive, 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 subparagraph a of this paragraph if such Patrolman, within the preceding twelve-month period:~~
- ~~(1) has achieved a satisfactory Performance Rating Score,~~

~~(2) 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~~

~~(3) 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 seven (7) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of the salary schedule.~~

~~2. a. Effective July 1, 2005, the~~ 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, 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	\$57,243.00
Patrol Supervisor	\$53,306.00
Capitol Patrol Sergeant	\$51,646.00
Patrolman	
Step 4	\$41,953.00
	<u>\$43,153.00</u>
Step 5	\$43,871.00
	<u>\$45,071.00</u>
Step 6	\$45,881.00
	<u>\$47,081.00</u>
Step 7	\$50,087.00
	<u>\$51,287.00</u>

- b. ~~On July 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service the Patrolman has accumulated in the Highway Patrol Division, including service in the former 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 June 30, 2005. If the number of completed years of service of such Patrolman exceeds seven (7) years on July 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.~~
- e. ~~After July 1, 2005, 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 subparagraph a of this paragraph if the Patrolman, within the preceding twelve-month period:
- (1) has achieved a satisfactory Performance Rating Score,
 - (2) 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
 - (3) 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 seven (7) years, the Patrolman shall

be assigned to, and the salary of the Patrolman adjusted to, Step 7 of the salary schedule.

~~3.~~ 2. Except as provided in ~~paragraphs~~ paragraph 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 ~~paragraphs~~ paragraph 1 and 2 of this subsection, or
- b. more than one such salary increase to the step of the salary schedule provided for in ~~paragraphs~~ paragraph 1 and 2 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.

~~4.~~ 3. The steps prescribed for the position of Patrolman in the salary schedule provided for in ~~paragraphs~~ paragraph 1 and 2 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~~ paragraph 1 and 2 of this subsection.

G. 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 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.

50-2-8748 GRS 01/19/06