

STATE OF OKLAHOMA

2nd Extraordinary Session of the 50th Legislature (2006)

SENATE BILL 108x

By: Corn

AS INTRODUCED

An Act relating to public safety; amending 47 O.S. 2001, Sections 2-105, 2-105.4, 2-105.6 and 2-105.7, as last amended by Sections 1, 2, 3 and 4 of Enrolled House Bill No. 2664 of the 2nd Session of the 50th Oklahoma Legislature, 2-105.8, as amended by Section 4, Chapter 161, O.S.L. 2004 and 2-106, as amended by Section 6, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005, Sections 2-105.8 and 2-106), which relate to the Department of Public Safety; modifying authority of Commissioner of Public Safety to make certain appointments; modifying qualifications for certain positions; modifying statutory references to certain positions; modifying and establishing salaries of certain employees of the Department; providing for certain salary adjustments; modifying circumstances under which certain positions may be reclassified; amending 63 O.S. 2001, Section 2-103, as amended by Section 13, Chapter 199, O.S.L. 2003 (63 O.S. Supp. 2005, Section 2-103), which relates to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; specifying salaries for certain positions; amending 47 O.S. 2001, Section 2-300, as last amended by Section 1, Chapter 142, O.S.L. 2005 (47 O.S. Supp. 2005, Section 2-300), which relates to the Oklahoma Law Enforcement Retirement System; modifying definitions; amending 63 O.S. 2001, Section 935, which relates to responsibilities of the Chief Medical Examiner; establishing salaries of certain employees of the Examiner; amending 74 O.S. 2001, Section 150.6a, as amended by Section 1, Chapter 346, O.S.L. 2004 (74 O.S. Supp. 2005, Section 150.6a), which relates to salaries of certain employees within the Oklahoma State Bureau of Investigation; modifying salaries of certain employees; amending 74 O.S. 2001, Section 840-5.5, as last amended by Section 1 of Enrolled Senate Bill No. 1357 of the 2nd Session of the 50th Oklahoma Legislature, which relates to unclassified positions; making certain position classified; providing for codification; and providing an effective date.

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 1 of Enrolled House Bill No. 2664 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

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

1. A Chief ~~of the Oklahoma Highway Patrol Division~~ with the rank of Colonel, 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 Majors, Captains, Lieutenants, and Highway Patrolmen with the rank of Trooper, Probationary Highway Patrolmen, and Cadet Highway Patrolmen, who shall comprise the Oklahoma Highway Patrol Division of the Department of Public Safety; provided, any officer appointed to a commissioned position prescribed in this paragraph which is unclassified pursuant to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a right of return to the highest previously held classified commissioned position within the Highway Patrol Division of the Department of Public Safety without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

2. A Captain, Lieutenants, and Patrolmen who shall comprise the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety;

3. A Captain, Lieutenants, 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~~ Captain, Communications Superintendents with the rank of ~~Second~~ Lieutenant, Communications Supervisors with the rank of Sergeant, Communications Dispatchers, ~~Radio Technicians and Tower Maintenance Officers~~ and Probationary Communications Dispatchers, who shall comprise the Communications Section of the Oklahoma Highway Patrol 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~~ the position ~~set out in subsection A of this section~~ of Cadet Highway Patrolman unless the person ~~is~~:

a. is a citizen of the United States of America,

b. is of good moral character, ~~and~~:

~~a. for commissioned officer positions, shall be~~

c. is at least twenty-one (21) years of age but less than forty-three (43) years of age, and ~~shall possess~~:

d. possesses:

(1) 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

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

(a) 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
(b) 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:

- i. at least two (2) years' experience as a law enforcement officer certified by the Council on Law Enforcement Education and Training (C.L.E.E.T.) or by the equivalent state agency in another state or by any law enforcement agency of the federal government, or
- ii. at least two (2) years of honorable military service in an active or reserve component of the United States Armed Forces.

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

~~b. for any such~~

3. No person shall be appointed to the position in the Communications Division, a person shall be of Probationary Communications Dispatcher unless the person:

- a. is a citizen of the United States of America,
- b. is of good moral character,

c. is at least twenty (20) years of age ~~and shall~~
~~possess,~~

d. possesses either:

- (1) a high school diploma or General Educational Development equivalency certificate, ~~shall~~
~~possess either~~ and six (6) months of previous experience as a law enforcement dispatcher, or
- (2) 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.~~ 4. 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.~~ 5. 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~~ Provided, a commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall not 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.~~ 6. Drunkenness or being under the influence of intoxicating substances 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 Cadet Highway Patrolman or Probationary 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 intra-agency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act 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 Highway Patrol Division 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 2-150 of this title.

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

F. 1. The positions ~~with the rank of Colonel and Lieutenant Colonel~~ of Chief, Deputy Chief, Major, Captain, and Lieutenant 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, years of experience within the Oklahoma Highway Patrol Division or other service as prescribed in this subsection, and efficiency of service performed.

2. In addition to the requirements of paragraph 1 of this subsection, the position of Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

- a. one (1) year of experience in any combination:
 - (1) as Commissioner of Public Safety,
 - (2) as Assistant Commissioner of Public Safety, or
 - (3) as Assistant Chief,
- b. two (2) years of experience in any combination:
 - (1) as Deputy Chief or higher rank, or
 - (2) if the experience was prior to ~~the effective date of this act~~ April 21, 2006, as Major or higher rank,
- c. four (4) years of experience in any combination:
 - (1) as Major or higher rank, or
 - (2) if the experience was prior to ~~the effective date of this act~~ April 21, 2006, as Captain or higher rank, or
- d. six (6) years of experience in any combination:
 - (1) as Captain or higher rank, or
 - (2) if the experience was prior to ~~the effective date of this act~~ April 21, 2006, as First Lieutenant or higher rank.

3. In addition to the requirements of paragraph 1 of this subsection, the position of Deputy Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

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

- (2) as Assistant Commissioner of Public Safety, or
 - (3) as Colonel,
- b. two (2) years of experience in any combination:
- (1) as Major or higher rank, or
 - (2) if the experience was prior to ~~the effective date of this act~~ April 21, 2006, as Captain or higher rank, or
- c. four (4) years of experience in any combination:
- (1) as Captain or higher rank, or
 - (2) if the experience was prior to ~~the effective date of this act~~ April 21, 2006, as Highway Patrol First Lieutenant or higher rank.

G. The Commissioner of Public Safety is hereby authorized to send employees of the Department of Public Safety to schools such as Northwestern University Center for Public Safety, Southern Police Institute, the FBI National Academy, the Institute of Police Technology and Management, or to any other 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. 1. 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 sixty-two (62) 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.

2. 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 with the Department within sixty (60) days after release from military service.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 2-105.4, as last amended by Section 2 of Enrolled House Bill No. 2664 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 2-105.4 A. 1. a. 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
Assistant Commissioner of Public Safety	\$83,314.00
Highway Patrol Colonel (Chief)	\$83,314.00
Highway Patrol Lieutenant Colonel (Assistant Chief)	\$74,827.00
Highway Patrol Lieutenant Colonel (Deputy Chief)	\$67,818.00
Highway Patrol Major	\$62,026.00

Highway Patrol Captain	\$57,243.00
Highway Patrol Lieutenant	\$53,306.00
Highway Patrolman (Trooper)	
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	\$50,087.00
Probationary Highway Patrolman	\$33,000.00
Cadet Highway Patrolman	\$30,000.00

b. 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 January 1, 2007, 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:

<u>Commissioner of Public Safety</u>	<u>\$111,133.00</u>
<u>Assistant Commissioner of Public Safety</u>	<u>\$101,030.00</u>
<u>Highway Patrol Colonel (Chief)</u>	<u>\$101,030.00</u>
<u>Highway Patrol Lieutenant Colonel (Assistant Chief)</u>	<u>\$91,844.00</u>
<u>Highway Patrol Lieutenant Colonel (Deputy Chief)</u>	<u>\$83,495.00</u>
<u>Highway Patrol Major</u>	<u>\$75,904.00</u>
<u>Highway Patrol Captain</u>	<u>\$69,004.00</u>
<u>Highway Patrol Lieutenant</u>	<u>\$62,731.00</u>
<u>Highway Patrolman (Trooper)</u>	
<u>Step 1</u>	<u>\$38,000.00</u>
<u>Step 2</u>	<u>\$40,660.00</u>
<u>Step 3</u>	<u>\$43,506.00</u>
<u>Step 4</u>	<u>\$46,552.00</u>
<u>Step 5</u>	<u>\$49,810.00</u>
<u>Step 6</u>	<u>\$53,298.00</u>
<u>Step 7</u>	<u>\$57,028.00</u>
<u>Probationary Highway Patrolman</u>	<u>\$35,514.00</u>
<u>Cadet Highway Patrolman</u>	<u>\$33,192.00</u>

b. On January 1, 2007, 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 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. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on December 31, 2006. If the number of completed years of service of such Patrolman exceeds seven (7) years on January 1, 2007, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.

c. After January 1, 2007, each Highway Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the step of the salary schedule provided 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, the
Patrolman shall be assigned to, and the salary of the Patrolman
adjusted to, Step 7 of the salary schedule provided in subparagraph
a of this paragraph.

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

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

~~4.~~ 5. 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 3. AMENDATORY 47 O.S. 2001, Section 2-105.6, as last amended by Section 3 of Enrolled House Bill No. 2664 of the 2nd Session of the 50th Oklahoma Legislature, 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. 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 Captain	\$57,243.00
Patrol Lieutenant	\$53,306.00
Patrolman	
Step 6	\$45,881.00

b. 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.

~~2. Except as provided in paragraph 1 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.~~

~~3. 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 1 of this subsection.~~

Effective January 1, 2007, 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 Captain</u>	<u>\$69,004.00</u>
<u>Patrol Lieutenant</u>	<u>\$62,731.00</u>
<u>Patrolman</u>	<u>\$57,028.00</u>

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 4. AMENDATORY 47 O.S. 2001, Section 2-105.7, as last amended by Section 4 of Enrolled House Bill No. 2664 of the 2nd Session of the 50th Oklahoma Legislature, 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. 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 Captain	\$57,243.00
Patrol Lieutenant	\$53,306.00
Capitol Patrol Sergeant	\$51,646.00
Patrolman	
Step 4	\$41,953.00
Step 5	\$43,871.00
Step 6	\$45,881.00
Step 7	\$50,087.00

b. 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.

~~2. Except as provided in paragraph 1 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.~~

~~3. 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 1 of this subsection.~~

Effective January 1, 2007, 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:

<u>Patrol Captain</u>	<u>\$69,004.00</u>
<u>Patrol Lieutenant</u>	<u>\$62,731.00</u>
<u>Capitol Patrol Sergeant</u>	<u>\$57,028.00</u>
<u>Patrolman</u>	<u>\$57,028.00</u>

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 5. AMENDATORY 47 O.S. 2001, Section 2-105.8, as amended by Section 4, Chapter 161, O.S.L. 2004 (47 O.S. Supp. 2005, Section 2-105.8), is amended to read as follows:

Section 2-105.8 A. There is hereby ~~established~~ created within the Oklahoma Highway Patrol Division of the Department of Public Safety, ~~the Communications Division within the Department of Public Safety. This division shall be divided into a Dispatchers Bureau and a Technicians Bureau and such other bureaus as the Commissioner may direct~~ Section.

B. ~~Before the Department of Public Safety may add or change any communication site or dispatch office, the Commissioner of Public Safety shall submit a plan for approval by the Legislature~~ An employee shall not be promoted to the position of Communications Coordinator.

C. 1. a. ~~Effective January 1, 2005, the~~ The annual salaries for the positions ~~of Director, Coordinator, Superintendent, Supervisor and Dispatcher~~ within the Communications ~~Division~~ Section 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:

Communications Director	\$48,615.00
Communications Coordinator	\$44,505.00
	<u>\$45,205.00</u>
Communications Superintendent	\$40,768.00
	<u>\$41,468.00</u>
Communications Supervisor	\$37,371.00
	<u>\$38,071.00</u>
Communications Dispatcher	
Step 1	\$28,631.00
Step 2	\$29,297.00
Step 3	\$29,979.00
Step 4	\$30,678.00
Step 5	\$31,395.00
Step 6	\$32,130.00
Step 7	\$34,283.00
	<u>\$34,983.00</u>
Probationary Communications Dispatcher	\$25,000.00
	<u>\$25,349.00</u>

b. ~~On January 1, 2005, each Communications Dispatcher shall be assigned and the salary of such Dispatcher 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 Dispatcher has accumulated in the Communications Division of the Department of Public Safety. Provided, however, no such Dispatcher shall receive less than the salary the Dispatcher was~~

~~receiving on December 31, 2004. If the number of completed years of service of such Dispatcher exceeds seven (7) years on January 1, 2005, the Dispatcher shall be assigned to and the Dispatcher's salary adjusted to Step 7 of the salary schedule.~~

~~e. Beginning January 2, 2005, through June 30, 2005, inclusive, each~~ Each Communications Dispatcher shall receive upon the anniversary date of such Dispatcher an annual salary increase to the next higher step of the salary schedule provided for in subparagraph a of this paragraph if such Dispatcher, 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 Dispatcher is or exceeds seven (7) years, the Dispatcher shall be assigned to, and the salary of the Dispatcher adjusted to, Step 7 of the salary schedule.

2. a. Effective ~~July 1, 2005~~ January 1, 2007, the annual salaries for the positions of ~~Director, Coordinator, Superintendent, Supervisor and Dispatcher~~ within the Communications ~~Division~~ Section 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:

Communications Director	\$49,315.00
Communications Coordinator	\$45,205.00
	<u>\$57,189.00</u>
Communications Superintendent	\$41,468.00
	<u>\$51,990.00</u>
Communications Supervisor	\$38,071.00
	<u>\$47,264.00</u>
Communications Dispatcher	
Step 1	\$28,631.00
Step 2	\$29,297.00
	<u>\$30,635.00</u>
Step 3	\$29,979.00
	<u>\$32,780.00</u>
Step 4	\$30,678.00
	<u>\$35,074.00</u>
Step 5	\$31,395.00
	<u>\$37,529.00</u>
Step 6	\$32,130.00
	<u>\$40,156.00</u>
Step 7	\$34,983.00
	<u>\$42,967.00</u>
Probationary Communications Dispatcher	\$25,349.00
	<u>\$26,758.00</u>

- b. On ~~July 1, 2005~~ January 1, 2007, each Communications Dispatcher shall be assigned and the salary of such Dispatcher 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 Dispatcher has

accumulated in the Communications ~~Division~~ Section of the Oklahoma Highway Patrol Division of the Department of Public Safety. Provided, however, no such Dispatcher shall receive less than the salary the Dispatcher was receiving on ~~June 30, 2005~~ December 31, 2006. If the number of completed years of service of such Dispatcher exceeds seven (7) years on ~~July 1, 2005~~ January 1, 2007, the Dispatcher shall be assigned to and the Dispatcher's salary adjusted to Step 7 of the salary schedule.

c. After ~~July 1, 2005~~ January 1, 2007, each Communications Dispatcher shall receive upon the anniversary date of the Dispatcher an annual salary increase to the next higher step of the salary schedule provided for in subparagraph a of this paragraph if the Dispatcher, 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 Dispatcher is or exceeds seven (7) years, the Dispatcher shall be assigned to, and the salary of the Dispatcher adjusted to, Step 7 of the salary schedule.

3. Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period no Dispatcher shall receive:

- a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraphs 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 1 and 2 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Dispatcher shall receive the salary increase which results from a promotion to another position within the Communications ~~Division~~ Section.

4. The steps prescribed for the position of Communications Dispatcher in the salary schedule provided for in paragraphs 1 and 2 of this subsection are for salary and compensation purposes only. No Communications Dispatcher shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increases provided for in paragraphs 1 and 2 of this subsection.

5. Upon completion of the one-year probationary period as required in subsection D of Section 840-4.13 of Title 74 of the Oklahoma Statutes, each Probationary Communications Dispatcher shall be promoted to and shall receive the salary for Step 1 of the position of Communications Dispatcher, as provided for in paragraph 1 ~~or 2~~ of this subsection, ~~whichever is applicable~~. Thereafter, the salary of such Dispatcher shall be subject to the provisions of this subsection.

D. The provisions of this section shall supersede all existing laws covering the salaries for the positions in the Communications ~~Division~~ Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 2-106, as amended by Section 6, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005, Section 2-106), is amended to read as follows:

Section 2-106. A. There is hereby established in the Department of Public Safety an administrative unit to be known as the Driver License Administration, which shall be divided into the Driver License Examining Division, the Driver License Services Division, the Driver Improvement Division, the Financial Responsibility Division, and such other divisions as the Commissioner of Public Safety may direct.

B. The Driver License Examining Division shall consist of noncommissioned classified employees of the Department who may administer tests for the purpose of issuing driver licenses pursuant to Chapter 6 of this title.

C. Any employee appointed to the position of Driver License Examiner shall be not less than twenty-one (21) nor more than sixty-five (65) years of age and any person appointed to the position of Senior Driver License Examiner shall have held the position of Driver License Examiner with the Department for not less than three (3) years immediately preceding such appointment.

D. 1. Any person appointed to any position created pursuant to this section shall:

- a. be a citizen of the State of Oklahoma,
- b. be of good moral character,
- c. possess a high school diploma or General Educational Development equivalency certificate, and
- d. meet physical and mental standards as the Commissioner may prescribe. The scope of the physical and mental examinations for persons appointed as a Driver License Examiner or Senior Driver License Examiner shall be as prescribed by the Commissioner.

2. Any person appointed to the position of Driver License Examiner shall be required to complete satisfactorily a course of training as prescribed by the Commissioner.

E. Drunkenness, being under the influence of an intoxicating substance or any conduct not becoming an officer or public employee shall be sufficient grounds for the removal of any employee appointed pursuant to this section.

F. Effective January 1, 2007, the annual salaries of the following employees of the Driver License Examining Division of the Department of Public Safety shall be in accordance with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes:

1. Driver License Examiner \$34,023.00;
2. Senior Driver License Examiner \$40,686.00;
3. Administrative Programs Officer I \$37,202.00;
4. Administrative Programs Officer II \$43,308.00; and
5. Training Specialist \$40,686.00.

Provided, however, no such employee shall receive less than the salary the employee was receiving on December 31, 2006.

SECTION 7. AMENDATORY 63 O.S. 2001, Section 2-103, as amended by Section 13, Chapter 199, O.S.L. 2003 (63 O.S. Supp. 2005, Section 2-103), is amended to read as follows:

Section 2-103. A. The Director shall be appointed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission. The Director of Narcotics and Dangerous Drugs Control on January 1, 1984, shall be initially appointed as Director. The succeeding Director shall, at the time of the appointment, have a Bachelor's Degree from an accredited college or university and at least five (5) years' experience in drug law enforcement. The Director may appoint necessary assistants, agents, and other personnel to perform the work of the office and may prescribe their titles and duties and fix their compensation, other than the

salaries established in subsection A of Section 8 of this act,
pursuant to Merit System rules. The Director may appoint an
employee to the position of Public Information/Education Officer.
Said position shall be unclassified and exempt from the rules and
procedures of the Office of Personnel Management, except leave
regulations. The office of the Director shall be located at a
suitable place in Oklahoma City, Oklahoma.

B. 1. Agents appointed by the Director shall have the powers
of peace officers generally; provided, the Director may appoint
special agents to meet specific investigatory need, who do not meet
the age and educational requirements as specified in this section.

2. Agents appointed on and after November 1, 1998, shall be at
least twenty-one (21) years of age and shall have a Bachelor's
Degree from an accredited college or university.

3. Each entering agent shall be required to serve one (1) year
in a probationary status as a prerequisite to being placed on
permanent status.

C. Agents appointed pursuant to the provisions of this section
shall have the responsibility of investigating alleged violations
and shall have the authority to arrest those suspected of having
violated the provisions of the Uniform Controlled Dangerous
Substances Act.

D. A commissioned employee of the Oklahoma State Bureau of
Narcotics and Dangerous Drugs Control shall be entitled to receive
upon retirement by reason of length of service, the continued
custody and possession of the sidearm and badge carried by such
employee immediately prior to retirement.

E. A commissioned employee of the Bureau may be entitled to
receive, upon retirement by reason of disability, the continued
custody and possession of the sidearm and badge carried by such
employee immediately prior to retirement upon written approval of
the Director.

F. Custody and possession of the sidearm and badge of a commissioned employee killed in the line of duty may be awarded by the Director to the spouse or next of kin of the deceased employee.

G. Custody and possession of the sidearm and badge of a commissioned employee who dies while employed at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may be awarded by the Director to the spouse or next of kin of the deceased employee.

H. Any Director appointed on or after July 1, 2003, shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-103a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Effective January 1, 2007, the annual salaries for positions within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control specified in this section 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:

1. Director: \$96,305.00;

2. Deputy Director:

The salary of the Deputy Director shall be ninety-five percent (95%) of that received by the Director;

3. Division Director:

The salary of the Division Director shall be ninety percent (90%) of that received by the Director;

4. Level I Agent (OBND):

Minimum \$35,287.00, Mid-point \$41,875.00,
Maximum \$50,250.00;

5. Level II Agent (OBNDD):

Minimum \$43,714.00, Mid-point \$49,062.00,
Maximum \$58,875.00;

6. Level III Agent (OBNDD):

Minimum \$50,042.00, Mid-point \$57,812.00,
Maximum \$69,375.00;

7. Level IV Agent (OBNDD):

Minimum \$58,365.00, Mid-point \$63,750.00,
Maximum \$76,500.00; and

8. Level V Agent (OBNDD):

Minimum \$66,140.00; Mid-point \$70,000.00,
Maximum \$84,000.00.

Provided, however, no employee in any such position shall receive less than the salary the employee received on December 31, 2006.

B. Effective January 1, 2007, all positions may receive additional compensation through the use of pay mechanisms provided for in the Oklahoma Personnel Act and the Merit System of Personnel Administration Rules.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 2-300, as last amended by Section 1, Chapter 142, O.S.L. 2005 (47 O.S. Supp. 2005, Section 2-300), is amended to read as follows:

Section 2-300. A. As used in Section 2-300 et seq. of this title:

1. "System" means the Oklahoma Law Enforcement Retirement System;

2. "Act" means Section 2-300 et seq. of this title;

3. "Board" means the Oklahoma Law Enforcement Retirement Board of the System;

4. "Executive Director" means the managing officer of the System employed by the Board;

5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

6. a. "Member" means:

(1) all commissioned law enforcement officers of the Oklahoma Highway Patrol ~~and the State Capitol~~ Division of the Department of Public Safety who have obtained certification from the Council on Law Enforcement Education and Training, and all cadets of a Patrol Academy of the Department of Public Safety,

(2) law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation,

(3) law enforcement officers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ~~and the Oklahoma Alcoholic Beverage Laws Enforcement Commission~~ designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state, ~~and~~

(4) law enforcement officers of the Oklahoma Alcoholic Beverage Laws Enforcement Commission designated to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of this state,

(5) members of the Communications ~~Division to include~~ Section of the Oklahoma Highway Patrol Division of the Department of Public Safety,

(6) radio technicians, and tower technicians ~~and commissioned officers of the Lake Patrol Division of the Oklahoma~~ Department of Public Safety,

(7) park rangers of the Oklahoma Tourism and Recreation Department ~~and inspectors of the Oklahoma State Board of Pharmacy~~, and any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the System, and

(8) inspectors of the Oklahoma State Board of Pharmacy.

b. Effective July 1, 1987, a member does not include a "leased employee" as defined under Section 414(n)(2) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1999, any individual who agrees with the participating employer that the individual's services are to be performed as a leased employee or an independent contractor shall not be a member regardless of any classification as a common-law employee by the Internal Revenue Service or any other governmental agency, or any court of competent jurisdiction, ~~provided that all.~~

c. All persons who shall be offered a position of a commissioned law enforcement officer as an employee of one of the agencies specified in subparagraph a of this paragraph shall participate in the System upon the person meeting the requisite post-offer-pre-employment physical examination standards which shall be subject to the following requirements:

a.

(1) all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug

addiction which would prohibit the person from performing the duties of a law enforcement officer,

~~b.~~

(2) said physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,

~~c.~~

(3) the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer of employment has been tendered by a participating employer,

~~d.~~

(4) the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application, and

~~e.~~

(5) the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

7. "Normal retirement date" means the date at which the member is eligible to receive the unreduced payments of the member's accrued retirement benefit. Such date shall be the first day of the month coinciding with or following the date the member:

- a. completes twenty (20) years of vesting service, or
- b. attains sixty-two (62) years of age with ten (10) years of vesting service, or
- c. attains sixty-two (62) years of age, if:

- (1) the member has been transferred to this System from the Oklahoma Public Employees Retirement System on or after July 1, 1981, and
- (2) the member would have been vested had the member continued to be a member of the Oklahoma Public Employees Retirement System.

With respect to distributions under the System made for calendar years beginning on or after January 1, 2005, the System shall apply the minimum distribution incidental benefit requirements, incidental benefit requirements, and minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the final regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were issued in April 2002 and June 2004, notwithstanding any provision of the System to the contrary. With respect to distributions under the System made for calendar years beginning on or after January 1, 2001, through December 31, 2004, the System shall apply the minimum distribution requirements and incidental benefit requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, in accordance with the regulations under Section 401(a)(9) of the Internal Revenue Code of 1986, as amended, which were proposed in January 2001, notwithstanding any provision of the System to the contrary.

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of: (1) the calendar year in which the member reaches seventy and one-half (70 1/2) years of age; or (2) the actual retirement date of the member. The preceding sentence does not allow deferral of benefit commencement beyond the age of sixty-five (65).

A member who was required to join the System effective July 1, 1980, because of the transfer of the employing agency from the Oklahoma Public Employees Retirement System to the System, and was not a member of the Oklahoma Public Employees Retirement System on the date of such transfer shall be allowed to receive credit for prior law enforcement service rendered to this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, upon payment to the System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest. Service credit received pursuant to this paragraph shall be used in determining the member's retirement benefit, and shall be used in determining years of service for retirement or vesting purposes;

8. "Actual paid base salary" means the salary received by a member, excluding payment for any accumulated leave or uniform allowance. Salary shall include any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

9. "Final average salary" means the average of the highest thirty (30) consecutive complete months of actual paid gross salary. Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986, as amended, and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1992, gross salary shall include any amount of elective salary reduction under Section 125 of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, gross salary shall include any amount of elective salary reduction not includable in the gross income of the member under Section 132(f)(4) of the Internal Revenue Code of 1986, as amended. Effective July 1, 1998, for purposes of determining a member's compensation, any contribution by the member to reduce his or her regular cash remuneration under Section

132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be treated as if the member did not make such an election. Only salary on which required contributions have been made may be used in computing the final average salary.

In addition to other applicable limitations, and notwithstanding any other provision to the contrary, for plan years beginning on or after July 1, 2002, the annual gross salary of each "Noneligible Member" taken into account under the System shall not exceed the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") annual salary limit. The EGTRRA annual salary limit is Two Hundred Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The annual salary limit in effect for a calendar year applies to any period, not exceeding twelve (12) months, over which salary is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than twelve (12) months, the EGTRRA salary limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is twelve (12). For purposes of this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

For plan years beginning on or after July 1, 2002, any reference in the System to the annual salary limit under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA salary limit set forth in this provision;

10. "Credited service" means the period of service used to determine the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor Plan as an active employee in an eligible membership classification, plus any service

prior to the establishment of the predecessor Plan which was credited under the predecessor Plan and for law enforcement officers and criminalists of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who became members of the System on July 1, 1980, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1980, and for members of the Communications and Lake Patrol Divisions of the Oklahoma Department of Public Safety, who became members of the System on July 1, 1981, any service credited under the predecessor Plan or the Oklahoma Public Employees Retirement System as of June 30, 1981, and for law enforcement officers of the Alcoholic Beverage Laws Enforcement Commission who became members of the System on July 1, 1982, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1982, and for park rangers of the Oklahoma Tourism and Recreation Department who became members of the System on July 1, 1985, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1985, and for inspectors of the Oklahoma State Board of Pharmacy who became members of the System on July 1, 1986, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1986, for law enforcement officers of the Oklahoma Capitol Patrol Division of the Department of Public Safety who became members of the System effective July 1, 1993, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1993, and for all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who became members of the System effective July 1, 1994, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service transferred pursuant to

subsection C of Section 2-309.6 of this title. Effective August 5, 1993, an authorized leave of absence shall include a period of absence pursuant to the Family and Medical Leave Act of 1993;

11. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby;

12. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year;

13. "Line of duty" means any action which a member whose primary function is crime control or reduction or enforcement of the criminal law is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the member is assigned, or for which the member is compensated, by the agency the member serves;

14. "Personal injury" or "injury" means any traumatic injury as well as diseases which are caused by or result from such an injury, but not occupational diseases;

15. "Catastrophic nature" means consequences of an injury that permanently prevent an individual from performing any gainful work;

16. "Traumatic injury" means a wound or a condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious

diseases, radiation, and bacteria, but excluding stress and strain;
and

17. "Beneficiary" means the individual designated by the member on a beneficiary designation form supplied by the Oklahoma Law Enforcement Retirement System, or if there is no designated beneficiary or if the designated beneficiary predeceases the member, the estate of the member. If the member's spouse is not designated as the sole primary beneficiary, the member's spouse must sign a consent.

SECTION 10. AMENDATORY 63 O.S. 2001, Section 935, is amended to read as follows:

Section 935. A. The Chief Medical Examiner shall be directly responsible to the Board for the performance of the duties provided for in this act and for the administration of the office of the Chief Medical Examiner. The Chief Medical Examiner may, however, delegate specific duties to competent and qualified deputies who may act for the Chief Medical Examiner within the scope of the express authority granted by ~~him~~ the Chief Medical Examiner, subject, however, to such rules as the Board may prescribe.

B. Effective January 1, 2007, the annual salaries of the following officers and employees of the Office of the Chief Medical Examiner shall be in accordance with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes:

1. Administrative Officer:

Minimum \$35,155.67, Mid-point \$40,769.22, Maximum \$46,382.76;

2. Chief Forensic Toxicologist:

Minimum \$72,360.00, Mid-point \$85,626.00, Maximum \$98,892.00;

3. Deputy Chief Forensic Toxicologist:

Minimum \$65,124.00, Mid-point \$72,239.40,

Maximum \$79,354.80;

4. Deputy Chief Medical Examiner:

Minimum \$156,780.00, Mid-point \$162,810.00,

Maximum \$168,840.00;

5. Division Administrator:

Minimum \$35,155.67, Mid-point \$40,769.22,

Maximum \$46,382.76;

6. Forensic Chemist II:

Minimum \$37,386.00, Mid-point \$41,607.00,

Maximum \$45,828.00;

7. Forensic Chemist IV:

Minimum \$42,210.00, Mid-point \$48,240.00,

Maximum \$54,270.00;

8. Forensic Pathologist:

Minimum \$118,188.00, Mid-point \$131,454.00,

Maximum \$144,720.00;

9. Forensic Pathologist I:

Minimum \$123,012.00, Mid-point \$136,881.00,

Maximum \$150,750.00;

10. Investigator I:

Minimum \$31,959.00, Mid-point \$40,099.50,

Maximum \$48,240.00;

11. Investigator II:

Minimum \$33,768.00, Mid-point \$42,813.00,

Maximum \$51,858.00;

12. Investigator III:

Minimum \$36,180.00, Mid-point \$45,225.00,

Maximum \$54,270.00; and

13. Records Supervisor:

Minimum \$25,626.29, Mid-point \$29,647.70,

Maximum \$33,669.11.

Provided, however, no such employee shall receive less than the salary the employee received on December 31, 2006.

SECTION 11. AMENDATORY 74 O.S. 2001, Section 150.6a, as amended by Section 1, Chapter 364, O.S.L. 2004 (74 O.S. Supp. 2005, Section 150.6a), is amended to read as follows:

Section 150.6a A. Effective July 1, 2004, the annual salaries for the Deputy Director, and the positions within the Oklahoma State Bureau of Investigation, as set out in this section, shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay as authorized by Section 840-2.18 of this title:

1. Deputy Director:

The salary of the Deputy Director shall be ninety-five percent (95%) of that received by the Director;

2. Division Director:

The salary of a Division Director shall be ninety percent (90%) of that received by the Director;

3. Agent I (OSBI), Criminalist I:

Minimum \$33,500.00, Mid-point \$41,875.00,
Maximum \$50,250.00;

4. Agent II (OSBI), Criminalist II:

Minimum \$39,250.00, Mid-point \$49,062.00,
Maximum \$58,875.00;

5. Agent III (OSBI), Criminalist III:

Minimum \$46,250.00, Mid-point \$57,812.00,
Maximum \$69,375.00;

6. Agent IV (OSBI), Criminalist IV:

Minimum \$51,000.00, Mid-point \$63,750.00,
Maximum \$76,500.00; and

7. Agent V (OSBI), Criminalist V:

Minimum \$56,000.00, Mid-point \$70,000.00,
Maximum \$84,000.00.

B. Effective July 1, 2004, positions allocated to the agent and criminalist job families may receive additional compensation through the use of pay mechanisms provided for in the Oklahoma Personnel Act and the Merit System of Personnel Administration Rules.

C. Effective July 1, 2005, the annual salaries for the Deputy Director, and the positions within the Oklahoma State Bureau of Investigation, as set out in this section, shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay as authorized by Section 840-2.18 of this title:

1. Director: \$91,701.00;

2. Deputy Director:

The salary of the Deputy Director shall be ninety-five percent (95%) of that received by the Director;

3. Division Director:

The salary of a Division Director shall be ninety percent (90%) of that received by the Director;

4. Agent I (OSBI), Criminalist I:

Minimum \$40,778.00, Mid-point \$49,153.00, Maximum \$57,528.00;

5. Agent II (OSBI), Criminalist II:

Minimum \$46,260.00, Mid-point \$56,072.00, Maximum \$65,885.00;

6. Agent III (OSBI), Criminalist III:

Minimum \$48,350.00, Mid-point \$59,912.00, Maximum \$71,475.00;

7. Agent IV (OSBI), Criminalist IV:

Minimum \$53,100.00, Mid-point \$65,850.00, Maximum \$78,600.00; and

8. Agent V (OSBI), Criminalist V:

Minimum \$58,100.00, Mid-point \$72,100.00,

Maximum \$86,100.00.

D. Effective January 1, 2007, the annual salaries for the Deputy Director, and the positions within the Oklahoma State Bureau of Investigation, as set out in this section, shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay as authorized by Section 840-2.18 of this title:

1. Director: \$96,812.00;

2. Deputy Director:

The salary of the Deputy Director shall be ninety-five percent (95%) of that received by the Director;

3. Division Director:

The salary of a Division Director shall be ninety percent (90%) of that received by the Director;

4. Agent I (OSBI), Criminalist I:

Minimum \$35,600.00, Mid-point \$43,975.00,

Maximum \$52,350.00;

5. Agent II (OSBI), Criminalist II:

Minimum \$41,350.00, Mid-point \$51,162.00,

Maximum \$60,975.00;

6. Agent III (OSBI), Criminalist III:

Minimum \$51,980.00, Mid-point \$63,542.00,

Maximum \$75,105.00;

7. Agent IV (OSBI), Criminalist IV:

Minimum \$60,615.00, Mid-point \$73,365.00,

Maximum \$86,115.00; and

8. Agent V (OSBI), Criminalist V:

Minimum \$66,386.00, Mid-point \$80,386.00,

Maximum \$94,386.00.

Provided, however, no such employee shall receive less than the salary the employee received on December 31, 2006.

SECTION 12. AMENDATORY 74 O.S. 2001, Section 840-5.5, as last amended by Section 1 of Enrolled Senate Bill No. 1357 of the

2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 840-5.5 A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Persons employed with one-time, limited duration, federal or other grant funding that is not continuing or indefinitely renewable. The length of the unclassified employment shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and Oklahoma Department of Career and Technology Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor. These appointments and authorizations shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier. However, nothing in this paragraph shall prevent the reauthorization and reappointment of any such person. Any such appointment shall be funded from the budget of the appointing authority;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period and seasonal employees employed pursuant to Section 1806.1 of this title who work less than one thousand two hundred (1,200) hours in any twelve-month period. This category of employees may include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

9. Department of Public Safety employees occupying the following offices or positions:

- a. administrative aides to the Commissioner,
- b. executive secretaries to the Commissioner,
- c. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor,
- d. Highway Patrol Colonel,
- e. Highway Patrol Lieutenant Colonel,
- f. ~~Highway Patrol Major,~~
- ~~g.~~ Director of Finance,
- ~~h.~~
- g. noncommissioned pilots,
- ~~i.~~
- h. Information Systems Administrator,
- ~~j.~~
- i. Law Enforcement Telecommunications System Specialist,
- ~~k.~~
- j. Director of Driver License Administration,
- ~~l.~~
- k. Director of Transportation Division,
- ~~m.~~
- l. Director of the Alcohol and Drug Countermeasures Unit,
- ~~n.~~
- m. Director of the Oklahoma Highway Safety Office,
- ~~o.~~
- n. Civil Rights Administrator,

~~p.~~

o. Budget Analyst,

~~q.~~

p. Comptroller,

~~r.~~

q. Chaplain,

~~s.~~

r. Helicopter Mechanic,

~~t.~~

s. Director of Safety Compliance,

~~u.~~

t. Human Resources Director,

~~v.~~

u. Administrator of Department Services, and

~~w.~~

v. a maximum of seven (7) positions for the purpose of administering programs in the Oklahoma Highway Safety Office, within full-time employee limitations of the Department, employed with federal funding that is continuing or indefinitely renewable. The authorization for such positions shall be terminated if the federal funding for positions is discontinued;

provided, any person appointed to a position prescribed in subparagraphs d, ~~e~~, ~~f~~ or n of this paragraph shall have a right of return to the classified commissioned position without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position, and any person appointed to a position prescribed in subparagraph h, i, j, k, l, ~~o~~ or m ~~or n~~ of this paragraph shall have a right of return to the previously held vacant classified position within the Department of Public Safety without any loss of rights, privileges or benefits

immediately upon completion of the duties in the unclassified commissioned position;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in:

- a. an institution of higher learning within The Oklahoma State System of Higher Education,
- b. an institution of higher learning qualified to become coordinated with The Oklahoma State System of Higher Education. For purposes of this section, a student shall be considered a regularly enrolled student if the student is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, or
- c. high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees

for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's full-time-equivalent (FTE) employee limit;

14. Employees of the Oklahoma House of Representatives, the State Senate, or the Legislative Service Bureau;

15. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, personnel managers and comptrollers,
- c. General Counsel,
- d. Public Utility Division Chief Engineer,
- e. Public Utility Division Chief Accountant,
- f. Public Utility Division Chief Economist,
- g. Public Utility Division Deputy Director,
- h. Secretary of the Commission,
- i. Deputy Conservation Director,
- j. Manager of Pollution Abatement,
- k. Manager of Field Operations,
- l. Manager of Technical Services,
- m. Public Utility Division Chief of Telecommunications,
- n. Director of Information Services, and
- o. All Data Processing employees hired on or after September 1, 2005;

16. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

17. Department of Mental Health and Substance Abuse Services personnel occupying the following offices and positions at each facility:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

18. Office of State Finance personnel occupying the following offices and positions:

- a. State Comptroller,
- b. Administrative Officers,
- c. Alternator Claims Auditor,
- d. Employees hired to fulfill state compliance agency requirements under Model Tribal Gaming Compacts,
- e. Employees of the Budget Division,
- f. Employees of the Fiscal and Research Division,
- g. Employees hired to work on the CORE Systems Project;
and
- h. The following employees of the Information Services Division:
 - (1) Information Services Division Manager,
 - (2) Network Manager,
 - (3) Network Technician,
 - (4) Security Manager,
 - (5) Contracts/Purchasing Manager,
 - (6) Operating and Applications Manager,
 - (7) Project Manager,
 - (8) Help Desk Manager,
 - (9) Help Desk Technician,
 - (10) Quality Assurance Manager,
 - (11) ISD Analysts,

- (12) CORE Manager,
- (13) Enterprise System/Database Software Manager,
- (14) Data Center Operations and Production Manager,
- (15) Voice Communications Manager,
- (16) Applications Development Manager,
- (17) Projects Manager,
- (18) PC's Manager,
- (19) Servers Manager,
- (20) Portal Manager, and
- (21) Procurement Specialist;

19. Employees of the Oklahoma Industrial Finance Authority;

20. Those positions so specified in the annual business plan of the Oklahoma Department of Commerce;

21. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

22. The following positions and employees of the Oklahoma School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in subsection B of this section;

23. Office of Personnel Management employees occupying the following positions:

- a. the Carl Albert Internship Program Coordinator,
- b. one Administrative Assistant, and

c. one Workforce Planning Manager;

24. Department of Labor personnel occupying the following offices and positions:

a. two Deputy Commissioners,

b. two Executive Secretaries to the Commissioner,

c. Chief of Staff,

d. two Administrative Assistants,

e. Information Systems Administrator,

f. three Safety and Health Directors,

g. Research Director,

h. Employment Standards Director,

i. Asbestos Director, and

j. General Counsel;

25. The State Bond Advisor and his or her employees;

26. The Oklahoma Employment Security Commission employees occupying the following positions:

a. Associate Director,

b. Secretary to the Associate Director, and

c. Assistant to the Executive Director;

27. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant;

28. Officers and employees of the State Banking Department;

29. Officers and employees of the University Hospitals

Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;

30. Alcoholic Beverage Laws Enforcement Commission employees occupying the following positions:

- a. three Administrative Service Assistant positions, however, employees in such positions who are in the unclassified service on June 4, 2003, may make an election to be in the classified service without a loss in salary by September 1, 2003, and
- b. the Deputy Director position in addition to the one authorized by paragraph 2 of this subsection;

31. The Oklahoma State Bureau of Investigation employees occupying the following positions:

- a. five assistant directors,
- b. six special investigators,
- c. one information representative,
- d. one federally funded physical evidence technician,
- e. four federally funded laboratory analysts,
- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency, and
- g. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

32. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics Commission,
- b. five Department of Transportation Assistant Director positions,
- c. eight field division engineer positions, and
- d. one pilot position;

33. Commissioners of the Land Office employees occupying the following positions:

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,

- f. two Accounting Tech I positions,
- g. two Administrative Assistant I positions,
- h. two Imaging Specialist positions, and
- i. one Information Systems Specialist position;

34. Within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, the following positions:

- a. six Narcotics Agent positions and three Typist Clerk/Spanish transcriptionists, including a Typist Clerk Supervisor/Spanish transcriptionist, provided, authorization for such positions shall be terminated if the federal funding for the positions is discontinued,
- b. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- c. one fiscal officer,
- d. one full-time Programmer, and
- e. one full-time Network Engineer;

35. The Military Department of the State of Oklahoma is authorized such unclassified employees within full-time employee limitations to work in any of the Department of Defense directed youth programs, the State of Oklahoma Juvenile Justice youth programs, those persons reimbursed from Armory Board or Billeting Fund accounts, and skilled trade positions;

36. Within the Oklahoma Commission on Children and Youth the following unclassified positions:

- a. one Oversight Specialist and one Community Development Planner,
- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued, and

- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

37. The following positions and employees of the Department of Central Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,
- l. one Property Distribution Administrator,
- m. three licensed architects assigned to the Facilities and Properties Division,
- n. three licensed engineers assigned to the Facilities and Properties Division,
- o. four construction consultants assigned to the Facilities and Properties Division,
- p. one attorney assigned to the Facilities and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information Technology Manager, one Applications Specialist and one Data Planning Specialist, and

- r. four positions assigned to Fleet Management, which shall include one Deputy Fleet Manager and three Management Analysts;

38. Four Water Quality Specialists, and four Water Resources Division Chiefs within the Oklahoma Water Resources Board;

39. J.D. McCarty Center for Children with Developmental Disabilities personnel occupying the following offices and positions:

- a. Physical Therapists,
- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

40. The Development Officer and the Director of the State Museum of History within the Oklahoma Historical Society;

41. Oklahoma Department of Agriculture, Food, and Forestry personnel occupying the following positions:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection and one Executive Assistant,
- b. nineteen Agricultural Marketing Coordinator III positions,
- c. temporary fire suppression personnel, regardless of the number of hours worked, who are employed by the Oklahoma Department of Agriculture, Food, and Forestry; provided, however, notwithstanding the provisions of any other section of law, the hours worked by such employees shall not entitle such employees to any benefits received by full-time employees,
- d. one Administrator for Human Resources,
- e. one Director of Administrative Services,

- f. one Water Quality Consumer Complaint Coordinator,
- g. one hydrologist position,
- h. Public Information Office Director,
- i. Market Development Services Director,
- j. Legal Services Director,
- k. Animal Industry Services Director,
- l. Agricultural Environmental Management Services Director,
- m. Forestry Services Director,
- n. Plant Industry and Consumer Services Director,
- o. one Grants Administrator position,
- p. Director of Laboratory Services,
- q. Chief of Communications,
- r. Public Information Manager,
- s. Inventory/Supply Officer,
- t. five Agriculture Field Inspector positions assigned the responsibility for conducting inspections and audits of agricultural grain storage warehouses. All other Agriculture Field Inspector positions and employees of the Oklahoma Department of Agriculture, Food, and Forestry shall be classified and subject to the provisions of the Merit System of Personnel Administration. On November 1, 2002, all other unclassified Agriculture Field Inspectors shall be given status in the classified service as provided in Section 840-4.2 of this title,
- u. Rural Fire Coordinator,
- v. one Agricultural Marketing Coordinator III,
- w. Food Safety Division Director,
- x. two Environmental Program Specialists,
- y. two Scale Technicians, and
- z. two Plant Protection Specialists;

42. The Contracts Administrator within the Oklahoma State Employees Benefits Council;

43. The Development Officer within the Oklahoma Department of Libraries;

44. Oklahoma Real Estate Commission personnel occupying the following offices and positions:

- a. Educational Program Director, and
- b. Data Processing Manager;

45. A Chief Consumer Credit Examiner for the Department of Consumer Credit;

46. All officers and employees of the Oklahoma Capitol Complex and Centennial Commemoration Commission;

47. All officers and employees of the Oklahoma Motor Vehicle Commission;

48. One Museum Archivist of The Will Rogers Memorial Commission;

49. One Fire Protection Engineer of the Office of the State Fire Marshal;

50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-time equivalency imposed by law on an agency. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation as an acting incumbent with the same agency; provided, the leave shall expire no later than two (2) years from the date of the acting incumbent appointment. An appointing authority may establish unclassified positions and appoint unclassified employees to perform the duties of a permanent classified employee who is on leave of absence from a classified position to serve as an acting incumbent. All unclassified appointments created pursuant to this paragraph shall expire no later than two (2) years from the date of appointment. Classified

employees accepting unclassified appointments and compensation pursuant to this paragraph shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of an unclassified appointment pursuant to this paragraph, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job family level and compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence;

51. The Oklahoma Homeland Security Director and all other positions assigned the responsibilities of working in the Oklahoma Office of Homeland Security; and

52. The following eighteen (18) positions in the State Department of Health:

- a. one surveillance supervisor,
- b. one surveillance project monitor,
- c. two bilingual interviewers,
- d. eight senior interviewers, and
- e. six interviewers.

B. If an agency has the authority to employ personnel in the following offices and positions, the appointing authority shall have the discretion to appoint personnel to the unclassified service:

1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and nurses;
2. Certified public accountants;
3. Licensed attorneys;
4. Licensed veterinarians; and
5. Licensed pharmacists.

C. Effective July 1, 1996, authorization for unclassified offices, positions, or personnel contained in a bill or joint resolution shall terminate June 30 of the ensuing fiscal year after

the authorization unless the authorization is codified in the Oklahoma Statutes or the termination is otherwise provided in the legislation.

D. The appointing authority of agencies participating in the statewide information systems project may establish unclassified positions and appoint unclassified employees to the project as needed. Additional unclassified positions may be established, if required, to appoint an unclassified employee to perform the duties of a permanent classified employee who is temporarily absent from a classified position as a result of assignment to this project. All unclassified appointments under this authority shall expire no later than December 31, 2007, and all unclassified positions established to support the project shall be abolished. Both the positions and appointments resulting from this authority shall be exempt from any agency FTE limitations and any limits imposed on the number of unclassified positions authorized. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation with the same agency under the provisions of this subsection; provided, the leave shall expire no later than December 31, 2007. Employees accepting the appointment and compensation shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of an unclassified appointment pursuant to this subsection, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job family level and compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence.

SECTION 13. This act shall become effective November 1, 2006.

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