STATE OF OKLAHOMA

2nd Session of the 51st Legislature (2008)

SENATE BILL 2166 By: Corn

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Sections 2-105, as last amended by Section 6, Chapter 62, O.S.L. 2007, 2-105.4, as last amended by Section 2, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006, 2-105.6, as last amended by Section 3, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006, 2-105.7, as last amended by Section 4, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006, 2-105.8, as last amended by Section 5, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 and 2-106, as last amended by Section 2, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Sections 2-105, 2-105.4, 2-105.6, 2-105.7, 2-105.8 and 2-106), which relate to the Department of Public Safety personnel; changing name of certain Section of the Department of Public Safety; modifying salaries of certain employees of the Department; amending 63 O.S. 2001, Section 4205, which relates to sanctioned water events; changing name; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-105, as last amended by Section 6, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2007, Section 2-105), is amended to read as follows:

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

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, 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, 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~~ Marine Enforcement 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, Communications Superintendents with the rank of Second Lieutenant, Communications Supervisors with the rank of Sergeant,

Communications Dispatchers, Radio Technicians and Tower Maintenance Officers who shall comprise the Communications Division of the Department of Public Safety.

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

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

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

(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, 2010:

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

3. No commissioned officer of the Department shall, while in such position, be a candidate for any political office or take part in or contribute any money or other thing of value, directly or

indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

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

5. Drunkenness or being under the influence of intoxicating 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 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, 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, 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, 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, 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, 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. While an employee is attending a school, the Commissioner is authorized to permit the employee to use a state-owned vehicle and to use a fuel-purchasing card for any expenses related to the operation of the vehicle. In addition, while an employee is attending the FBI National Academy, a one-time expense allowance of Two Thousand Dollars ($2,000.00) for uniforms, fees, travel, room and board, and other related expenses shall be paid to the employee by the Department; provided, the employee shall not be further compensated through the State Travel Reimbursement Act, and, if any other agency reimburses the employee for any expenses, the reimbursement shall be given to the Department. All purchases made by the employee with the expense allowance shall be considered property of the employee.

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, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, Section 2-105.4), 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~~
	$111,133.00
Assistant Commissioner of Public Safety	~~$83,314.00~~
	$101,030.00
Highway Patrol Colonel (Chief)	~~$83,314.00~~
	$101,030.00
~~Highway Patrol Lieutenant Colonel (Assistant Chief)~~	~~$74,827.00~~
Highway Patrol Lieutenant Colonel (Deputy Chief)	~~$67,818.00~~
	$83,495.00
Highway Patrol Major	~~$62,026.00~~
	$75,904.00

Highway Patrol Captain	~~$57,243.00~~
	$69,004.00
Highway Patrol Lieutenant	~~$53,306.00~~
	$62,731.00
Highway Patrolman (Trooper)	
Step 1	~~$36,711.00~~
	$38,000.00
Step 2	~~$38,377.00~~
	$40,660.00
Step 3	~~$40,123.00~~
	$43,506.00
Step 4	~~$41,953.00~~
	$46,552.00
Step 5	~~$43,871.00~~
	$49,810.00
Step 6	~~$45,881.00~~
	$53,298.00
Step 7	~~$50,087.00~~
	$57,028.00
Probationary Highway Patrolman	~~$33,000.00~~
	$35,514.00
Cadet Highway Patrolman	~~$30,000.00~~
	$33,192.00

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~~ July 1, 2008, 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	~~$111,133.00~~
	$117,172.00
Assistant Commissioner of Public Safety	~~$101,030.00~~
	$111,592.00
Highway Patrol Colonel (Chief)	~~$101,030.00~~
	$106,278.00
~~Highway Patrol Lieutenant Colonel (Assistant Chief)~~	~~$91,844.00~~
Highway Patrol Lieutenant Colonel (Deputy Chief)	~~$83,495.00~~
	$96,617.00
Highway Patrol Major	~~$75,904.00~~
	$87,833.00
Highway Patrol Captain	~~$69,004.00~~
	$79,848.00

Highway Patrol Lieutenant	~~$62,731.00~~
	$72,589.00
Highway Patrolman (Trooper)	
Step 1	~~$38,000.00~~
	$40,280.00
Step 2	~~$40,660.00~~
	$43,604.00
Step 3	~~$43,506.00~~
	$47,200.00
Step 4	~~$46,552.00~~
	$51,094.00
Step 5	~~$49,810.00~~
	$55,310.00
Step 6	~~$53,298.00~~
	$59,872.00
Step 7	~~$57,028.00~~
	$64,812.00
Probationary Highway Patrolman	~~$35,514.00~~
	$37,210.00
Cadet Highway Patrolman	~~$33,192.00~~
	$34,375.00

b. On ~~January 1, 2007~~ July 1, 2008, 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~~ June 30, 2008. If the number of completed years of service of such Patrolman exceeds seven (7) years on ~~January 1, 2007~~ July 1, 2008, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.

c. After ~~January 1, 2007~~ July 1, 2008, 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 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 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 Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division.

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

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, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, Section 2-105.6), is amended to read as follows:

Section 2-105.6 A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a ~~Lake Patrol~~ Marine Enforcement 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~~ Marine Enforcement 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 or the Lake Patrol Section of the Oklahoma Highway Patrol Division shall mean the ~~Lake Patrol~~ Marine Enforcement 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~~ Marine Enforcement 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~~

$69,004.00

Patrol Lieutenant ~~$53,306.00~~

$62,731.00

Patrolman

~~Step 6~~ ~~$45,881.00~~

Step 7 ~~$50,087.00~~

$57,028.00

~~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. Effective ~~January 1, 2007~~ July 1, 2008, the annual salaries for the commissioned officers within the ~~Lake Patrol~~ Marine Enforcement 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	~~$69,004.00~~
	$79,848.00
Patrol Lieutenant	~~$62,731.00~~
	$72,589.00
Patrolman	~~$57,028.00~~
	$64,812.00

~~E.~~ C. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned ~~Patrolmen~~ officers in the ~~Lake Patrol~~ Marine Enforcement 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, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, Section 2-105.7), is amended to read as follows:

Section 2-105.7 A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Capitol Patrol Section which shall consist of such employees as may be necessary to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma County and Tulsa County. All commissioned officers of the Capitol Patrol Section as designated by the Commissioner shall have the authority to enforce all parking, traffic, and criminal laws within Oklahoma County and Tulsa County, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

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

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

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

2. Satisfactorily completes a course of training as prescribed by the Commissioner; 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~~
	$69,004.00
Patrol Lieutenant	~~$53,306.00~~
	$62,731.00
Capitol Patrol Sergeant	~~$51,646.00~~
	$57,028.00
Patrolman	
~~Step 4~~	~~$41,953.00~~
~~Step 5~~	~~$43,871.00~~
~~Step 6~~	~~$45,881.00~~
~~Step 7~~	~~$50,087.00~~
	$57,028.00

~~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. Effective ~~January 1, 2007~~ July 1, 2008, 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	~~$69,004.00~~
	$79,848.00
Patrol Lieutenant	~~$62,731.00~~
	$72,589.00
Capitol Patrol Sergeant	~~$57,028.00~~
	$64,812.00
Patrolman	~~$57,028.00~~
	$64,812.00

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 last amended by Section 5, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (47 O.S. Supp. 2007, Section 2-105.8), is amended to read as follows:

Section 2-105.8 A. There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety, the Communications Section.

B. An employee shall not be promoted to the position of Communications Coordinator.

C. 1. a. The annual salaries for the positions within the Communications 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 Coordinator	~~$45,205.00~~
	$57,189.00
Communications Superintendent	~~$41,468.00~~
	$51,990.00
Communications Supervisor	~~$38,071.00~~

	$47,264.00
Communications Dispatcher	
Step 1	$28,631.00
Step 2	~~$29,297.00~~
	$30,635.00
Step 3	~~$29,979.00~~
	$32,780.00
Step 4	~~$30,678.00~~
	$35,074.00
Step 5	~~$31,395.00~~
	$37,529.00
Step 6	~~$32,130.00~~
	$40,156.00
Step 7	~~$34,983.00~~
	$42,967.00
Probationary Communications Dispatcher	~~$25,349.00~~
	$26,758.00

b. 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 ~~January 1, 2007~~ July 1, 2008, the annual salaries for the positions within the Communications 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 Coordinator	~~$57,189.00~~
	$66,177.00
Communications Superintendent	~~$51,990.00~~
	$60,161.00

Communications Supervisor	~~$47,264.00~~
	$54,692.00
Communications Dispatcher	
Step 1	~~$28,631.00~~
	$30,348.00
Step 2	~~$30,635.00~~
	$32,852.00
Step 3	~~$32,780.00~~
	$35,562.00
Step 4	~~$35,074.00~~
	$38,496.00
Step 5	~~$37,529.00~~
	$41,672.00
Step 6	~~$40,156.00~~
	$45,110.00
Step 7	~~$42,967.00~~
	$48,832.00
Probationary Communications Dispatcher	~~$26,758.00~~
	$28,035.00

b. On ~~January 1, 2007~~ July 1, 2008, 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 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 ~~December 31, 2006~~ June 30, 2008. If the number of completed years of service of such Dispatcher exceeds seven (7) years on ~~January 1, 2007~~ July 1, 2008, the Dispatcher shall be assigned to and the Dispatcher's salary adjusted to Step 7 of the salary schedule.

c. After ~~January 1, 2007~~ July 1, 2008, 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 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 Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 2-106, as last amended by Section 2, Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2007, Section 2-106), is amended to read as follows:

Section 2-106. A. There is hereby established in the Department of Public Safety the Driver License Examining Division and the Driver Compliance 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~~ July 1, 2008, 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;
6.	Assistant Director	$60,000.00; and
7.	Director	$66,000.00

Provided, however, no such employee shall receive less than the salary the employee was receiving on ~~December 31, 2006~~ July 1, 2008.

SECTION 7. AMENDATORY 63 O.S. 2001, Section 4205, is amended to read as follows:

Section 4205. A. The United States Army Corps of Engineers, the Oklahoma Department of Tourism and Recreation, and the Grand River Dam Authority may authorize the holding of sanctioned events on any waters of this state under their jurisdiction. Said

administering entities shall promulgate rules pursuant to Article 1 of the Oklahoma Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, concerning the safety of other vessels and persons thereon, both observers and participants. No sanctioned event shall be held without a written permit from said administering entity, and said written permit shall be available for inspection at all times during the event.

B. Whenever a sanctioned event is proposed to be held, the administering entity shall, upon granting approval to hold such event and at least ten (10) days prior thereto, file a notification in writing of said event with the ~~Lake Patrol~~ Marine Enforcement Section of the Highway Patrol Division of the Department of Public Safety. Such notification shall set forth the date, time, location where the sanctioned event is proposed to be held, the type of event and the person in charge of said event.

C. No person shall hold or give permission to hold any sanctioned event in an unsafe manner or under unsafe environmental conditions so as to endanger life or property. Should any duly authorized peace officer of this state determine within their jurisdiction that such event is being held or conducted in an unsafe manner or under unsafe environmental conditions, such officer shall have the authority to cancel or terminate said event.

SECTION 8. This act shall become effective July 1, 2008.

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

51-2-2451 ARE 1/22/2008 5:29:14 PM