

3 Senate Bill No. 1354

4 SENATE BILL NO. 1354 - By: Ellis of the Senate and Roan of the
5 House.

6 An Act relating to motor vehicles; amending 47 O.S. 2001,
7 Section 2-105, as last amended by Section 1, Chapter 310,
8 O.S.L. 2009 (47 O.S. Supp. 2009, Section 2-105), which
9 relates to the Oklahoma Highway Patrol Division; extending
10 age of commissioned officers; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-105, as
14 last amended by Section 1, Chapter 310, O.S.L. 2009 (47 O.S. Supp.
15 2009, Section 2-105), is amended to read as follows:

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

18 1. A Chief of the Oklahoma Highway Patrol Division with the
19 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
20 Division with the rank of Lieutenant Colonel, and subordinate
21 officers and employees of the Oklahoma Highway Patrol Division,
22 including Majors, Captains, Lieutenants, and Highway Patrolmen with
23 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
24 Division of the Department of Public Safety; provided, any officer
25 appointed to a commissioned position prescribed in this paragraph
26 which is unclassified pursuant to Section 840-5.5 of Title 74 of the

1 Oklahoma Statutes shall have a right of return to the highest
2 previously held classified commissioned position within the Highway
3 Patrol Division of the Department of Public Safety without any loss
4 of rights, privileges or benefits immediately upon completion of the
5 duties in the unclassified commissioned position;

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

9 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
10 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
11 of the Department of Public Safety; and

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

19 B. 1. The Commissioner, when appointing commissioned officers
20 and employees to the positions set out in subsection A of this
21 section, shall determine, in consultation with the Administrator of
22 the Office of Personnel Management, minimum qualifications and shall
23 select such officers and employees only after examinations to

1 determine their physical and mental qualifications for such
2 positions. The content of the examinations shall be prescribed by
3 the Commissioner, and all such appointees shall satisfactorily
4 complete a course of training in operations and procedures as
5 prescribed by the Commissioner.

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

9 a. for commissioned officer positions, shall be at least
10 twenty-one (21) years of age but less than ~~forty-three~~
11 ~~(43)~~ forty-five (45) years of age, and shall possess:

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

19 (2) for any person appointed to the Oklahoma Highway
20 Patrol Division on or after July 1, 2012:

21 (a) a bachelor's degree from a college or
22 university which is recognized by and
23 accepted by the American Association of

1 Collegiate Registrars and Admissions
2 Officers and whose hours are transferable
3 between such recognized institutions, or
4 (b) an associate's degree or a minimum of sixty-
5 two (62) successfully completed semester
6 hours from a college or university which is
7 recognized by and accepted by the American
8 Association of Collegiate Registrars and
9 Admissions Officers and whose hours are
10 transferable between such recognized
11 institutions, and:
12 i. at least two (2) years' experience as a
13 law enforcement officer certified by
14 the Council on Law Enforcement
15 Education and Training (C.L.E.E.T.) or
16 by the equivalent state agency in
17 another state or by any law enforcement
18 agency of the federal government, or
19 ii. at least two (2) years of honorable
20 military service in an active or
21 reserve component of the United States
22 Armed Forces.

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

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

16 3. No commissioned officer of the Department shall, while in
17 such position, be a candidate for any political office or take part
18 in or contribute any money or other thing of value, directly or
19 indirectly, to any political campaign or to any candidate for public
20 office. Anyone convicted of violating the provisions of this
21 paragraph shall be guilty of a misdemeanor and shall be punished as
22 provided by law.

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

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

16 C. 1. Upon initial appointment to the position of Cadet
17 Highway Patrolman or Probationary Communications Dispatcher, the
18 appointed employee shall be required to serve an initial
19 probationary period of twelve (12) months. The Commissioner may
20 extend the probationary period for up to three (3) additional months
21 provided that the employee and the Office of Personnel Management
22 are notified in writing as to such action and the reasons therefor.
23 During such probationary period, the employee may be terminated at

1 any time and for any reason at the discretion of the Commissioner.
2 Retention in the service after expiration of the initial
3 probationary period shall entitle such employee to be classified as
4 a permanent employee and the employee shall be so classified. No
5 permanent employee may be discharged or removed except as provided
6 for in this section.

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

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

18 2. Whenever such charges are preferred, the Commissioner may
19 suspend the accused pending the hearing and final determination of
20 such charges. If the charges are not sustained in whole or in part,
21 the accused shall be entitled to pay during the period of such
22 suspension. If the charges are sustained in whole or in part, the
23 accused shall not receive any pay for the period of such suspension.

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

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

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

20 2. Each commissioned officer of the Highway Patrol Division of
21 the Department of Public Safety shall be entitled to reimbursement
22 of expenses pursuant to the State Travel Reimbursement Act while
23 away from the assigned area of the officer as designated by the

1 Chief of the Oklahoma Highway Patrol Division, when such expense is
2 incurred in the service of the state.

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

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

- 15 a. one (1) year of experience in any combination:
- 16 (1) as Commissioner of Public Safety,
17 (2) as Assistant Commissioner of Public Safety, or
18 (3) as Assistant Chief,
- 19 b. two (2) years of experience in any combination:
- 20 (1) as Deputy Chief or higher rank, or
21 (2) if the experience was prior to the effective date
22 of this act, as Major or higher rank,
- 23 c. four (4) years of experience in any combination:

1 G. The Commissioner of Public Safety is hereby authorized to
2 send employees of the Department of Public Safety to schools such as
3 Northwestern University Center for Public Safety, Southern Police
4 Institute, the FBI National Academy, the Institute of Police
5 Technology and Management, or to any other schools of similar
6 training which would be conducive to improving the efficiency of the
7 Oklahoma Highway Patrol Division and the Department of Public
8 Safety. While an employee is attending a school, the Commissioner
9 is authorized to permit the employee to use a state-owned vehicle
10 and to use a fuel-purchasing card for any expenses related to the
11 operation of the vehicle. In addition, while an employee is
12 attending the FBI National Academy, a one-time expense allowance of
13 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
14 and board, and other related expenses shall be paid to the employee
15 by the Department; provided, the employee shall not be further
16 compensated through the State Travel Reimbursement Act, and, if any
17 other agency reimburses the employee for any expenses, the
18 reimbursement shall be given to the Department. All purchases made
19 by the employee with the expense allowance shall be considered
20 property of the employee.

21 H. 1. Any former commissioned officer of the Department whose
22 separation from the Department was at such officer's own request and
23 not a result of such officer's own actions contrary to the policy of

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

14 2. In the event of future hostilities wherein the Congress of
15 the United States declares this nation in a state of war with a
16 foreign nation, including military service brought about by the
17 Vietnam War, any period of military service served by a commissioned
18 officer of the Department shall be considered as continued service
19 with such Department, provided such commissioned officer returns to
20 duty with the Department within sixty (60) days after release from
21 military service.

22 SECTION 2. This act shall become effective November 1, 2010.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
24 dated 2-2-10 - DO PASS, As Coauthored.