

1 ENGROSSED SENATE
2 BILL NO. 27

By: Brecheen of the Senate

3 and

4 Murdock of the House

5
6 [Oklahoma Highway Patrol - personnel -
7 qualifications - effective date]
8
9

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-105, as
12 last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.
13 2016, Section 2-105), is amended to read as follows:

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

16 1. A Chief of the Oklahoma Highway Patrol Division with the
17 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
18 Division with the rank of Lieutenant Colonel, and subordinate
19 officers and employees of the Oklahoma Highway Patrol Division,
20 including Majors, Captains, Lieutenants, and Highway Patrolmen with
21 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
22 Division of the Department of Public Safety; provided, any officer
23 appointed to a commissioned position prescribed in this paragraph
24 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 Marine Enforcement Section of the Oklahoma Highway Patrol Division
8 of the 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. Communications Coordinators, Communications Superintendents,
13 Communications Supervisors, Communications Dispatchers, Radio
14 Technicians and Tower Maintenance Officers shall comprise the
15 Communications Division of the Department of Public Safety.

16 B. 1. The Commissioner, when appointing commissioned officers
17 and employees to the positions set out in subsection A of this
18 section, shall determine, in consultation with the Director of the
19 Office of Management and Enterprise Services, minimum qualifications
20 and shall select such officers and employees only after examinations
21 to determine their physical and mental qualifications for such
22 positions. The content of the examinations shall be prescribed by
23 the Commissioner, and all such appointees shall satisfactorily
24

1 complete a course of training in operations and procedures as
2 prescribed by the Commissioner.

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

6 a. for commissioned officer positions, shall be at least
7 twenty-one (21) years of age but less than forty-six
8 (46) years of age, and shall possess:

9 (1) an associate's degree or a minimum of sixty-two
10 (62) successfully completed semester hours from
11 an accredited college or university as denoted in
12 the Database of Accredited Postsecondary
13 Institutions and Programs provided by the U.S.
14 Department of Education and whose hours are
15 transferable between such recognized
16 institutions, or

17 (2) shall have successfully completed thirty-two (32)
18 semester hours from an accredited college or
19 university as denoted in the Database of
20 Accredited Postsecondary Institutions and
21 Programs provided by the U.S. Department of
22 Education and whose hours are transferable
23 between such recognized institutions and have
24 ~~received an honorable discharge after~~ three (3)

1 years of honorable active military or reserve
2 military service, ~~or~~

3 ~~(3) shall have successfully completed thirty-two (32)~~
4 ~~semester hours from an accredited college or~~
5 ~~university as denoted in the Database of~~
6 ~~Accredited Postsecondary Institutions and~~
7 ~~Programs provided by the U.S. Department of~~
8 ~~Education and whose hours are transferable~~
9 ~~between such recognized institutions, and~~
10 ~~received an honorable discharge in any active~~
11 ~~military or reserve military service,~~

12 b. applicants with prior military service, shall receive
13 up to ten (10) semester hours for each year of
14 honorable service in any active military or reserve
15 military service up to a maximum of three (3) years or
16 thirty (30) semester hours, and

17 c. for any such position in the Communications Division,
18 a person shall be at least ~~twenty (20)~~ eighteen (18)
19 years of age and shall possess a high school diploma
20 or General Educational Development equivalency
21 certificate; ~~shall possess either six (6) months of~~
22 ~~previous experience as a dispatcher or fifteen (15)~~
23 ~~successfully completed semester hours from an~~
24 ~~accredited college or university as denoted in the~~

~~Database of Accredited Postsecondary Institutions and
Programs provided by the U.S. Department of Education
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

1 commissioned officer of the Department, in and by the manner
2 provided for in this section.

3 C. 1. Upon initial appointment to the position of Cadet
4 Highway Patrolman or Probationary Communications Dispatcher, the
5 appointed employee shall be required to serve an initial
6 probationary period of twelve (12) months. The Commissioner may
7 extend the probationary period for up to three (3) additional months
8 provided that the employee and the Office of Management and
9 Enterprise Services are notified in writing as to such action and
10 the reasons thereof. During such probationary period, the employee
11 may be terminated at any time and for any reason at the discretion
12 of the Commissioner. Retention in the service after expiration of
13 the initial probationary period shall entitle such employee to be
14 classified as a permanent employee and the employee shall be so
15 classified. No permanent employee may be discharged or removed
16 except as provided for in this section.

17 2. A commissioned officer of the Oklahoma Highway Patrol
18 Division may be promoted during the initial probationary period if
19 such officer satisfactorily completes all training requirements
20 prescribed by the Commissioner.

21 D. 1. No permanent employee, as provided for in this section,
22 who is a commissioned officer of the Department, may be suspended
23 without pay or dismissed unless the employee has been notified in
24 writing by the Commissioner of such intended action and the reasons

1 thereof. No such notice shall be given by the Commissioner unless
2 sworn charges or statements have been obtained to justify the
3 action.

4 2. Whenever such charges are preferred, the Commissioner may
5 suspend the accused pending the hearing and final determination of
6 such charges. If the charges are not sustained in whole or in part,
7 the accused shall be entitled to pay during the period of such
8 suspension. If the charges are sustained in whole or in part, the
9 accused shall not receive any pay for the period of such suspension.

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

15 4. The Department of Public Safety shall follow the uniform
16 grievance procedure established and adopted by the Office of
17 Management and Enterprise Services for permanent classified
18 employees, except for those employees who are commissioned officers
19 of the Department. The Department of Public Safety shall establish
20 and adopt a proprietary grievance procedure for commissioned
21 officers of the Department which is otherwise in compliance with the
22 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

23 E. 1. The Commissioner is hereby authorized to purchase and
24 issue uniforms and necessary equipment for all commissioned officers

1 of the Highway Patrol Division of the Department. All uniforms and
2 equipment shall be used only in the performance of the official
3 duties of such officers and shall remain the property of the
4 Department, except as provided in Section 2-150 of this title.

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

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

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

23 a. one (1) year of experience in any combination:

24 (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 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 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 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

- 1 (2) if the experience was prior to April 21, 2006, as
2 Captain or higher rank, or
3 c. four (4) years of experience in any combination:
4 (1) as Captain or higher rank, or
5 (2) if the experience was prior to April 21, 2006, as
6 Highway Patrol First Lieutenant or higher rank.

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

1 by the employee with the expense allowance shall be considered
2 property of the employee.

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

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

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

SECTION 2. This act shall become effective November 1, 2017.

Passed the Senate the 9th day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2017.

Presiding Officer of the House
of Representatives