

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 27

By: Brecheen of the Senate

and

Murdock of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to the Oklahoma Highway Patrol;
13 amending 47 O.S. 2011, Section 2-105, as last amended
14 by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.
15 2016, Section 2-105), which relates to personnel of
16 the Highway Patrol Division; modifying qualifications
17 for certain positions; and providing an effective
18 date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-105, as
20 last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.
21 2016, Section 2-105), is amended to read as follows:

22 Section 2-105. A. The Commissioner of Public Safety, subject
23 to the Oklahoma Personnel Act, shall appoint:
24

1 1. A Chief of the Oklahoma Highway Patrol Division with the
2 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
3 Division with the rank of Lieutenant Colonel, and subordinate
4 officers and employees of the Oklahoma Highway Patrol Division,
5 including Majors, Captains, Lieutenants, and Highway Patrolmen with
6 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
7 Division of the Department of Public Safety; provided, any officer
8 appointed to a commissioned position prescribed in this paragraph
9 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
10 Oklahoma Statutes shall have a right of return to the highest
11 previously held classified commissioned position within the Highway
12 Patrol Division of the Department of Public Safety without any loss
13 of rights, privileges or benefits immediately upon completion of the
14 duties in the unclassified commissioned position;

15 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
16 Marine Enforcement Section of the Oklahoma Highway Patrol Division
17 of the Department of Public Safety;

18 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
19 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
20 of the Department of Public Safety; and

21 4. Communications Coordinators, Communications Superintendents,
22 Communications Supervisors, Communications Dispatchers, Radio
23 Technicians and Tower Maintenance Officers shall comprise the
24 Communications Division of the Department of Public Safety.

1 B. 1. The Commissioner, when appointing commissioned officers
2 and employees to the positions set out in subsection A of this
3 section, shall determine, in consultation with the Director of the
4 Office of Management and Enterprise Services, minimum qualifications
5 and shall select such officers and employees only after examinations
6 to determine their physical and mental qualifications for such
7 positions. The content of the examinations shall be prescribed by
8 the Commissioner, and all such appointees shall satisfactorily
9 complete a course of training in operations and procedures as
10 prescribed by the Commissioner.

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

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

17 (1) an associate's degree or a minimum of sixty-two
18 (62) successfully completed semester hours from
19 an accredited college or university as denoted in
20 the Database of Accredited Postsecondary
21 Institutions and Programs provided by the U.S.
22 Department of Education and whose hours are
23 transferable between such recognized
24 institutions, or

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

11 ~~(3) shall have successfully completed thirty-two (32)~~
12 ~~semester hours from an accredited college or~~
13 ~~university as denoted in the Database of~~
14 ~~Accredited Postsecondary Institutions and~~
15 ~~Programs provided by the U.S. Department of~~
16 ~~Education and whose hours are transferable~~
17 ~~between such recognized institutions, and~~
18 ~~received an honorable discharge in any active~~
19 ~~military or reserve military service,~~

20 b. applicants with prior military service, shall receive
21 up to ten (10) semester hours for each year of
22 honorable service in any active military or reserve
23 military service up to a maximum of three (3) years or
24 thirty (30) semester hours, and

1 c. for any such position in the Communications Division,
2 a person shall be at least ~~twenty (20)~~ eighteen (18)
3 years of age and shall possess a high school diploma
4 or General Educational Development equivalency
5 certificate; ~~shall possess either six (6) months of~~
6 ~~previous experience as a dispatcher or fifteen (15)~~
7 ~~successfully completed semester hours from an~~
8 ~~accredited college or university as denoted in the~~
9 ~~Database of Accredited Postsecondary Institutions and~~
10 ~~Programs provided by the U.S. Department of Education~~
11 ~~and whose hours are transferable between such~~
12 ~~recognized institutions.~~

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

20 4. The Commissioner or any employee of the Department shall not
21 be a candidate for any political office, or in any way be active or
22 participate in any political contest of any Primary, General, or
23 Special Election, except to cast a ballot. No commissioned officer
24 of the Department, while in the performance of the officer's

1 assigned duty of providing security and protection, shall be
2 considered as participating in a political campaign. The provisions
3 of this paragraph shall not be construed to preclude a commissioned
4 officer of the Oklahoma Highway Patrol Division of the Department of
5 Public Safety from being a candidate for a position on a local board
6 of education.

7 5. Drunkenness or being under the influence of intoxicating
8 substances shall be sufficient grounds for the removal of any
9 commissioned officer of the Department, in and by the manner
10 provided for in this section.

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

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

5 D. 1. No permanent employee, as provided for in this section,
6 who is a commissioned officer of the Department, may be suspended
7 without pay or dismissed unless the employee has been notified in
8 writing by the Commissioner of such intended action and the reasons
9 thereof. No such notice shall be given by the Commissioner unless
10 sworn charges or statements have been obtained to justify the
11 action.

12 2. Whenever such charges are preferred, the Commissioner may
13 suspend the accused pending the hearing and final determination of
14 such charges. If the charges are not sustained in whole or in part,
15 the accused shall be entitled to pay during the period of such
16 suspension. If the charges are sustained in whole or in part, the
17 accused shall not receive any pay for the period of such suspension.

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

23 4. The Department of Public Safety shall follow the uniform
24 grievance procedure established and adopted by the Office of

1 Management and Enterprise Services for permanent classified
2 employees, except for those employees who are commissioned officers
3 of the Department. The Department of Public Safety shall establish
4 and adopt a proprietary grievance procedure for commissioned
5 officers of the Department which is otherwise in compliance with the
6 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

7 E. 1. The Commissioner is hereby authorized to purchase and
8 issue uniforms and necessary equipment for all commissioned officers
9 of the Highway Patrol Division of the Department. All uniforms and
10 equipment shall be used only in the performance of the official
11 duties of such officers and shall remain the property of the
12 Department, except as provided in Section 2-150 of this title.

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

19 F. 1. The positions with the rank of Colonel and Lieutenant
20 Colonel of the Oklahoma Highway Patrol Division shall be filled from
21 the body of commissioned officers of the Oklahoma Highway Patrol
22 Division and appointment to said position shall be based on
23 qualifications, previous record as a commissioned officer of the
24 Oklahoma Highway Patrol Division, length of service, years of

1 experience within the Oklahoma Highway Patrol Division or other
2 service as prescribed in this subsection, and efficiency of service
3 performed.

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

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

8 (1) as Commissioner of Public Safety,

9 (2) as Assistant Commissioner of Public Safety, or

10 (3) as Assistant Chief,

11 b. two (2) years of experience in any combination:

12 (1) as Deputy Chief or higher rank, or

13 (2) if the experience was prior to April 21, 2006, as
14 Major or higher rank,

15 c. four (4) years of experience in any combination:

16 (1) as Major or higher rank, or

17 (2) if the experience was prior to April 21, 2006, as
18 Captain or higher rank, or

19 d. six (6) years of experience in any combination:

20 (1) as Captain or higher rank, or

21 (2) if the experience was prior to April 21, 2006, as
22 First Lieutenant or higher rank.
23
24

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

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

5 (1) as Commissioner of Public Safety,

6 (2) as Assistant Commissioner of Public Safety, or

7 (3) as Colonel,

8 b. two (2) years of experience in any combination:

9 (1) as Major or higher rank, or

10 (2) if the experience was prior to April 21, 2006, as
11 Captain or higher rank, or

12 c. four (4) years of experience in any combination:

13 (1) as Captain or higher rank, or

14 (2) if the experience was prior to April 21, 2006, as
15 Highway Patrol First Lieutenant or higher rank.

16 G. The Commissioner of Public Safety is hereby authorized to
17 send employees of the Department of Public Safety to schools such as
18 Northwestern University Center for Public Safety, Southern Police
19 Institute, the FBI National Academy, the Institute of Police
20 Technology and Management, or to any other schools of similar
21 training which would be conducive to improving the efficiency of the
22 Oklahoma Highway Patrol Division and the Department of Public
23 Safety. While an employee is attending a school, the Commissioner
24 is authorized to permit the employee to use a state-owned vehicle

1 and to use a fuel-purchasing card for any expenses related to the
2 operation of the vehicle. In addition, while an employee is
3 attending the FBI National Academy, a one-time expense allowance of
4 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
5 and board, and other related expenses shall be paid to the employee
6 by the Department; provided, the employee shall not be further
7 compensated through the State Travel Reimbursement Act, and, if any
8 other agency reimburses the employee for any expenses, the
9 reimbursement shall be given to the Department. All purchases made
10 by the employee with the expense allowance shall be considered
11 property of the employee.

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

1 officer of the Department. The Commissioner may require the
2 applicant for reinstatement to attend selected courses of
3 instruction, as prescribed by the Commissioner.

4 2. In the event of future hostilities wherein the Congress of
5 the United States declares this nation in a state of war with a
6 foreign nation, including military service brought about by the
7 Vietnam War, any period of military service served by a commissioned
8 officer of the Department shall be considered as continued service
9 with such Department, provided such commissioned officer returns to
10 duty with the Department within sixty (60) days after release from
11 military service.

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

13
14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/03/2017 -
15 DO PASS, As Amended.
16
17
18
19
20
21
22
23
24