

1 **SENATE FLOOR VERSION**

2 February 23, 2017

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 27

6 By: Brecheen

7 An Act relating to the Oklahoma Highway Patrol;  
8 amending 47 O.S. 2011, Section 2-105, as last amended  
9 by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.  
10 2016, Section 2-105), which relates to personnel of  
11 the Highway Patrol Division; modifying qualifications  
12 for certain positions; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-105, as  
16 last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.  
17 2016, Section 2-105), is amended to read as follows:

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

20 1. A Chief of the Oklahoma Highway Patrol Division with the  
21 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol  
22 Division with the rank of Lieutenant Colonel, and subordinate  
23 officers and employees of the Oklahoma Highway Patrol Division,  
24 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
the rank of Trooper, who shall comprise the Oklahoma Highway Patrol

1 Division of the Department of Public Safety; provided, any officer  
2 appointed to a commissioned position prescribed in this paragraph  
3 which is unclassified pursuant to Section 840-5.5 of Title 74 of the  
4 Oklahoma Statutes shall have a right of return to the highest  
5 previously held classified commissioned position within the Highway  
6 Patrol Division of the Department of Public Safety without any loss  
7 of rights, privileges or benefits immediately upon completion of the  
8 duties in the unclassified commissioned position;

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

12 3. A Captain, Lieutenants, and Patrolmen, who shall comprise  
13 the Capitol Patrol Section of the Oklahoma Highway Patrol Division  
14 of the Department of Public Safety; and

15 4. Communications Coordinators, Communications Superintendents,  
16 Communications Supervisors, Communications Dispatchers, Radio  
17 Technicians and Tower Maintenance Officers shall comprise the  
18 Communications Division of the 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 Director of the  
22 Office of Management and Enterprise Services, minimum qualifications  
23 and shall select such officers and employees only after examinations  
24 to determine their physical and mental qualifications for such

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

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

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

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

19 (2) shall have successfully completed thirty-two (32)  
20 semester hours from an accredited college or  
21 university as denoted in the Database of  
22 Accredited Postsecondary Institutions and  
23 Programs provided by the U.S. Department of  
24 Education and whose hours are transferable

1 between such recognized institutions and have  
2 ~~received an honorable discharge after three (3)~~  
3 years of honorable active military or reserve  
4 military service, ~~or~~

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

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

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

1 ~~successfully completed semester hours from an~~  
2 ~~accredited college or university as denoted in the~~  
3 ~~Database of Accredited Postsecondary Institutions and~~  
4 ~~Programs provided by the U.S. Department of Education~~  
5 ~~and whose hours are transferable between such~~  
6 ~~recognized institutions.~~

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

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

1           5. Drunkenness or being under the influence of intoxicating  
2 substances shall be sufficient grounds for the removal of any  
3 commissioned officer of the Department, in and by the manner  
4 provided for in this section.

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

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

23           D. 1. No permanent employee, as provided for in this section,  
24 who is a commissioned officer of the Department, may be suspended

1 without pay or dismissed unless the employee has been notified in  
2 writing by the Commissioner of such intended action and the reasons  
3 thereof. No such notice shall be given by the Commissioner unless  
4 sworn charges or statements have been obtained to justify the  
5 action.

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

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

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

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

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

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

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



- 1 a. one (1) year of experience in any combination:
- 2 (1) as Commissioner of Public Safety,
- 3 (2) as Assistant Commissioner of Public Safety, or
- 4 (3) as Assistant Chief,
- 5 b. two (2) years of experience in any combination:
- 6 (1) as Deputy Chief or higher rank, or
- 7 (2) if the experience was prior to April 21, 2006, as
- 8 Major or higher rank,
- 9 c. four (4) years of experience in any combination:
- 10 (1) as Major or higher rank, or
- 11 (2) if the experience was prior to April 21, 2006, as
- 12 Captain or higher rank, or
- 13 d. six (6) years of experience in any combination:
- 14 (1) as Captain or higher rank, or
- 15 (2) if the experience was prior to April 21, 2006, as
- 16 First Lieutenant or higher rank.

17 3. In addition to the requirements of paragraph 1 of this

18 subsection, the position of Deputy Chief of the Oklahoma Highway

19 Patrol Division shall be based on one of the following:

- 20 a. one (1) year of experience in any combination:
- 21 (1) as Commissioner of Public Safety,
- 22 (2) as Assistant Commissioner of Public Safety, or
- 23 (3) as Colonel,
- 24 b. two (2) years of experience in any combination:

1 (1) as Major or higher rank, or

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

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

5 (1) as Captain or higher rank, or

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

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

1 reimbursement shall be given to the Department. All purchases made  
2 by the employee with the expense allowance shall be considered  
3 property of the employee.

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

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

1 with such Department, provided such commissioned officer returns to  
2 duty with the Department within sixty (60) days after release from  
3 military service.

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

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
6 February 23, 2017 - DO PASS AS AMENDED  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24