

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3594

By: Hill

AS INTRODUCED

An Act relating to the Department of Public Safety; amending 47 O.S. 2021, Section 2-105, as amended by Section 1, Chapter 301, O.S.L. 2022 (47 O.S. Supp. 2023, Section 2-105), which relates to Oklahoma Highway Patrol personnel; modifying qualifications for reinstatement; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-105, as amended by Section 1, Chapter 301, O.S.L. 2022 (47 O.S. Supp. 2023, 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

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

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

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

16 4. Communications Coordinators, Communications Superintendents,
17 Communications Supervisors, Communications Dispatchers, Radio
18 Technicians and Tower Maintenance Officers who shall comprise the
19 Communications Division of the Department of Public Safety.

20 B. No person shall be appointed to any position set out in
21 subsection A of this section unless the person is a citizen of the
22 United States and of good moral character. The Commissioner shall
23 determine minimum qualifications for all positions set out in
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1 subsection A of this section, provided such qualifications shall
2 include, but are not limited to, the following:

3 1. For commissioned officer positions:

- 4 a. appointees shall be selected only after examination to
5 determine physical and mental fitness for such
6 positions. The examination criteria shall be
7 prescribed by the Commissioner,
- 8 b. appointees shall be at least twenty-one (21) years of
9 age but less than forty-six (46) years of age,
- 10 c. prior to receiving a commission, all such appointees
11 shall satisfactorily complete a course of training in
12 operations and procedures as prescribed by the
13 Commissioner, and
- 14 d. prior to receiving a commission, all such appointees
15 shall possess an associate's degree or a minimum of
16 sixty-two (62) successfully completed semester hours
17 from an accredited college or university as denoted in
18 the Database of Accredited Postsecondary Institutions
19 and Programs provided by the U.S. Department of
20 Education and whose hours are transferable between
21 such recognized institutions. Prior years of military
22 or law enforcement service shall qualify as a
23 substitute for the educational requirement, up to a
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1 maximum of thirty (30) semester hours, for any
2 combination of the following:

- 3 (1) ten (10) semester hours for each year of
4 honorable service in any active military or
5 reserve military service,
6 (2) ten (10) semester hours for each year the
7 appointee worked as a paid, full-time, CLEET-
8 certified law enforcement officer of a law
9 enforcement agency within the State of Oklahoma,
10 or
11 (3) ten (10) semester hours for each year the
12 appointee worked as a paid, full-time sworn law
13 enforcement officer certified by a state peace
14 officer standards and training agency as a peace
15 officer in another state, or any officer who has
16 been certified as a federal peace officer by a
17 CLEET-recognized law enforcement agency; and

18 2. Any person appointed to a position in the Communications
19 Division shall be at least eighteen (18) years of age and shall
20 possess a high school diploma or General Educational Development
21 equivalency certificate.

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

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

16 D. 1. No commissioned officer of the Department shall be a
17 candidate for any political office or take part in or contribute any
18 money or other thing of value, directly or indirectly, to any
19 political campaign or to any candidate for public office. Anyone
20 convicted of violating the provisions of this paragraph shall be
21 guilty of a misdemeanor and shall be punished as provided by law.

22 2. No commissioned officer of the Department, while in the
23 performance of the officer's assigned duty of providing security and
24 protection, shall be considered as participating in a political
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1 campaign. The provisions of this paragraph shall not be construed
2 to preclude a commissioned officer of the Oklahoma Highway Patrol
3 Division of the Department of Public Safety from being a candidate
4 for a position on a local board of education.

5 3. The Commissioner or any employee of the Department shall not
6 be a candidate for any political office, or in any way be active or
7 participate in any political contest of any Primary, General, or
8 Special Election, except to cast a ballot.

9 E. Drunkenness or being under the influence of intoxicating
10 substances shall be sufficient grounds for the removal of any
11 commissioned officer of the Department, as provided for in this
12 section.

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

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

3 3. Commissioned officers of the Department of Public Safety are
4 not entitled to appeal intra-agency transfer to the Oklahoma Merit
5 Protection Commission pursuant to the Oklahoma Personnel Act unless
6 the transfer is in violation of Section 840-2.5 or 840-2.9 of Title
7 74 of the Oklahoma Statutes.

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

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

22 2. Each commissioned officer of the Highway Patrol Division of
23 the Department of Public Safety shall be entitled to reimbursement
24 of expenses pursuant to the State Travel Reimbursement Act while
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1 away from the assigned area of the officer as designated by the
2 Chief of the Oklahoma Highway Patrol Division, when such expense is
3 incurred in the service of the state.

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

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

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

17 (1) as Commissioner of Public Safety,

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

19 (3) as Assistant Chief,

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

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

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

24 c. four (4) years of experience in any combination:
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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 d. six (6) 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 First Lieutenant or higher rank.

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

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

12 (1) as Commissioner of Public Safety,

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

14 (3) as Colonel,

15 b. two (2) 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 c. four (4) 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 Highway Patrol First Lieutenant or higher rank.

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

19 J. 1. Any former commissioned officer of the Department whose
20 separation from the Department was at such officer's own request and
21 not a result of such officer's own actions contrary to the policy of
22 the Department or was not as a result of the retirement of that
23 officer from the Department may make application for reinstatement
24 as a commissioned officer of the division or section of the

1 Department in which such officer was previously employed, ~~provided~~
2 ~~such reinstated officer will be able to complete twenty (20) years~~
3 ~~of credited service by the time the reinstated officer reaches~~
4 ~~sixty-two (62) years of age.~~ The Commissioner may waive the
5 requirements of possessing the number of semester hours or degree as
6 required in subsection B of this section for any former commissioned
7 officer making application for reinstatement as a commissioned
8 officer of the Department. The Commissioner may require the
9 applicant for reinstatement to attend selected courses of
10 instruction, as prescribed by the Commissioner.

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

19 SECTION 2. This act shall become effective November 1, 2024.
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21 59-2-8867 CMA 12/06/23
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THOMAS E. CUMMINS CONSULTING ACTUARY, INC.

2512 E. 71st Street , Suite D • Tulsa, Oklahoma 74136
(918) 492-9658 • (918) 492- 9659

January 15, 2024

Representative Hill
Room 336.4

Re: RBH No. 8867

RBH No. 8867 removes the requirement that a before Highway Trooper can be returned to office the Trooper must be able to complete 20 years of service before the age of 62.

RBH No. 8867 is a fiscal bill as defined by OPLAAA. This bill would allow former participants of OLERS to resume participating in OLERS that otherwise would be prevented under current law.

I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA