ENGROSSED SENATE
BILL NO. 246

By: Capps and Coffee of the Senate

and

Piatt of the House

An Act relating to the Oklahoma Aeronautics Commission; amending 3 O.S. 2001, Section 84, as amended by Section 1, Chapter 375, O.S.L. 2002, and Section 1, Chapter 269, O.S.L. 2002 (3 O.S. Supp. 2004, Sections 84 and 84.2), which relate to commission membership, meetings and full-time-equivalent employees; reducing the number of members necessary to constitute a quorum; modifying date for certain report to be submitted to the Governor; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 3 O.S. 2001, Section 84, as amended by Section 1, Chapter 375, O.S.L. 2002 (3 O.S. Supp. 2004, Section 84), is amended to read as follows:

Section 84. A. There is hereby created the Oklahoma Aeronautics Commission, which shall be the successor to the Oklahoma Aviation Commission created by Section 81 et seq. of this title. The Oklahoma Aeronautics Commission shall consist of seven (7) members, who shall be appointed by the Governor and who shall continue in office, as designated by the Governor at the time of appointment, through the last day of the second, third, fourth, fifth, sixth, and seventh calendar years, respectively, following the passage of this act, with the initial seventh member remaining in office until the end of the calendar year 1979. The successors of the members initially appointed shall be appointed for terms of six (6) years in the same manner as the members originally appointed under this act, except that any person appointed to fill a vacancy shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of a successor.

One member shall be appointed from each congressional district and any remaining members shall be appointed from the state at large. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. To qualify for appointment to the Commission, an appointee shall have the following minimum qualifications:

~~(1)~~ 1. A citizen and bona fide resident of the state;

~~(2)~~ 2. Three (3) years' experience in aeronautical activities, such as general aviation, agricultural aviation, airport management, or air carrier operation.

Members of the Commission shall receive no salary but shall be entitled to be reimbursed for necessary travel expenses pursuant to the State Travel Reimbursement Act. The members of the Commission may be removed by the Governor for inefficiency, neglect of duty, or malfeasance in office in the manner provided by law for the removal of officers not subject to impeachment.

B. ~~(1)~~ 1. A Director of Aeronautics shall be appointed by the Commission, who shall serve at the pleasure of the Commission. The Director shall be appointed with due regard to such person's fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics for the efficient dispatch of the powers and duties duly vested in and imposed upon the Director.

The Director shall devote full time to the duties of the office and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall the Director have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. The Director shall be reimbursed for all traveling and other expenses incurred in the discharge of the official duties of the Director, subject to general statutory limitations on such expenses as contained in the State Travel Reimbursement Act.

~~(2)~~ 2. The Director shall be the executive officer of the Commission and under its supervision shall administer the provisions of this act and rules, regulations, and orders established thereunder and all other laws of the state relative to aeronautics. The Director shall attend all meetings of the Commission, but shall have no vote. The Director shall be in charge of the offices of the Commission and responsible to the Commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. The Director is hereby empowered to execute all contracts entered into by the Commission.

~~(3)~~ 3. The Commission may, by written order filed in its office, delegate to the Director any of the powers or duties vested in or imposed upon it by this act. Such delegated powers and duties may be exercised by the Director in the name of the Commission.

~~(4)~~ 4. The Director shall appoint, subject to the approval of the Commission, such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the Commission.

C. The Commission shall, within thirty (30) days after its appointment, organize, adopt a seal, and make such rules and regulations for its administration, not inconsistent herewith, nor inconsistent with, or contrary to, any act of the Congress of the United States or regulations promulgated or standards established pursuant thereto, as it may deem expedient and from time to time

amend such rules and regulations. At such organizational meeting it shall elect from among its members a ~~chairman~~ chair, a ~~vice-chairman~~ vice chair, and a secretary, to serve for one (1) year, and annually thereafter shall elect such officers, all to serve until their successors are appointed and qualified. The Commission shall schedule meetings at a convenient time and place as they become necessary. ~~Five (5)~~ Four (4) members shall constitute a quorum, and no action shall be taken by less than a majority of the Commission. Special meetings may be called as provided by the rules and regulations of the Commission. Regular meetings shall be held at the established offices of the Commission, but, whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, the Commission may hold meetings, hearings, or proceedings at any other place designated by it. The Commission shall report in writing to the Governor on or about ~~July 31~~ January 31 of each year. The report shall contain a summary of the proceedings of the Commission during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the Commission, such other information as it may deem necessary or useful, and any additional information which may be requested by the Governor.

D. Suitable office space shall be provided by the Department of Central Services for the Commission in the City of Oklahoma City, and the Commission may incur the necessary expense for office rent, furniture, stationery, printing, incidental expenses, and other necessary expenses needed for the administration of this act.

SECTION 2. AMENDATORY Section 1, Chapter 269, O.S.L. 2002 (3 O.S. Supp. 2004, Section 84.2), is amended to read as follows:

Section 84.2 A. Beginning July 1, 2002, the Oklahoma Aeronautics Commission shall cease to be part of or a division of the Department of Transportation and shall be deemed to be a

separate and distinct agency, to be known as the Oklahoma Aeronautics Commission, and not under the Merit System of Personnel Administration. The Oklahoma Aeronautics Commission and the Director of Aeronautics shall continue to exercise their statutory powers, duties, and responsibilities. All records, property, equipment, assets, monies, matters pending, and funds of the division shall be transferred to the Oklahoma Aeronautics Commission.

B. 1. The number of full-time-equivalent employees for the Oklahoma Aeronautics Commission shall not be less than ten, nor more than the number of employees currently allowed by law for the Oklahoma Aeronautics Commission division of the Department of Transportation and who transfer to the Oklahoma Aeronautics Commission pursuant to this section. In no event shall the total full-time-equivalent employees of the Oklahoma Aeronautics Commission transferring or electing to remain with the Department of Transportation exceed ~~fourteen~~ eighteen full-time-equivalent positions.

2. All full-time-equivalent employee positions for the Oklahoma Aeronautics Commission shall not be under the Merit System of Personnel Administration and shall be considered unclassified service. All employees shall serve at the pleasure of the Director of the Oklahoma Aeronautics Commission.

3. The Oklahoma Aeronautics Commission and the Department of Transportation may enter into an agreement for the transfer of personnel from the Department of Transportation to the Oklahoma Aeronautics Commission. No employee shall be transferred to the Oklahoma Aeronautics Commission except on the freely given written consent of the employee. All classified employees under the Merit System of Personnel Administration who are not transferred to the Oklahoma Aeronautics Commission shall retain the status in the class to which the position occupied by the employee on July 1, 2002, is

allocated by the Office of Personnel Management. The salary of such an employee shall not be reduced as a result of such position allocation. All employees who are transferred to the Oklahoma Aeronautics Commission shall not be required to accept a lesser grade or salary than presently received. All employees shall retain leave, sick and annual time earned, and any retirement and longevity benefits which have accrued during their tenure with the Department of Transportation. The transfer of personnel between the state agencies shall be coordinated with the Office of Personnel Management.

C. The Oklahoma Aeronautics Commission shall be authorized to rent, lease, or own the appropriate office space and property in order to conduct its business. The Oklahoma Aeronautics Commission is authorized to accept gifts, bequests, devises, contributions, and grants, public or private, including federal funds or funds from any other source for use in furthering the purpose of the Oklahoma Aeronautics Commission.

D. Funding for the Oklahoma Aeronautics Commission shall be provided for in the appropriation process of the Legislature, in addition to any other funding provided by law. The expenses incurred by the Oklahoma Aeronautics Commission as a result of the transfer required by this section shall be paid by the Oklahoma Aeronautics Commission.

E. The division within the Department of Transportation known as the Oklahoma Aeronautics Commission shall be abolished by the Transportation Commission after the transfer has been completed.

F. The Director of State Finance is directed to coordinate the transfer of assets, funds, allotments, purchase orders, liabilities, outstanding financial obligations or encumbrances provided for in this section. The Department of Central Services shall coordinate the transfer of property and records provided for in this section.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House of Representatives