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THE STATE SENATE
Tuesday, February 22, 2005

Senate Bill No. 246

As Amended

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; removing requirements that appointees be selected from certain geographic areas; reducing the number of members necessary to constitute a quorum; modifying date for certain report to be submitted to the Governor; eliminating limit on maximum number of full-time-equivalent employees allowed; 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,

1 fifth, sixth, and seventh calendar years, respectively, following
2 the passage of this act, with the initial seventh member remaining
3 in office until the end of the calendar year 1979. The successors
4 of the members initially appointed shall be appointed for terms of
5 six (6) years in the same manner as the members originally appointed
6 under this act, except that any person appointed to fill a vacancy
7 shall be appointed only for the remainder of such term. Each member
8 shall serve until the appointment and qualification of a successor.
9 **One member shall be appointed from each congressional district and**
10 **any remaining members shall be appointed from the state at large.**
11 **However, when congressional districts are redrawn each member**
12 **appointed prior to July 1 of the year in which such modification**
13 **becomes effective shall complete the current term of office and**
14 **appointments made after July 1 of the year in which such**
15 **modification becomes effective shall be based on the redrawn**
16 **districts. Appointments made after July 1 of the year in which such**
17 **modification becomes effective shall be from any redrawn districts**
18 **which are not represented by a board member until such time as each**
19 **of the modified congressional districts are represented by a board**
20 **member. No appointments may be made after July 1 of the year in**
21 **which such modification becomes effective if such appointment would**
22 **result in more than two members serving from the same modified**

1 **district.** To qualify for appointment to the Commission, an
2 appointee shall have the following minimum qualifications:

3 ~~(1)~~ 1. A citizen and bona fide resident of the state;

4 ~~(2)~~ 2. Three (3) years' experience in aeronautical activities,
5 such as general aviation, agricultural aviation, airport management,
6 or air carrier operation.

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

13 B. ~~(1)~~ 1. A Director of Aeronautics shall be appointed by the
14 Commission, who shall serve at the pleasure of the Commission. The
15 Director shall be appointed with due regard to such person's
16 fitness, by aeronautical education and by knowledge of and recent
17 practical experience in aeronautics for the efficient dispatch of
18 the powers and duties duly vested in and imposed upon the Director.
19 The Director shall devote full time to the duties of the office and
20 shall not be actively engaged or employed in any other business,
21 vocation, or employment, nor shall the Director have any pecuniary
22 interest in or any stock in or bonds of any civil aeronautics
23 enterprise. The Director shall be reimbursed for all traveling and

1 other expenses incurred in the discharge of the official duties of
2 the Director, subject to general statutory limitations on such
3 expenses as contained in the State Travel Reimbursement Act.

4 ~~(2)~~ 2. The Director shall be the executive officer of the
5 Commission and under its supervision shall administer the provisions
6 of this act and rules, regulations, and orders established
7 thereunder and all other laws of the state relative to aeronautics.
8 The Director shall attend all meetings of the Commission, but shall
9 have no vote. The Director shall be in charge of the offices of the
10 Commission and responsible to the Commission for the preparation of
11 reports and the collection and dissemination of data and other
12 public information relating to aeronautics. The Director is hereby
13 empowered to execute all contracts entered into by the Commission.

14 ~~(3)~~ 3. The Commission may, by written order filed in its
15 office, delegate to the Director any of the powers or duties vested
16 in or imposed upon it by this act. Such delegated powers and duties
17 may be exercised by the Director in the name of the Commission.

18 ~~(4)~~ 4. The Director shall appoint, subject to the approval of
19 the Commission, such experts, field and office assistants, clerks,
20 and other employees as may be required and authorized for the proper
21 discharge of the functions of the Commission.

22 C. The Commission shall, within thirty (30) days after its
23 appointment, organize, adopt a seal, and make such rules and

1 regulations for its administration, not inconsistent herewith, nor
2 inconsistent with, or contrary to, any act of the Congress of the
3 United States or regulations promulgated or standards established
4 pursuant thereto, as it may deem expedient and from time to time
5 amend such rules and regulations. At such organizational meeting it
6 shall elect from among its members a ~~chairman~~ chair, a ~~vice-chairman~~
7 vice chair, and a secretary, to serve for one (1) year, and annually
8 thereafter shall elect such officers, all to serve until their
9 successors are appointed and qualified. The Commission shall
10 schedule meetings at a convenient time and place as they become
11 necessary. ~~Five (5)~~ Four (4) members shall constitute a quorum, and
12 no action shall be taken by less than a majority of the Commission.
13 Special meetings may be called as provided by the rules and
14 regulations of the Commission. Regular meetings shall be held at
15 the established offices of the Commission, but, whenever the
16 convenience of the public or of the parties may be promoted, or
17 delay or expense may be prevented, the Commission may hold meetings,
18 hearings, or proceedings at any other place designated by it. The
19 Commission shall report in writing to the Governor on or about ~~July~~
20 ~~31~~ January 31 of each year. The report shall contain a summary of
21 the proceedings of the Commission during the preceding fiscal year,
22 a detailed and itemized statement of all revenue and of all
23 expenditures made by or in behalf of the Commission, such other

1 information as it may deem necessary or useful, and any additional
2 information which may be requested by the Governor.

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

8 SECTION 2. AMENDATORY Section 1, Chapter 269, O.S.L.
9 2002 (3 O.S. Supp. 2004, Section 84.2), is amended to read as
10 follows:

11 Section 84.2 A. Beginning July 1, 2002, the Oklahoma
12 Aeronautics Commission shall cease to be part of or a division of
13 the Department of Transportation and shall be deemed to be a
14 separate and distinct agency, to be known as the Oklahoma
15 Aeronautics Commission, and not under the Merit System of Personnel
16 Administration. The Oklahoma Aeronautics Commission and the
17 Director of Aeronautics shall continue to exercise their statutory
18 powers, duties, and responsibilities. All records, property,
19 equipment, assets, monies, matters pending, and funds of the
20 division shall be transferred to the Oklahoma Aeronautics
21 Commission.

22 B. 1. The number of full-time-equivalent employees for the
23 Oklahoma Aeronautics Commission shall not be less than ten, **nor more**

1 than the number of employees currently allowed by law for the
2 Oklahoma Aeronautics Commission division of the Department of
3 Transportation and who transfer to the Oklahoma Aeronautics
4 Commission pursuant to this section. In no event shall the total
5 full-time-equivalent employees of the Oklahoma Aeronautics
6 Commission transferring or electing to remain with the Department of
7 Transportation exceed ~~fourteen~~ eighteen full-time-equivalent
8 positions.

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

14 3. The Oklahoma Aeronautics Commission and the Department of
15 Transportation may enter into an agreement for the transfer of
16 personnel from the Department of Transportation to the Oklahoma
17 Aeronautics Commission. No employee shall be transferred to the
18 Oklahoma Aeronautics Commission except on the freely given written
19 consent of the employee. All classified employees under the Merit
20 System of Personnel Administration who are not transferred to the
21 Oklahoma Aeronautics Commission shall retain the status in the class
22 to which the position occupied by the employee on July 1, 2002, is
23 allocated by the Office of Personnel Management. The salary of such

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

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

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

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

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON AEROSPACE, COMMUNICATIONS &
15 TECHNOLOGY, dated 2-14-05 - DO PASS, As Amended and Coauthored.