

STATE OF OKLAHOMA

2nd Session of the 51st Legislature (2008)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3239

By: McNeil

COMMITTEE SUBSTITUTE

(Aerospace - tax credits - renaming commission -
effective dates)

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

SECTION 1. AMENDATORY 3 O.S. 2001, Section 81, is
amended to read as follows:

Section 81. This act may be cited as the "Oklahoma ~~Aeronautics~~
Aerospace Commission Act-".

SECTION 2. AMENDATORY 3 O.S. 2001, Section 82, is
amended to read as follows:

Section 82. As used in the Oklahoma ~~Aeronautics~~ Aerospace
Commission Act, unless the context otherwise requires:

(a) "Aeronautics" means the science, art, and practice of
flight including, but not limited to, transportation by aircraft and
matters relating to air commerce; the operation, construction,

1 repair, or maintenance of aircraft, aircraft power plants and
2 accessories, including the repair, packing, and maintenance of
3 parachutes; the design, establishment, construction, extension,
4 operation, improvement, repair, or maintenance of airports,
5 restricted landing areas, or other air navigation facilities; and
6 instruction in flying or ground subjects pertaining thereto.

7 (b) "Aircraft" means any contrivance now known, or hereafter
8 invented, used, or designed for navigation of or flight in the air
9 or airspace.

10 (c) "Airport" means an area of land or water that is used, or
11 intended to be used, for the landing and takeoff of aircraft, and
12 buildings and facilities, if any.

13 (d) "Airspace" means that portion of the atmosphere overlying a
14 designated geographical area considered as subject to territorial
15 jurisdiction or international law in respect to its use by aircraft,
16 guided missiles, and rockets.

17 (e) "Commission" means the Oklahoma ~~Aeronautics~~ Aerospace
18 Commission.

19 (f) "Director" means the Director of ~~Aeronautics~~ Aerospace of
20 Oklahoma.

21 (g) "State" or "this state" means the State of Oklahoma.

22 (h) "Air navigation facility" means any facility used in,
23 available for use in, or designed for use in, aid of air navigation,
24 including landing areas, any structures, mechanisms, lights,

1 beacons, markers, communicating systems, or other instrumentalities
2 or devices used or useful as an aid, or constituting an advantage or
3 convenience, to the safe taking off, navigation, and landing of
4 aircraft, or the safe and efficient operation or maintenance of an
5 airport, and any combination of any or all of such facilities.

6 (i) "Operation of aircraft" or "operate aircraft" means the
7 use, navigation, or piloting of aircraft in the airspace over this
8 state or upon any airport within this state.

9 (j) "Airman" means any individual who engages, as the person in
10 command, or as pilot, mechanic, or member of the crew, in the
11 navigation of aircraft while under way, and any individual who is
12 directly in charge of the inspection, maintenance, overhauling, or
13 repair of aircraft, aircraft engines, propellers, and appliances.

14 (k) "Person" means any individual, firm, partnership,
15 corporation, company, association, joint stock association, or body
16 politic; and includes any trustee, receiver, assignee, or other
17 similar representative thereof.

18 (l) "Municipality" means any incorporated city, village, or
19 town of this state and any county or political subdivision or
20 district in this state, or any public trust thereof, which is, or
21 may be, authorized by law to acquire, establish, construct,
22 maintain, improve, and operate airports, airstrips, and aeronautical
23 navigation facilities.

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1 (m) "Aeronautical hazard" means any structure, object of
2 natural growth, or use of land, which obstructs the airspace
3 required for the flight of aircraft in landing or taking off at an
4 airport that is otherwise hazardous to the operation and navigation
5 of aircraft.

6 (n) "Resources" means services, facilities, funds, equipment,
7 property, personnel, and such other activities as are customarily
8 included within the term.

9 (o) "Helipad" means a small, designated area, usually with a
10 prepared surface, on a heliport, airport, landing or takeoff area,
11 apron or ramp, or movement area used for takeoff, landing or parking
12 of helicopters.

13 (p) "Heliport" means an area of land, water or structure used
14 or intended to be used for the landing and takeoff of helicopters
15 and includes its buildings and facilities, if any.

16 (q) "Commercial service airport" means an airport meeting the
17 current Federal Aviation Administration definition for commercial
18 service airport.

19 (r) "Primary commercial service airport" means an airport
20 meeting the current Federal Aviation Administration definition for
21 primary commercial service airport.

22 (s) "Reliever airport" means an airport designated by the
23 Federal Aviation Administration as a reliever airport and which
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1 provides substantial capacity or instrument training relief to a
2 primary commercial service airport.

3 (t) "General aviation airport" means an airport not meeting the
4 criteria for definition as a commercial service or reliever airport.

5 SECTION 3. AMENDATORY 3 O.S. 2001, Section 84, as last
6 amended by Section 1, Chapter 100, O.S.L. 2005 (3 O.S. Supp. 2007,
7 Section 84), is amended to read as follows:

8 Section 84. A. There is hereby created the Oklahoma
9 ~~Aeronautics~~ Aerospace Commission, which shall be the successor to
10 the Oklahoma Aviation Commission created by Section 81 et seq. of
11 this title. The Oklahoma ~~Aeronautics~~ Aerospace Commission shall
12 consist of seven (7) members, who shall be appointed by the Governor
13 and who shall continue in office, as designated by the Governor at
14 the time of appointment, through the last day of the second, third,
15 fourth, fifth, sixth, and seventh calendar years, respectively,
16 following the passage of this act, with the initial seventh member
17 remaining in office until the end of the calendar year 1979. The
18 successors of the members initially appointed shall be appointed for
19 terms of six (6) years in the same manner as the members originally
20 appointed under this act, except that any person appointed to fill a
21 vacancy shall be appointed only for the remainder of such term.
22 Each member shall serve until the appointment and qualification of a
23 successor. One member shall be appointed from each congressional
24 district and any remaining members shall be appointed from the state

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

- 15 1. A citizen and bona fide resident of the state;
- 16 2. Three (3) years' experience in aeronautical activities, such
17 as general aviation, agricultural aviation, airport management, or
18 air carrier operation.

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

1 B. 1. A Director of ~~Aeronautics~~ Aerospace shall be appointed
2 by the Commission, who shall serve at the pleasure of the
3 Commission. The Director shall be appointed with due regard to such
4 person's fitness, by aeronautical education and by knowledge of and
5 recent practical experience in aeronautics for the efficient
6 dispatch of the powers and duties duly vested in and imposed upon
7 the Director. The Director shall devote full time to the duties of
8 the office and shall not be actively engaged or employed in any
9 other business, vocation, or employment, nor shall the Director have
10 any pecuniary interest in or any stock in or bonds of any civil
11 aeronautics enterprise. The Director shall be reimbursed for all
12 traveling and other expenses incurred in the discharge of the
13 official duties of the Director, subject to general statutory
14 limitations on such expenses as contained in the State Travel
15 Reimbursement Act.

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

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

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

11 C. 1. The Commission shall, within thirty (30) days after its
12 appointment, organize, adopt a seal, and make such rules and
13 regulations for its administration, not inconsistent herewith, nor
14 inconsistent with, or contrary to, any act of the Congress of the
15 United States or regulations promulgated or standards established
16 pursuant thereto, as it may deem expedient and from time to time
17 amend such rules and regulations. At such organizational meeting it
18 shall elect from among its members a chair, a vice chair, and a
19 secretary, to serve for one (1) year, and annually thereafter shall
20 elect such officers, all to serve until their successors are
21 appointed and qualified. The Commission shall schedule meetings at
22 a convenient time and place as they become necessary. Four (4)
23 members shall constitute a quorum, and no action shall be taken by
24 less than a majority of the Commission. Special meetings may be

1 called as provided by the rules and regulations of the Commission.
2 Regular meetings shall be held at the established offices of the
3 Commission, but, whenever the convenience of the public or of the
4 parties may be promoted, or delay or expense may be prevented, the
5 Commission may hold meetings, hearings, or proceedings at any other
6 place designated by it. The Commission shall report in writing to
7 the Governor on or about January 31 of each year. The report shall
8 contain a summary of the proceedings of the Commission during the
9 preceding fiscal year, a detailed and itemized statement of all
10 revenue and of all expenditures made by or in behalf of the
11 Commission, such other information as it may deem necessary or
12 useful, and any additional information which may be requested by the
13 Governor.

14 2. The rules and regulations in place at the time that the
15 Oklahoma Aeronautics Commission is renamed the Oklahoma Aerospace
16 Commission shall remain in place and in effect until the time in
17 which the Oklahoma Aerospace Commission adopts its own rules and
18 regulations.

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

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1 SECTION 4. AMENDATORY Section 1, Chapter 269, O.S.L.
2 2002, as amended by Section 2, Chapter 100, O.S.L. 2005 (3 O.S.
3 Supp. 2007, Section 84.2), is amended to read as follows:

4 Section 84.2 A. Beginning July 1, 2002, the Oklahoma
5 ~~Aeronautics~~ Aerospace Commission shall cease to be part of or a
6 division of the Department of Transportation and shall be deemed to
7 be a separate and distinct agency, to be known as the Oklahoma
8 ~~Aeronautics~~ Aerospace Commission, and not under the Merit System of
9 Personnel Administration. The Oklahoma ~~Aeronautics~~ Aerospace
10 Commission and the Director of ~~Aeronautics~~ Aerospace shall continue
11 to exercise their statutory powers, duties, and responsibilities.
12 All records, property, equipment, assets, monies, matters pending,
13 and funds of the division shall be transferred to the Oklahoma
14 ~~Aeronautics~~ Aerospace Commission.

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

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

6 3. The Oklahoma ~~Aeronautics~~ Aerospace Commission and the
7 Department of Transportation may enter into an agreement for the
8 transfer of personnel from the Department of Transportation to the
9 Oklahoma ~~Aeronautics~~ Aerospace Commission. No employee shall be
10 transferred to the Oklahoma ~~Aeronautics~~ Aerospace Commission except
11 on the freely given written consent of the employee. All classified
12 employees under the Merit System of Personnel Administration who are
13 not transferred to the Oklahoma ~~Aeronautics~~ Aerospace Commission
14 shall retain the status in the class to which the position occupied
15 by the employee on July 1, 2002, is allocated by the Office of
16 Personnel Management. The salary of such an employee shall not be
17 reduced as a result of such position allocation. All employees who
18 are transferred to the Oklahoma ~~Aeronautics~~ Aerospace Commission
19 shall not be required to accept a lesser grade or salary than
20 presently received. All employees shall retain leave, sick and
21 annual time earned, and any retirement and longevity benefits which
22 have accrued during their tenure with the Department of
23 Transportation. The transfer of personnel between the state
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1 agencies shall be coordinated with the Office of Personnel
2 Management.

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

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

16 E. The division within the Department of Transportation known
17 as the Oklahoma ~~Aeronautics~~ Aerospace Commission shall be abolished
18 by the Transportation Commission after the transfer has been
19 completed.

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

1 SECTION 5. AMENDATORY 3 O.S. 2001, Section 85, as last
2 amended by Section 1, Chapter 401, O.S.L. 2005 (3 O.S. Supp. 2007,
3 Section 85), is amended to read as follows:

4 Section 85. A. The Oklahoma ~~Aeronautics~~ Aerospace Commission
5 and its Director acting under its authority is empowered and
6 directed to encourage, foster, and assist in the development of
7 aeronautics in this state and to encourage the establishment of
8 airports and air navigation facilities. It shall cooperate with and
9 assist the federal government, the municipalities of this state, and
10 other persons in the development of aeronautics, and shall seek to
11 coordinate the aeronautical activities of these bodies and persons.
12 Municipalities are authorized to cooperate with the Commission in
13 the development of aeronautics and aeronautical facilities in this
14 state.

15 B. The Commission may organize and administer a voluntary
16 program of air-age education in cooperation with the schools,
17 colleges, and for the general public, and may prepare and conduct
18 voluntary flight clinics for airmen and issue such bulletins and
19 publications as may be required.

20 C. The Commission shall assist in all aeronautical matters
21 related to emergency management actions in conformance with federal
22 directions and with the Emergency Operations Plan of the state.

23 D. The Commission may establish air markers throughout the
24 state.

1 E. The Commission may purchase and install roadside signs
2 directing highway traffic to airports, subject to approval of the
3 State Transportation Commission.

4 F. The Commission shall:

5 1. Draft and recommend necessary legislation to advance the
6 interests of the state in aeronautics;

7 2. Represent the state in aeronautical matters before federal
8 agencies and other state agencies; and

9 3. Participate as party plaintiff or defendant or as intervener
10 on behalf of the state or any municipality or citizen thereof in any
11 proceeding which involves the interest of the state in aeronautics.

12 G. 1. The Commission may, insofar as is reasonably possible,
13 make available its engineering and other technical services to any
14 municipality or person desiring them in connection with the
15 planning, acquisition, construction, improvement, maintenance, or
16 operation of airports or navigation facilities.

17 2. The Commission may render financial assistance by grant or
18 loan or both to any municipality or municipalities acting jointly in
19 the planning, acquisition, construction, improvement, maintenance,
20 or operation of an airport owned or controlled, or to be owned or
21 controlled, by such municipality or municipalities, out of
22 appropriations or other monies made available by the Legislature for
23 such purposes. Such financial assistance may be furnished in
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1 connection with federal or other financial aid for the same
2 purposes.

3 3. The Commission shall be designated as the agent of this
4 state or political subdivision of this state for the purpose of
5 applying for, receiving, administering and disbursing federal funds
6 and other public monies for the benefit of general aviation
7 airports, except reliever airports, as may be available under
8 applicable federal law or other laws. If requested by a political
9 subdivision, the Commission may act as its or their agent in
10 contracting for and supervising such planning, acquisition,
11 construction, improvement, maintenance, or operation; and all
12 political subdivisions are authorized to designate the Commission as
13 their agent for the foregoing purposes. The Commission, as
14 principal on behalf of the state, may enter into any contracts with
15 the United States or with any person, which may be required in
16 connection with a grant or loan of federal monies for municipal
17 airport or air navigation facility purposes. All federal monies
18 accepted under this section shall be accepted and transferred or
19 expended by the Commission upon such terms and conditions as are
20 prescribed by the United States. All monies received by the
21 Commission pursuant to this section shall be deposited in the
22 Oklahoma ~~Aeronautics~~ Aerospace Commission Fund in the State Treasury
23 and shall be paid out by the Commission in accordance with the terms
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1 and conditions of any agreement entered into under the provisions of
2 this section.

3 H. 1. The Commission is authorized on behalf of and in the
4 name of the state, out of appropriations and other monies made
5 available for such purposes, to plan, zone, establish, construct,
6 enlarge, improve, maintain, equip, operate, regulate, protect, and
7 police airports and air navigation facilities, either within or
8 without the state, including the construction, installation,
9 equipping, maintenance, and operation at such airports of buildings
10 and other facilities for the servicing of aircraft or for the
11 comfort and accommodation of air travelers. However, the regulatory
12 authority shall not extend to any airman employed by, nor to any
13 aeronautics facility or aircraft under the exclusive possession,
14 operation, or control of, a person holding a certificate of public
15 convenience and necessity issued by any agency of the United States
16 to operate as a common carrier by air of persons and/or property in
17 interstate commerce. For such purposes the Commission may, by
18 purchase, gift, devise, or lease, acquire property, real or
19 personal, or any interest therein including easements in
20 aeronautical hazards or land outside the boundaries of an airport or
21 airport site, as are necessary to permit safe and efficient
22 operation of the state airports or to permit the removal,
23 elimination, obstruction-marking or obstruction-lighting of airport
24 hazards, or to prevent the establishment of airport hazards. In

1 like manner the Commission may acquire existing airports and air
2 navigation facilities. However, the Commission shall not acquire or
3 take over any airport or air navigation facility owned or controlled
4 by a municipality of this or any other state without the consent of
5 such municipality. The Commission may, by sale, lease, or
6 otherwise, dispose of any such property, airport, air navigation
7 facility, or portion thereof or interest therein. The disposal, by
8 sale, lease, or otherwise, shall be in accordance with the laws of
9 this state governing the disposition of other property of the state,
10 except that, in the case of disposals to any municipality or state
11 government or the United States for aeronautical purposes incident
12 thereto, the sale, lease, or other disposal may be effected in such
13 manner and upon such terms as the Commission may deem in the best
14 interest of the state.

15 2. All airports owned by the state shall be within the primary
16 jurisdiction of the State Aeronautics Commission for purposes of
17 design, development, and operation; provided, that airports owned
18 and operated by the Oklahoma Space Industry Development Authority
19 shall be exempt from such provisions, and during the time of a
20 national emergency, the Air National Guard shall be exempt from such
21 provisions, and provided further, that any airport owned by the
22 state may be leased by the Commission to a public or private agency,
23 as it may deem fit.

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1 3. Nothing contained in this act shall be construed to limit
2 any right, power, or authority of the state or a municipality to
3 regulate airport hazards by zoning.

4 4. The Commission may exercise any powers granted by this
5 section jointly with any municipalities or with the United States.

6 5. a. In operating an airport or air navigation facility
7 owned or controlled by the state, the Commission may
8 enter into contracts, leases, and other arrangements
9 for a term not exceeding twenty-five (25) years with
10 any persons granting the privilege of using or
11 improving such airport or air navigation facility or
12 any portion or facility thereof or space therein for
13 commercial purposes; conferring the privilege of
14 supplying goods, commodities, things, services, or
15 facilities at such airport or air navigation facility;
16 or making available services to be furnished by the
17 Commission or its agents at such airport or air
18 navigation facility.

19 In each such case the Commission may establish the
20 terms and conditions and fix the charges, rentals, or
21 fees for the privileges or services, which shall be
22 reasonable and uniform for the same class of
23 privileges or services and shall be established with
24 due regard to the property and improvements used and

1 the expenses of operation to the state; provided, that
2 in no case shall the public be deprived of its
3 rightful, equal, and uniform use of the airport, air
4 navigation facility or portion or facility thereof.

5 b. The Commission may by contract, lease, or other
6 arrangement, upon a consideration fixed by it, grant
7 to any qualified person for a term not to exceed
8 twenty-five (25) years the privilege of operating, as
9 agent of the state or otherwise, any airport owned or
10 controlled by the state; provided, that no such person
11 shall be granted any authority to operate the airport
12 other than as a public airport or to enter into any
13 contracts, leases, or other arrangements in connection
14 with the operation of the airport which the Commission
15 might not have undertaken under subparagraph a of this
16 paragraph.

17 c. To enforce the payment of any charges for repairs to,
18 or improvements, storage, or care of, any personal
19 property made or furnished by the Commission or its
20 agents in connection with the operation of an airport
21 or air navigation facility owned or operated by the
22 state, the state shall have liens on such property,
23 which shall be enforceable by the Commission as
24 provided by law.

1 6. In accepting federal monies under this section, the
2 Commission shall have the same authority to enter into contracts on
3 behalf of the state as is granted to the Commission under subsection
4 G of this section with respect to federal monies accepted on behalf
5 of municipalities. All monies received by the Commission pursuant
6 to this section shall be deposited in the Oklahoma ~~Aeronautics~~
7 Aerospace Commission Fund in the State Treasury and shall be paid
8 out of the Commission Fund in accordance with the terms and
9 conditions of any agreement entered into under the provisions of
10 this section.

11 7. The Commission shall grant no exclusive right for the use of
12 any airport or air navigation facility under its jurisdiction. This
13 shall not be construed to prevent the making of contracts, leases,
14 and other arrangements pursuant to this subsection ~~(h) of this~~
15 ~~section.~~

16 I. The Commission may enter into any contracts necessary to the
17 execution of the powers granted it by this act. All contracts made
18 by the Commission, either as the agent of the state or as the agent
19 of any municipality, shall be made pursuant to the laws of the state
20 governing the making of like contracts. When the planning,
21 acquisition, construction, improvement, maintenance, or operation of
22 any airport or air navigation facility is financed wholly or
23 partially with federal monies, the Commission as agent of the state
24 or of any municipality may let contracts in the manner prescribed by

1 the federal authorities acting under the laws of the United States
2 and any rules or regulations made thereunder.

3 J. 1. The Commission, the Director, or any officer or employee
4 of the Commission designated by it shall have the power to hold
5 investigations, inquiries, and hearings concerning matters covered
6 by the provisions of this act and the rules, regulations, and orders
7 of the Commission. Hearings shall be open to the public and shall
8 be held upon such call or notice as the Commission shall deem
9 advisable. Each member of the Commission, the Director, and every
10 officer or employee of the Commission designated by it to hold any
11 inquiry, investigation, or hearing shall have the power to
12 administer oaths and affirmations, certify to all official acts,
13 issue subpoenas, and order the attendance and testimony of witnesses
14 and the production of papers, books, and documents. In case of the
15 failure of any person to comply with any subpoena or order issued
16 under the authority of this subsection, or on the refusal of any
17 witness to testify to any matters regarding which he may be lawfully
18 interrogated, it shall be the duty of the district court of any
19 county or of the judge thereof, on application of the Commission or
20 its authorized representative, to compel obedience by proceedings
21 for contempt, as in the case of disobedience of the requirements of
22 a subpoena issued from such court or a refusal to testify therein.

23 2. In order to facilitate the making of investigations by the
24 Commission in the interest of public safety and promotion of

1 aeronautics the public interest requires, and it is therefore
2 provided, that the reports of investigations or hearings, or any
3 part thereof, shall not be admitted in evidence or used for any
4 purpose in any suit, action, or proceeding growing out of any matter
5 referred to in the investigation, hearing, or report thereof, except
6 in case of any suit, action, or proceeding, civil or criminal,
7 instituted by or in behalf of the Commission or in the name of the
8 state under the provisions of this act or other laws of the state
9 relating to aeronautics; nor shall any member of the Commission, or
10 the Director, or any officer or employee of the Commission be
11 required to testify to any facts ascertained in, or information
12 gained by reason of, such person's official capacity, or be required
13 to testify as an expert witness in any suit, action, or proceeding
14 involving any aircraft. Subject to the foregoing provisions, the
15 Commission may in its discretion make available to appropriate
16 federal, state and municipal agencies information and material
17 developed in the course of its investigations and hearings.

18 K. 1. The Commission is authorized to confer with or to hold
19 joint hearings with any agency of the United States in connection
20 with any matter arising under this act or relating to the sound
21 development of aeronautics.

22 2. The Commission is authorized to avail itself of the
23 cooperation, services, records, and facilities of the agencies of
24 the United States as fully as may be practicable in the

1 administration and enforcement of this act. The Commission shall
2 furnish to the agencies of the United States its cooperation,
3 services, records, and facilities, insofar as may be practicable.

4 3. The Commission shall report to the appropriate agency of the
5 United States all accidents in aeronautics in this state of which it
6 is informed and shall, insofar as is practicable, preserve, protect,
7 and prevent the removal of the component parts of any aircraft
8 involved in an accident being investigated by it until the federal
9 agency institutes an investigation.

10 L. The Commission may organize and administer an aerospace
11 education program in cooperation with universities, colleges and
12 schools for the general public. The Commission may also plan and
13 act jointly in a cooperative aviation research or high technology
14 program. As part of these programs, the Commission may issue
15 aviation communication films and publications.

16 SECTION 6. AMENDATORY Section 1, Chapter 157, O.S.L.
17 2002 (3 O.S. Supp. 2007, Section 85.1), is amended to read as
18 follows:

19 Section 85.1 The Oklahoma ~~Aeronautics~~ Aerospace Commission is
20 hereby authorized on behalf of and in the name of the state, to
21 accept title to property, real or personal, or any interest therein
22 including easements from any authority, county, municipality or
23 political subdivision thereof. The Commission is further authorized
24 to construct, enlarge, improve, maintain, equip, operate, regulate,

1 protect, and police such property, including the construction,
2 installation, equipping, maintenance, and operation of airports,
3 buildings and other facilities for the servicing of aircraft or for
4 the comfort and accommodation of air travelers. Any property
5 accepted pursuant to this section shall be in accordance with and
6 subject to Section 82 et seq. of ~~Title 3 of the Oklahoma Statutes~~
7 this title.

8 SECTION 7. AMENDATORY 3 O.S. 2001, Section 89, is
9 amended to read as follows:

10 Section 89. The powers and duties of the Oklahoma Planning and
11 Resources Board relating to aviation as prescribed by 3 O.S. 1961,
12 Section 25, are hereby transferred to and vested in the Oklahoma
13 ~~Aeronautics~~ Aerospace Commission.

14 SECTION 8. AMENDATORY 3 O.S. 2001, Section 90, is
15 amended to read as follows:

16 Section 90. In order to assure a safe and adequate system of
17 airports within this state:

18 1. In every county wherein there is no active airport, the
19 Oklahoma ~~Aeronautics~~ Aerospace Commission is authorized to construct
20 within such county or a municipality located therein or upon land
21 owned by the federal government but under the active control of the
22 state, county or a municipality located within such county a runway
23 of not less than two thousand six hundred (2,600) feet in length and
24 to repair, maintain and hardsurface such runway.

1 2. In each county wherein there already exists an active
2 airport owned by such county or a municipality located therein or
3 upon land owned by the federal government but under the active
4 control of the state, county or a municipality located within such
5 county, but there does not exist within such county a hardsurfaced
6 runway of at least two thousand six hundred (2,600) feet in length,
7 the Oklahoma ~~Aeronautics~~ Aerospace Commission may construct upon
8 such lands as those described in paragraph 1 of this section a
9 runway of not less than two thousand six hundred (2,600) feet and
10 may repair, maintain and hardsurface such runway, or may, where
11 sufficient land is available for such purpose, expand such existing
12 airport to a length of two thousand six hundred (2,600) feet and may
13 thereupon repair, maintain and hardsurface the entire runway.

14 3. During the fiscal year in which federal funds are available
15 under the Federal Airport Program for development or improvement of
16 a state, county or city owned or controlled airport, the Oklahoma
17 ~~Aeronautics~~ Aerospace Commission shall be prohibited from performing
18 any construction or major repair work upon such airstrip unless and
19 until such federal funds have been available for such purpose.

20 4. The Oklahoma ~~Aeronautics~~ Aerospace Commission, in any county
21 where no airport containing two thousand six hundred (2,600) feet or
22 more runway exists, is authorized to accept gifts of land to be used
23 for a county airport and of money to be used to acquire an airport.

24

1 5. The Oklahoma ~~Aeronautics~~ Aerospace Commission is further
2 authorized to accept federal grants for construction, repair,
3 maintenance and other purposes not inconsistent with the provisions
4 of this section and to utilize machinery and material for the
5 purpose of matching available federal funds and grants.

6 SECTION 9. AMENDATORY 3 O.S. 2001, Section 91, is
7 amended to read as follows:

8 Section 91. There is hereby created in the State Treasury a
9 revolving fund for the Oklahoma ~~Aeronautics~~ Aerospace Commission to
10 be designated as the Oklahoma ~~Aeronautics~~ Aerospace Commission
11 Revolving Fund. The fund shall be a continuing fund, not subject to
12 fiscal year limitations, and shall consist of a monthly allocation
13 by the Oklahoma Tax Commission of Three Thousand Dollars (\$3,000.00)
14 from the motor fuel excise tax levied and collected pursuant to the
15 provisions of Title 68 of the Oklahoma Statutes, such amount being a
16 part of the estimated amount of tax paid on gasoline consumed by
17 engines to propel aircraft in Oklahoma, sale of surplus property,
18 fees and receipts collected pursuant to the Oklahoma Open Records
19 Act, donations, gifts, bequests, contribution, devices, interagency
20 reimbursements, federal funds unless otherwise provided by federal
21 law or regulation, sale of leases and aircraft registration fees and
22 taxes, or any other source. All monies accruing to said fund are
23 hereby appropriated and may be budgeted and expended by the Oklahoma
24 ~~Aeronautics~~ Aerospace Commission for airport construction and

1 rehabilitation programs and general operations of the agency.
2 Expenditures from said fund shall be made upon warrants issued by
3 the State Treasurer against claims filed as prescribed by law with
4 the Director of State Finance for approval and payment.

5 SECTION 10. AMENDATORY 3 O.S. 2001, Section 92, is
6 amended to read as follows:

7 Section 92. The Oklahoma ~~Aeronautics~~ Aerospace Commission is
8 hereby authorized and empowered to offer for sale, sell and execute
9 oil and gas leases, and other mineral and mining leases, and
10 agricultural leases on any of the lands of the State of Oklahoma
11 under the control and supervision of said Commission, provided, the
12 development of said land for the purpose leased will not unduly
13 interfere with the aeronautical purpose for which said land is being
14 used by the state. Said Commission is hereby given authority to
15 adopt and promulgate such additional rules and regulations, not
16 inconsistent herewith, as it may deem necessary and for the best
17 interest of the state in facilitating the sale of said leases. It
18 shall be the duty of the Director of the Oklahoma ~~Aeronautics~~
19 Aerospace Commission to execute said leases for and in behalf of
20 said Commission, and said Director shall be liable on his official
21 bond for failure to faithfully discharge his duties hereunder. The
22 sales of all oil, gas and mineral leases shall be made upon the
23 basis of a retained royalty of not less than one-eighth (1/8) of all
24 oil, gas, casinghead gas, and other minerals produced from the lands

1 covered by said leases and such additional cash bonus as may be
2 procured. Provided, however, if the state owns less than one
3 hundred percent (100%) of the oil, gas, casinghead gas and other
4 minerals covered by any such lease, the royalty retained shall not
5 be less than one-eighth (1/8) of the mineral interest so owned. All
6 oil, gas, mineral and agricultural leases shall be sold only after
7 advertisement for a period of three (3) weeks in a legal newspaper
8 published and of general circulation in the county in which said
9 lands are located. Said sale shall be made to the highest and best
10 bidder and all bids shall be in sealed envelopes and opened and
11 considered at the same time.

12 SECTION 11. AMENDATORY 3 O.S. 2001, Section 93, is
13 amended to read as follows:

14 Section 93. All money derived from the sale of said leases, and
15 from any royalties subsequently accruing, shall be deposited in the
16 State Treasury and credited to the Oklahoma ~~Aeronautics~~ Aerospace
17 Commission Revolving Fund, and said money may be expended in the
18 same manner and for the purposes as other money in said fund is
19 authorized to be expended.

20 SECTION 12. AMENDATORY 3 O.S. 2001, Section 102.1, is
21 amended to read as follows:

22 Section 102.1 A. In order to prevent the erection of
23 structures dangerous to air navigation, subject to the provisions of
24 subsections B, C and D of this section, each person shall secure

1 from the local airport zoning authority, or in the absence of a
2 local airport zoning authority, the Oklahoma ~~Aeronautics~~ Aerospace
3 Commission, a permit for the erection, alteration, or modification
4 of any structure the result of which would exceed the federal
5 obstruction standards as contained in 14 CFR, Part 77. Permits from
6 the local airport zoning authority will be required only within an
7 airport hazard area where federal standards are exceeded and if the
8 proposed construction is within:

9 1. A 10-nautical mile radius of the geographical center of a
10 publicly owned or operated airport, a military airport, or an
11 airport open for public use which has a published instrument
12 approach procedure;

13 2. A 6-nautical mile radius of the geographical center of a
14 publicly owned or operated airport, a military airport, or an
15 airport open for public use which has no published instrument
16 approach procedure and has runways in excess of three thousand two
17 hundred (3,200) feet in length; or

18 3. A 2.5-nautical mile radius of the geographical center of a
19 publicly owned or operated airport, a military airport, or an
20 airport open for public use which has no published instrument
21 approach and has runways three thousand two hundred (3,200) feet or
22 less in length.

23 B. Affected airports will be considered as having those
24 facilities which are programmed in the Federal Aviation

1 Administration's Regional Aviation System Plan and will be so
2 protected.

3 C. Permit requirements of subsection A of this section shall
4 not apply to projects which received construction permits from the
5 Federal Communications Commission for structures exceeding federal
6 obstruction standards prior to May 20, 1975; nor shall it apply to
7 previously approved structures now existing, or any necessary
8 replacement or repairs to such existing structures, so long as the
9 height and location is unchanged.

10 D. In determining whether to issue or deny a permit, the local
11 airport zoning authority shall consider:

- 12 1. The nature of the terrain and height of existing structures;
- 13 2. Public and private interests and investments;
- 14 3. The character of flying operations and planned developments
15 of airports;
- 16 4. Federal airways as designated by the Federal Aviation
17 Administration that lie within the radii described in paragraphs 1
18 through 3 of subsection A of this section;
- 19 5. Whether the construction of the proposed structure would
20 cause an increase in the minimum descent altitude or the decision
21 height at the affected airport;
- 22 6. Technological advances;
- 23 7. The safety of persons on the ground and in the air; and
- 24 8. Land use density.

1 E. In order to promote the health, safety and welfare of the
2 public and to protect persons and property by promoting safety in
3 aeronautics, the Oklahoma ~~Aeronautics~~ Aerospace Commission may
4 review any structure erected, altered, or modified since January 1,
5 1996, in which no permit was secured from the local airport zoning
6 authority because of the absence of a local airport authority. The
7 Oklahoma ~~Aeronautics~~ Aerospace Commission shall determine whether
8 such structures meet the requirements set forth in this section. If
9 the structures do not meet the requirements as set forth in this
10 section, the Oklahoma ~~Aeronautics~~ Aerospace Commission may request
11 the owners of such structure to make any necessary modifications to
12 protect the health, safety and welfare of the public, including, but
13 not limited to, altering, marking, mapping, or identifying such
14 structure. The Oklahoma ~~Aeronautics~~ Aerospace Commission may assist
15 the owner of such structure in any manner deemed feasible by the
16 Oklahoma ~~Aeronautics~~ Aerospace Commission.

17 SECTION 13. AMENDATORY 3 O.S. 2001, Section 116, is
18 amended to read as follows:

19 Section 116. The Oklahoma ~~Aeronautics~~ Aerospace Commission may
20 provide technical assistance to any political subdivision requesting
21 assistance in the preparation of an airport zoning code. A copy of
22 all local airport zoning codes, rules, and regulations, and
23 amendments and proposed and granted variances thereto, shall be
24 filed with the Oklahoma ~~Aeronautics~~ Aerospace Commission.

1 SECTION 14. AMENDATORY 3 O.S. 2001, Section 251, is
2 amended to read as follows:

3 Section 251. A. It is hereby declared that it is the policy of
4 the Legislature to make registration procedures for aircraft similar
5 to those for automobiles, with the authority to accomplish the same
6 vested fully in the Oklahoma Tax Commission separately from the
7 Oklahoma ~~Aeronautics~~ Aerospace Commission, the jurisdiction of the
8 two Commissions, their directors and officers being separate.

9 B. It shall be the duty of the Oklahoma Tax Commission to
10 promulgate any additional rules and regulations and designate forms
11 and procedures for the implementation of this act.

12 SECTION 15. AMENDATORY 3 O.S. 2001, Section 256, is
13 amended to read as follows:

14 Section 256. A. Registration fees and taxes on aircraft shall
15 be paid to and collected by the Oklahoma Tax Commission and its
16 agents in the same manner as registration fees and taxes are paid
17 and collected on automobiles.

18 The registration and reregistration of aircraft shall be subject
19 to the following schedule and rates:

20 1. Single-engine piston aircraft shall be taxed according to
21 the following Schedule "A":

22 SCHEDULE "A"

23 WEIGHT IN POUNDS	FEE
24 Less than 1,750	\$20.00

1	1,751 through 2,500	\$35.00
2	2,501 through 3,500	\$55.00
3	3,501 through 4,500	\$75.00
4	4,501 through 5,500	\$95.00
5	5,501 through 6,500	\$115.00
6	6,501 through 8,500	\$135.00
7	8,501 through 10,000	\$185.00
8	10,001 through 13,000	\$230.00
9	13,001 through 17,000	\$265.00
10	17,001 through 20,000	\$300.00
11	20,001 through 25,000	\$375.00
12	25,001 through 30,000	\$500.00
13	30,001 through 40,000	\$625.00
14	40,001 through 50,000	\$750.00
15	50,001 through 75,000	\$1,000.00
16	75,001 through 100,000	\$1,250.00
17	100,001 and over	\$1,500.00

18 2. Rotary-wing aircraft shall be taxed at two times the
19 Schedule "A" fee, based on the same weight classifications.

20 3. Multiengine piston aircraft shall be taxed at three times
21 the Schedule "A" fee, based on the same weight classifications.

22 4. Turbo-prop aircraft shall be taxed at six times the Schedule
23 "A" fee, based on the same weight classifications.

24

1 5. Turbo-jet aircraft shall be taxed at ten times the Schedule
2 "A" fee, based on the same weight classifications.

3 6. Antique aircraft as defined by the Federal Aviation
4 Administration, sailplanes, balloons, and home-built aircraft shall
5 be subject to a flat-rate fee of Ten Dollars (\$10.00).

6 7. The fees of this subsection, except those in paragraph 6 of
7 this subsection, shall be reduced at a rate of ten percent (10%)
8 each year following the date of manufacture until the fee is equal
9 to fifty percent (50%) of the original fee, which shall then be the
10 fee for each year thereafter.

11 8. Every aircraft owner shall have the right to appeal the
12 assessment of the fee as provided for in this subsection, and the
13 Oklahoma Tax Commission shall appraise the aircraft and its avionics
14 as personal property at the fair market value thereof, and shall
15 apply a twelve-percent assessment rate which shall be levied at the
16 appropriate county millage rate.

17 B. Aircraft purchased after January 1 of each year and subject
18 to registration as provided for in this section shall be registered
19 and taxed on a prorated basis. Registration fees and taxes shall be
20 in lieu of all aircraft ad valorem taxes. All such monies collected
21 shall be paid to the Oklahoma Tax Commission and disbursed as
22 follows:

1 1. Three percent (3%) of all such funds shall be paid to the
2 State Treasurer for deposit to the credit of the General Revenue
3 Fund of the State Treasury; and

4 2. Ninety-seven percent (97%) of said registration fees and
5 taxes shall be deposited in the Oklahoma ~~Aeronautics~~ Aerospace
6 Commission Revolving Fund.

7 SECTION 16. AMENDATORY 68 O.S. 2001, Section 500.6a, is
8 amended to read as follows:

9 Section 500.6a All revenue from the tax of eight one-hundredths
10 of one cent (\$0.0008) per gallon imposed pursuant to the provisions
11 of subsection B of Section 500.4 of ~~Title 68 of the Oklahoma~~
12 ~~Statutes~~ this title, and penalties and interest thereon, collected
13 by the Oklahoma Tax Commission shall be apportioned and distributed
14 monthly as follows:

15 1. For the fiscal year beginning July 1, 1999, one-third shall
16 be paid to the State Treasurer and placed to the credit of the
17 Oklahoma ~~Aeronautics~~ Aerospace Commission Revolving Fund and two-
18 thirds shall be apportioned pursuant to the provisions of Section
19 500.6 of ~~Title 68 of the Oklahoma Statutes~~ this title;

20 2. For the fiscal year beginning July 1, 2000, two-thirds shall
21 be paid to the State Treasurer and placed to the credit of the
22 Oklahoma ~~Aeronautics~~ Aerospace Commission Revolving Fund and one-
23 third shall be apportioned pursuant to the provisions of Section
24 500.6 of ~~Title 68 of the Oklahoma Statutes~~ this title; and

1 3. For the fiscal year beginning July 1, 2001, and for each
2 fiscal year thereafter, all such revenue shall be paid to the State
3 Treasurer and placed to the credit of the Oklahoma ~~Aeronautics~~
4 Aerospace Commission Revolving Fund.

5 SECTION 17. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2357.301 of Title 68, unless
7 there is created a duplication in numbering, reads as follows:

8 A. As used in Sections 17 through 20 of this act:

9 1. "Aerospace sector" means a private or public organization
10 engaged in the manufacture of aerospace or defense hardware or
11 software, aerospace maintenance, aerospace repair and overhaul,
12 supply of parts to the aerospace industry, provision of services and
13 support relating to the aerospace industry, research and development
14 of aerospace technology and systems, and the education and training
15 of aerospace personnel;

16 2. "Compensation" means payments in the form of contract labor
17 for which the payor is required to provide a Form 1099 to the person
18 paid, wages subject to withholding tax paid to a part-time employee
19 or full-time employee, or salary or other remuneration.

20 Compensation shall not include employer-provided retirement, medical
21 or health-care benefits, reimbursement for travel, meals, lodging or
22 any other expense;

23

24

1 3. "Institution" means an institution within The Oklahoma State
2 System of Higher Education or any other public or private college or
3 university that is accredited by a national accrediting body;

4 4. "Qualified employer" means a sole proprietor, general
5 partnership, limited partnership, limited liability company,
6 corporation, other legally recognized business entity, or public
7 entity whose principal business activity involves the aerospace
8 sector;

9 5. "Qualified employee" means any person employed by or
10 contracting with a qualified employer after January 1, 2009, who has
11 been awarded an undergraduate or graduate degree from a qualified
12 program by an institution;

13 6. "Qualified program" means a program that has been accredited
14 by the Engineering Accreditation Commission of the Accreditation
15 Board for Engineering and Technology (ABET) and that awards an
16 undergraduate or graduate degree; and

17 7. "Tuition" means the average annual amount paid by a
18 qualified employee for enrollment and instruction in a qualified
19 program. Tuition shall not include the cost of books, fees or room
20 and board.

21 SECTION 18. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2357.302 of Title 68, unless
23 there is created a duplication in numbering, reads as follows:

24

1 A. For taxable years beginning after December 31, 2008, a
2 qualified employer shall be allowed a credit against the tax imposed
3 pursuant to Section 2355 of Title 68 of the Oklahoma Statutes for
4 tuition reimbursed to a qualified employee.

5 B. The credit authorized by subsection A of this section may be
6 claimed only if the qualified employee has been awarded an
7 undergraduate or graduate degree within one (1) year of commencing
8 employment with the qualified employer.

9 C. The credit authorized by subsection A of this section shall
10 be in the amount of fifty percent (50%) of the tuition reimbursed to
11 a qualified employee for the first through fourth years of
12 employment. In no event shall this credit exceed fifty percent
13 (50%) of the average annual amount paid by a qualified employee for
14 enrollment and instruction in a qualified program at a public
15 institution in Oklahoma.

16 D. The credit authorized by subsection A of this section shall
17 not be used to reduce the tax liability of the qualified employer to
18 less than zero (0).

19 E. No credit authorized by this section shall be claimed after
20 the fourth year of employment.

21 SECTION 19. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2357.303 of Title 68, unless
23 there is created a duplication in numbering, reads as follows:

24

1 A. For taxable years beginning after December 31, 2008, a
2 qualified employer shall be allowed a credit against the tax imposed
3 pursuant to Section 2355 of Title 68 of the Oklahoma Statutes for
4 compensation paid to a qualified employee.

5 B. The credit authorized by subsection A of this section shall
6 be in the amount of:

7 1. Ten percent (10%) of the compensation paid for the first
8 through fifth years of employment if the qualified employee
9 graduated from an institution located in this state; or

10 2. Five percent (5%) of the compensation paid for the first
11 through fifth years of employment if the qualified employee
12 graduated from an institution located outside the state.

13 C. The credit authorized by this section shall not exceed
14 Twelve Thousand Five Hundred Dollars (\$12,500.00).

15 D. The credit authorized by this section shall not be used to
16 reduce the tax liability of the qualified employer to less than zero
17 (0).

18 E. No credit authorized pursuant to this section shall be
19 claimed after the fifth year of employment.

20 SECTION 20. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2357.304 of Title 68, unless
22 there is created a duplication in numbering, reads as follows:

23 A. For taxable years beginning after December 31, 2008, a
24 qualified employee shall be allowed a credit against the tax imposed

1 pursuant to Section 2355 of Title 68 of the Oklahoma Statutes of up
2 to Five Thousand Dollars (\$5,000.00) per year for a period of time
3 not to exceed five (5) years.

4 B. The credit authorized by this section shall not be used to
5 reduce the tax liability of the taxpayer to less than zero (0).

6 C. Any credit claimed, but not used, may be carried over, in
7 order, to each of the five (5) subsequent taxable years.

8 SECTION 21. AMENDATORY 68 O.S. 2001, Section 6003.1, as
9 last amended by Section 17, Chapter 381, O.S.L. 2005 (68 O.S. Supp.
10 2007, Section 6003.1), is amended to read as follows:

11 Section 6003.1 The purchaser of an aircraft with a selling
12 price in excess of Five Million Dollars (\$5,000,000.00) may request
13 that the excise tax paid pursuant to the provisions of Section 6002
14 of this title be designated for a specific general aviation airport,
15 including reliever airports owned or controlled by a municipality in
16 this state. The request shall be submitted to the Oklahoma
17 ~~Aeronautics~~ Aerospace Commission within twenty (20) days of the
18 transfer of legal ownership of the aircraft. If the ~~Aeronautics~~
19 Aerospace Commission approves the request, it shall dedicate the
20 excise tax paid by the purchaser to the airport designated by the
21 purchaser.

22 SECTION 22. AMENDATORY 68 O.S. 2001, Section 6005, is
23 amended to read as follows:

24

1 Section 6005. A. For fiscal years beginning prior to July 1,
2 1999, all revenues derived pursuant to the provisions of Sections
3 6001 through 6007 of this title shall be paid monthly by the
4 Oklahoma Tax Commission to the State Treasurer and placed to the
5 credit of the General Revenue Fund to be paid out pursuant to direct
6 appropriation by the Legislature.

7 B. 1. For the fiscal year beginning July 1, 1999, fifty
8 percent (50%) of all revenues derived pursuant to the provisions of
9 Sections 6001 through 6007 of this title shall be paid monthly by
10 the Tax Commission to the State Treasurer and placed to the credit
11 of the General Revenue Fund to be paid out pursuant to direct
12 appropriation by the Legislature, and fifty percent (50%) of the
13 revenues shall be placed to the credit of the Oklahoma ~~Aeronautics~~
14 Aerospace Commission Revolving Fund; and

15 2. For the fiscal year beginning July 1, 2000, and for each
16 fiscal year thereafter, one hundred percent (100%) of the revenues
17 derived pursuant to the provisions of Sections 6001 through 6007 of
18 this title shall be paid monthly by the Tax Commission to the State
19 Treasurer and shall be placed to the credit of the Oklahoma
20 ~~Aeronautics~~ Aerospace Commission Revolving Fund.

21 SECTION 23. AMENDATORY 73 O.S. 2001, Section 301, is
22 amended to read as follows:

23 Section 301. A. The Oklahoma Capitol Improvement Authority is
24 authorized to acquire real property, together with improvements

1 located thereon, and personal property, to construct buildings and
2 other improvements to real property and to provide funding for
3 repairs, refurbishments and improvements to real and personal
4 property and for funding for the following capital projects in the
5 following amounts:

6 1. Capital projects at institutions of higher education which
7 are part of The Oklahoma State System of Higher Education in a total
8 amount not to exceed Forty-five Million Dollars (\$45,000,000.00)
9 with debt retirement payments to be made by the Oklahoma State
10 Regents for Higher Education;

11 2. Construction of a History Center for the Oklahoma Historical
12 Society in a total amount not to exceed Thirty-two Million Dollars
13 (\$32,000,000.00) with debt retirement payments to be made by the
14 Oklahoma Historical Society. Of such total amount, the sum of Four
15 Million One Hundred Thousand Dollars (\$4,100,000.00) shall be
16 transferred to the Capital Improvement Revolving Fund as
17 reimbursement for improvements and renovations to the property made
18 in preparation for the construction of the History Center;

19 3. Renovation of the Wiley Post Historical Building for
20 occupancy by appellate courts in a total amount not to exceed Ten
21 Million Dollars (\$10,000,000.00) with debt retirement payments to be
22 made by the Oklahoma Supreme Court;

23 4. Land acquisition, demolition, landscaping, environmental
24 remediation and other costs associated with the Lincoln Boulevard

1 Renaissance Project in a total amount not to exceed Thirteen Million
2 Eight Hundred Thousand Dollars (\$13,800,000.00) with debt retirement
3 payments to be made by the Department of Central Services;

4 5. Construction of a new building for the J.D. McCarty Center
5 for Children with Developmental Disabilities in a total amount not
6 to exceed Ten Million Three Hundred Thousand Dollars
7 (\$10,300,000.00) with debt retirement payments to be made by the
8 J.D. McCarty Center for Children with Developmental Disabilities;

9 6. Funding for capital costs of a Technology Incubator Program
10 for the University Hospitals Authority in a total amount not to
11 exceed Two Million Dollars (\$2,000,000.00) with debt retirement
12 payments to be made by the University Hospitals Authority;

13 7. Funding for capital costs for the Native American Cultural
14 and Educational Authority of Oklahoma in a total amount not to
15 exceed Five Million Dollars (\$5,000,000.00) with debt retirement
16 payments to be made by the Native American Cultural and Educational
17 Authority of Oklahoma;

18 8. Funding for capital costs for systemwide equipment for the
19 Oklahoma Department of Career and Technology Education in a total
20 amount not to exceed Five Million Dollars (\$5,000,000.00) with debt
21 retirement payments to be made by the Oklahoma Department of Career
22 and Technology Education;

23 9. Capital projects for the Oklahoma School for the Deaf in a
24 total amount not to exceed Six Million Seven Hundred Fifty Thousand

1 Dollars (\$6,750,000.00) with debt retirement payments to be made by
2 the State Department of Rehabilitation Services;

3 10. Capital projects for the Oklahoma School for the Blind in a
4 total amount not to exceed Six Million Seven Hundred Fifty Thousand
5 Dollars (\$6,750,000.00) with debt retirement payments to be made by
6 the State Department of Rehabilitation Services;

7 11. Construction of a new Veterans Center in Lawton, Oklahoma,
8 in a total amount not to exceed Twelve Million Dollars
9 (\$12,000,000.00) with debt retirement payments to be made by the
10 Oklahoma Department of Veterans Affairs;

11 12. Capital costs for financial management information systems
12 in a total amount not to exceed One Million Dollars (\$1,000,000.00)
13 with debt retirement payments to be made by the Office of State
14 Finance;

15 13. Funding for the purchase of computer hardware and software
16 for the Central Purchasing Division of the Department of Central
17 Services in a total amount not to exceed Two Million Dollars
18 (\$2,000,000.00) with debt retirement payments to be made by the
19 Department of Central Services;

20 14. Funding for implementation of the Boll Weevil Eradication
21 Act in a total amount not to exceed Three Million Dollars
22 (\$3,000,000.00) with debt retirement payments to be made by the
23 State Department of Agriculture;

24

1 15. Funding for construction and other capital costs at Quartz
2 Mountain Lodge and Arts and Conference Center in a total amount not
3 to exceed Three Million Five Hundred Thousand Dollars
4 (\$3,500,000.00) with debt retirement payments to be made by the
5 Oklahoma Tourism and Recreation Department. Of such total amount
6 appropriated pursuant to this section, the sum of Three Million Five
7 Hundred Thousand Dollars (\$3,500,000.00) shall be transferred to the
8 Capital Improvement Revolving Fund as reimbursement for the
9 construction and other capital costs at the Quartz Mountain Lodge
10 and Arts and Conference Center; and

11 16. The following capital projects to be funded by the
12 obligations authorized herein in the amounts to be allocated and
13 expended by the following entities and in the following amounts:

- | | | | |
|----|----|--|----------------|
| 14 | a. | the Oklahoma Aeronautics <u>Aerospace</u> | |
| 15 | | Commission | \$2,990,000.00 |
| 16 | b. | the State Department of Agriculture | \$5,044,194.00 |
| 17 | c. | the Oklahoma State Bureau of | |
| 18 | | Investigation | \$300,000.00 |
| 19 | d. | the Oklahoma Capitol Complex and | |
| 20 | | Centennial Commission | \$5,470,101.00 |
| 21 | e. | the Department of Central Services | \$975,000.00 |
| 22 | f. | the Oklahoma Department of Commerce | \$1,250,000.00 |
| 23 | g. | the Oklahoma Conservation Commission | \$100,000.00 |
| 24 | h. | the Oklahoma Department of Corrections | \$260,101.00 |

1	i.	the State Department of Education	\$700,000.00
2	j.	the Oklahoma Educational Television	
3		Authority	\$250,000.00
4	k.	the Grand River Dam Authority	\$220,000.00
5	l.	the State Department of Health	\$735,000.00
6	m.	the Oklahoma State Regents for Higher	
7		Education	\$30,617,909.00
8	n.	the Oklahoma Historical Society	\$10,456,303.00
9	o.	the Oklahoma House of Representatives	\$46,434.00
10	p.	the Department of Human Services	\$2,010,101.00
11	q.	the J.D. McCarty Center for Children	
12		with Developmental Disabilities	\$485,101.00
13	r.	the Office of Juvenile Affairs	\$1,227,601.00
14	s.	the Oklahoma Department of Mental	
15		Health and Substance Abuse Services	\$2,075,000.00
16	t.	the Oklahoma Military Department	\$5,700,101.00
17	u.	the Department of Public Safety	\$1,194,000.00
18	v.	the Oklahoma Department of Tourism and	
19		Recreation	\$10,565,005.00
20	w.	the Oklahoma Department of	
21		Transportation	\$5,241,412.00
22	x.	the Oklahoma Department of Veterans	
23		Affairs	\$1,450,000.00
24			

1	y.	the Oklahoma Department of Career and	
2		Technology Education	\$13,845,303.00
3	z.	the Oklahoma Water Resources Board	\$1,850,000.00
4	aa.	the Oklahoma Department of Wildlife	
5		Conservation	\$608,000.00
6	bb.	the Department of Central Services	\$51,833,333.00
7		GRAND TOTAL	\$157,499,999.00

8 The funds allocated in subparagraph bb of this paragraph shall be
9 spent for capital projects which are important to the furtherance of
10 state functions, as directed by the Governor.

11 B. The Authority may hold title to the real and personal
12 property and improvements until such time as any obligations issued
13 for this purpose are retired or defeated and may lease the real
14 property and improvements to the agencies indicated herein. Upon
15 final redemption or defeasance of the obligations created pursuant
16 to this section, title to the real and personal property and
17 improvements shall be transferred from the Oklahoma Capitol
18 Improvement Authority, to the agencies indicated herein.

19 C. For the purpose of paying the costs for acquisition and
20 construction of the real property and improvements and personal
21 property and making the repairs, refurbishments, and improvements to
22 real and personal property, and providing funding for the projects
23 authorized in subsection A of this section, and for the purpose
24 authorized in subsection D of this section, the Authority is hereby

1 authorized to borrow monies on the credit of the income and revenues
2 to be derived from the leasing of such real and personal property
3 and improvements and, in anticipation of the collection of such
4 income and revenues, to issue negotiable obligations in a total
5 amount not to exceed Three Hundred Twenty-five Million Dollars
6 (\$325,000,000.00) whether issued in one or more series. The
7 Department of Central Services is authorized and directed to expend
8 funds from the Capital Improvement Revolving Fund in amounts
9 sufficient to make required payments pursuant to such obligations
10 during the fiscal year ending June 30, 1999. For subsequent fiscal
11 years, it is the intent of the Legislature to appropriate to the
12 indicated state agencies sufficient monies to make rental payments
13 for the purposes of retiring the obligations created pursuant to
14 this section. Provided, the Authority shall not issue any
15 obligations pursuant to this section for the purpose of providing
16 funding for the projects authorized in paragraph 16 of subsection A
17 of this section prior to January 1, 2001. For the fiscal year
18 ending June 30, 2002, and thereafter, it is the intent of the
19 Legislature to appropriate to the agencies administering the
20 projects sufficient monies to make rental payments for the purpose
21 of retiring the obligations created pursuant to this section.

22 D. To the extent funds are available from the proceeds of the
23 borrowing authorized by subsection C of this section, the Oklahoma
24 Capitol Improvement Authority shall provide for the payment of

1 professional fees and associated costs related to the projects
2 authorized in subsection A of this section.

3 E. The Authority may issue obligations in one or more series
4 and in conjunction with other issues of the Authority. The
5 Authority is authorized to hire bond counsel, financial consultants,
6 and such other professionals as it may deem necessary to provide for
7 the efficient sale of the obligations and may utilize a portion of
8 the proceeds of any borrowing to create such reserves as may be
9 deemed necessary and to pay costs associated with the issuance and
10 administration of such obligations.

11 F. The obligations authorized under this section may be sold at
12 either competitive or negotiated sale, as determined by the
13 Authority, and in such form and at such prices as may be authorized
14 by the Authority. The Authority may enter into agreements with such
15 credit enhancers and liquidity providers as may be determined
16 necessary to efficiently market the obligations. The obligations
17 may mature and have such provisions for redemption as shall be
18 determined by the Authority, but in no event shall the final
19 maturity of such obligations occur later than thirty (30) years from
20 the first principal maturity date.

21 G. Any interest earnings on funds or accounts created for the
22 purposes of this section may be utilized as partial payment of the
23 annual debt service or for the purposes directed by the Authority.

24

1 H. The obligations issued under this section, the transfer
2 thereof and the interest earned on such obligations, including any
3 profit derived from the sale thereof, shall not be subject to
4 taxation of any kind by the State of Oklahoma, or by any county,
5 municipality or political subdivision therein.

6 I. The Authority may direct the investment of all monies in any
7 funds or accounts created in connection with the offering of the
8 obligations authorized under this section. Such investments shall
9 be made in a manner consistent with the investment guidelines of the
10 State Treasurer. The Authority may place additional restrictions on
11 the investment of such monies if necessary to enhance the
12 marketability of the obligations.

13 J. Insofar as they are not in conflict with the provisions of
14 this section, the provisions of Section 151 et seq. of this title
15 shall apply to this section.

16 K. To the extent that the provisions of paragraph 3 of
17 subsection K of Section 85.4 of Title 74 of the Oklahoma Statutes
18 would otherwise be applicable, such provisions shall be inapplicable
19 to assets acquired, for ownership or for use, through the proceeds
20 from the obligations authorized by paragraph 16 of subsection A of
21 this section.

22 L. The Legislature finds that several functions of state
23 government are properly performed through the delivery of state
24 services by use of political subdivisions. In order to facilitate

1 the delivery of essential state services and in furtherance of state
2 governmental functions by the construction, acquisition or
3 improvement of assets which may be located within the corporate
4 limits of a municipality of the State of Oklahoma or which may be
5 located in unincorporated areas of the state and subject to the
6 jurisdiction of a board of county commissioners, but which
7 nonetheless serve an important function of state government, the
8 State of Oklahoma finds that the use of the proceeds from the
9 issuance of obligations pursuant to this section effectuates the
10 performance of essential state governmental functions, including,
11 but not limited to:

- 12 1. Fire protection services;
- 13 2. Roads, bridges and highways located either partially within
14 or completely within the corporate limits of a municipality or in an
15 unincorporated area of the state;
- 16 3. Historic preservation;
- 17 4. Recreational facilities;
- 18 5. Air transportation infrastructure;
- 19 6. Facilities for the housing and care of the elderly;
- 20 7. Juvenile delinquency prevention and treatment facilities;
- 21 8. Agricultural and horticultural event facilities;
- 22 9. Health care facilities, including, but not limited to
23 facilities the primary purpose of which is the treatment or
24 prevention of communicable diseases or illness;

1 10. Promotion of tourism;

2 11. Promotion of economic development and business site
3 selection; and

4 12. Public safety.

5 M. Notwithstanding any other provision of law to the contrary,
6 each and every agency, board, commission, department or other entity
7 of state government as identified in paragraph 16 of subsection A of
8 this section shall have the authority to acquire or to transfer such
9 property, whether real or personal, tangible or intangible, as may
10 be required to fully fund the projects and to acquire or improve the
11 assets for which the proceeds from the obligations authorized by
12 this section are available.

13 SECTION 24. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
14 last amended by Section 3, Chapter 208, O.S.L. 2007 (74 O.S. Supp.
15 2007, Section 840-5.5), is amended to read as follows:

16 Section 840-5.5 A. The following offices, positions, and
17 personnel shall be in the unclassified service and shall not be
18 placed under the classified service:

19 1. Persons chosen by popular vote or appointment to fill an
20 elective office, and their employees, except the employees of the
21 Corporation Commission, the State Department of Education and the
22 Department of Labor;

1 2. Members of boards and commissions, and heads of agencies;
2 also one principal assistant or deputy and one executive secretary
3 for each state agency;

4 3. All judges, elected or appointed, and their employees;

5 4. Persons employed with one-time, limited duration, federal or
6 other grant funding that is not continuing or indefinitely
7 renewable. The length of the unclassified employment shall not
8 exceed the period of time for which that specific federal funding is
9 provided;

10 5. All officers and employees of The Oklahoma State System of
11 Higher Education, State Board of Education and Oklahoma Department
12 of Career and Technology Education;

13 6. Persons employed in a professional or scientific capacity to
14 make or conduct a temporary and special inquiry, investigation, or
15 examination on behalf of the Legislature or a committee thereof or
16 by authority of the Governor. These appointments and authorizations
17 shall terminate on the first day of the regular legislative session
18 immediately following the appointment, if not terminated earlier.
19 However, nothing in this paragraph shall prevent the reauthorization
20 and reappointment of any such person. Any such appointment shall be
21 funded from the budget of the appointing authority;

22 7. Election officials and employees;

23 8. Temporary employees employed to work less than one thousand
24 (1,000) hours in any twelve-month period, and seasonal employees

1 employed by the Oklahoma Tourism and Recreation Department pursuant
2 to Section 2241 of this title who work less than one thousand six
3 hundred (1,600) hours in any twelve-month period;

4 9. Department of Public Safety employees occupying the
5 following offices or positions:

- 6 a. administrative aides to the Commissioner,
- 7 b. executive secretaries to the Commissioner,
- 8 c. the Governor's representative of the Oklahoma Highway
9 Safety Office who shall be appointed by the Governor,
- 10 d. Highway Patrol Colonel,
- 11 e. Highway Patrol Lieutenant Colonel,
- 12 f. Highway Patrol Major,
- 13 g. Director of Finance,
- 14 h. noncommissioned pilots,
- 15 i. Information Systems Administrator,
- 16 j. Law Enforcement Telecommunications System Specialist,
- 17 k. Director of Driver License Administration,
- 18 l. Director of Transportation Division,
- 19 m. Director of the Alcohol and Drug Countermeasures Unit,
- 20 n. Director of the Oklahoma Highway Safety Office,
- 21 o. Civil Rights Administrator,
- 22 p. Budget Analyst,
- 23 q. Comptroller,
- 24 r. Chaplain,

1 s. Helicopter Mechanic,
2 t. Director of Safety Compliance,
3 u. Human Resources Director,
4 v. Administrator of Department Services, and
5 w. a maximum of seven (7) positions for the purpose of
6 administering programs in the Oklahoma Highway Safety
7 Office, within full-time employee limitations of the
8 Department, employed with federal funding that is
9 continuing or indefinitely renewable. The
10 authorization for such positions shall be terminated
11 if the federal funding for positions is discontinued;
12 provided, any person appointed to a position prescribed in
13 subparagraph d, e, f or o of this paragraph shall have a right of
14 return to the classified commissioned position without any loss of
15 rights, privileges or benefits immediately upon completion of the
16 duties in the unclassified commissioned position, and any person
17 appointed to a position prescribed in subparagraph i, j, k, l, m or
18 n of this paragraph shall have a right of return to the previously
19 held vacant classified position within the Department of Public
20 Safety without any loss of rights, privileges or benefits
21 immediately upon completion of the duties in the unclassified
22 commissioned position;

23 10. Professional trainees only during the prescribed length of
24 their course of training or extension study;

1 11. Students who are employed on a part-time basis, which shall
2 be seventy-five percent (75%) of a normal forty-hour work week or
3 thirty (30) hours per week, or less, or on a full-time basis if the
4 employment is pursuant to a cooperative education program such as
5 that provided for under Title I IV-D of the Higher Education Act of
6 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
7 enrolled in:

8 a. an institution of higher learning within The Oklahoma
9 State System of Higher Education,

10 b. an institution of higher learning qualified to become
11 coordinated with The Oklahoma State System of Higher
12 Education. For purposes of this section, a student
13 shall be considered a regularly enrolled student if
14 the student is enrolled in a minimum of five (5) hours
15 of accredited graduate courses or a minimum of ten
16 (10) hours of accredited undergraduate courses,
17 provided, however, the student shall only be required
18 to be enrolled in a minimum of six (6) hours of
19 accredited undergraduate courses during the summer, or

20 c. high school students regularly enrolled in a high
21 school in Oklahoma and regularly attending classes
22 during such time of enrollment;
23
24

1 12. The spouses of personnel who are employed on a part-time
2 basis to assist or work as a relief for their spouses in the
3 Oklahoma Tourism and Recreation Department;

4 13. Service substitute attendants who are needed to replace
5 museum and site attendants who are unavoidably absent. Service
6 substitutes may work as part-time or full-time relief for absentees
7 for a period of not more than four (4) weeks per year in the
8 Oklahoma Historical Society sites and museums; such substitutes will
9 not count towards the agency's full-time-equivalent (FTE) employee
10 limit;

11 14. Employees of the Oklahoma House of Representatives, the
12 State Senate, or the Legislative Service Bureau;

13 15. Corporation Commission personnel occupying the following
14 offices and positions:

- 15 a. Administrative aides, and executive secretaries to the
16 Commissioners,
- 17 b. Directors of all the divisions, personnel managers and
18 comptrollers,
- 19 c. General Counsel,
- 20 d. Public Utility Division Chief Engineer,
- 21 e. Public Utility Division Chief Accountant,
- 22 f. Public Utility Division Chief Economist,
- 23 g. Public Utility Division Deputy Director,
- 24 h. Secretary of the Commission,

- 1 i. Deputy Conservation Director,
- 2 j. Manager of Pollution Abatement,
- 3 k. Manager of Field Operations,
- 4 l. Manager of Technical Services,
- 5 m. Public Utility Division Chief of Telecommunications,
- 6 n. Director of Information Services,
- 7 o. All Data Processing employees hired on or after
- 8 September 1, 2005,
- 9 p. All Public Utilities employees hired on or after
- 10 September 1, 2007, and
- 11 q. All Regulatory Program Managers hired on or after
- 12 September 1, 2007;

13 16. At the option of the employing agency, the Supervisor,
14 Director, or Educational Coordinator in any other state agency
15 having a primary responsibility to coordinate educational programs
16 operated for children in state institutions;

17 17. Department of Mental Health and Substance Abuse Services
18 personnel occupying the following offices and positions at each
19 facility:

- 20 a. Director of Facility,
- 21 b. Deputy Director for Administration,
- 22 c. Clinical Services Director,
- 23 d. Executive Secretary to Director, and
- 24 e. Directors or Heads of Departments or Services;

1 18. Office of State Finance personnel occupying the following
2 offices and positions:

- 3 a. State Comptroller,
- 4 b. Administrative Officers,
- 5 c. Alternator Claims Auditor,
- 6 d. Employees hired to fulfill state compliance agency
7 requirements under Model Tribal Gaming Compacts,
- 8 e. Employees of the Budget Division,
- 9 f. Employees of the Fiscal and Research Division,
- 10 g. Employees hired to work on the CORE Systems Project;

11 and

12 h. The following employees of the Information Services
13 Division:

- 14 (1) Information Services Division Manager,
- 15 (2) Network Manager,
- 16 (3) Network Technician,
- 17 (4) Security Manager,
- 18 (5) Contracts/Purchasing Manager,
- 19 (6) Operating and Applications Manager,
- 20 (7) Project Manager,
- 21 (8) Help Desk Manager,
- 22 (9) Help Desk Technician,
- 23 (10) Quality Assurance Manager,
- 24 (11) ISD Analysts,

- 1 (12) CORE Manager,
2 (13) Enterprise System/Database Software Manager,
3 (14) Data Center Operations and Production Manager,
4 (15) Voice Communications Manager,
5 (16) Applications Development Manager,
6 (17) Projects Manager,
7 (18) PC's Manager,
8 (19) Servers Manager,
9 (20) Portal Manager,
10 (21) Procurement Specialists,
11 (22) Security Technicians,
12 (23) Enterprise Communications and Network
13 Administrator,
14 (24) Server Support Specialists,
15 (25) Senior Server Support Specialists,
16 (26) Systems Support Specialists, and
17 (27) Senior Systems Support Specialists;
18 19. Employees of the Oklahoma Industrial Finance Authority;
19 20. Those positions so specified in the annual business plan of
20 the Oklahoma Department of Commerce;
21 21. Those positions so specified in the annual business plan of
22 the Oklahoma Center for the Advancement of Science and Technology;
23 22. The following positions and employees of the Oklahoma
24 School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in subsection B of this section;

23. Office of Personnel Management employees occupying the following positions:

- a. the Carl Albert Internship Program Coordinator,
- b. one Administrative Assistant,
- c. one Workforce Planning Manager,
- d. Assistant Administrators,
- e. one Associate Administrator, and
- f. Division Directors;

24. Department of Labor personnel occupying the following offices and positions:

- a. two Deputy Commissioners,
- b. two Executive Secretaries to the Commissioner,
- c. Chief of Staff,

- 1 d. two Administrative Assistants,
- 2 e. Information Systems Administrator,
- 3 f. three Safety and Health Directors,
- 4 g. Research Director,
- 5 h. Employment Standards Director,
- 6 i. Asbestos Director,
- 7 j. General Counsel,
- 8 k. one Legal Secretary,
- 9 l. one Docket Clerk, and
- 10 m. two Information Systems Application Specialists;

11 25. The State Bond Advisor and his or her employees;

12 26. The Oklahoma Employment Security Commission employees
13 occupying the following positions:

- 14 a. Associate Director,
- 15 b. Secretary to the Associate Director, and
- 16 c. Assistant to the Executive Director;

17 27. Oklahoma Human Rights Commission personnel occupying the
18 position of Administrative Assistant;

19 28. Officers and employees of the State Banking Department;

20 29. Officers and employees of the University Hospitals

21 Authority except personnel in the state classified service pursuant
22 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
23 the University Hospitals Authority Model Personnel System created
24 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma

1 Statutes or as otherwise provided for in Section 3213.2 of Title 63
2 of the Oklahoma Statutes;

3 30. Alcoholic Beverage Laws Enforcement Commission employees
4 occupying the following positions:

5 a. three Administrative Service Assistant positions,
6 however, employees in such positions who are in the
7 unclassified service on June 4, 2003, may make an
8 election to be in the classified service without a
9 loss in salary by September 1, 2003, and

10 b. the Deputy Director position in addition to the one
11 authorized by paragraph 2 of this subsection;

12 31. The Oklahoma State Bureau of Investigation employees
13 occupying the following positions:

14 a. five assistant directors,

15 b. six special investigators,

16 c. one information representative,

17 d. one federally funded physical evidence technician,

18 e. four federally funded laboratory analysts,

19 f. a maximum of fourteen positions employed for the

20 purpose of managing the automated information systems
21 of the agency,

22 g. one executive secretary in addition to the one

23 authorized pursuant to paragraph 2 of this subsection,

24 h. Child Abuse Response Team (CART) investigator, and

1 i. Child Abuse Response Team (CART) forensic interviewer;

2 32. The Department of Transportation, the following positions:

3 a. Director of the Oklahoma ~~Aeronautics~~ Aerospace
4 Commission,

5 b. five Department of Transportation Assistant Director
6 positions,

7 c. eight field division engineer positions,

8 d. one pilot position,

9 e. five Project Manager Positions, and

10 f. five Transportation Coordinators;

11 33. Commissioners of the Land Office employees occupying the
12 following positions:

13 a. Director of the Investments Division,

14 b. Assistant Director of the Investments Division,

15 c. one Administrative Assistant,

16 d. one Audit Tech position,

17 e. one Auditor I position,

18 f. two Accounting Tech I positions,

19 g. two Administrative Assistant I positions,

20 h. two Imaging Specialist positions, and

21 i. one Information Systems Specialist position;

22 34. Within the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control Commission, the following positions:

1 a. six Narcotics Agent positions and three Typist
2 Clerk/Spanish transcriptionists, including a Typist
3 Clerk Supervisor/Spanish transcriptionist, provided,
4 authorization for such positions shall be terminated
5 if the federal funding for the positions is
6 discontinued,

7 b. one executive secretary in addition to the one
8 authorized pursuant to paragraph 2 of this subsection,

9 c. one fiscal officer,

10 d. one full-time Programmer, and

11 e. one full-time Network Engineer;

12 35. The Military Department of the State of Oklahoma is
13 authorized such unclassified employees within full-time employee
14 limitations to work in any of the Department of Defense directed
15 youth programs, the State of Oklahoma Juvenile Justice youth
16 programs, those persons reimbursed from Armory Board or Billeting
17 Fund accounts, and skilled trade positions;

18 36. Within the Oklahoma Commission on Children and Youth the
19 following unclassified positions:

20 a. one Oversight Specialist and one Community Development
21 Planner,

22 b. one State Plan Grant Coordinator, provided
23 authorization for the position shall be terminated
24 when federal support for the position by the United

1 States Department of Education Early Intervention
2 Program is discontinued, and

- 3 c. one executive secretary in addition to the one
4 authorized pursuant to paragraph 2 of this subsection;

5 37. The following positions and employees of the Department of
6 Central Services:

7 a. one Executive Secretary in addition to the Executive
8 Secretary authorized by paragraph 2 of this
9 subsection,

10 b. the Director of Central Purchasing,

11 c. one Alternate Fuels Administrator,

12 d. one Director of Special Projects,

13 e. three postauditors,

14 f. four high-technology contracting officers,

15 g. one Executive Assistant to the Purchasing Director,

16 h. four Contracts Managers,

17 i. one Associate Director,

18 j. one specialized HiTech/Food Contracting Officer,

19 k. one State Use Contracting Officer,

20 l. one Property Distribution Administrator,

21 m. three licensed architects assigned to the Facilities
22 and Properties Division,

23 n. three licensed engineers assigned to the Facilities
24 and Properties Division,

- 1 o. four construction consultants assigned to the
- 2 Facilities and Properties Division,
- 3 p. one attorney assigned to the Facilities and Properties
- 4 Division,
- 5 q. three positions assigned to the Information Services
- 6 Division, which shall include one Information
- 7 Technology Manager, one Applications Specialist and
- 8 one Data Planning Specialist, and
- 9 r. four positions assigned to Fleet Management, which
- 10 shall include one Deputy Fleet Manager and three
- 11 Management Analysts;

12 38. Four Water Quality Specialists, and four Water Resources
13 Division Chiefs within the Oklahoma Water Resources Board;

14 39. J.D. McCarty Center for Children with Developmental
15 Disabilities personnel occupying the following offices and
16 positions:

- 17 a. Physical Therapists,
- 18 b. Physical Therapist Assistants,
- 19 c. Occupational Therapists,
- 20 d. Certified Occupational Therapist Aides, and
- 21 e. Speech Pathologists;

22 40. The Development Officer and the Director of the State
23 Museum of History within the Oklahoma Historical Society;

1 41. Oklahoma Department of Agriculture, Food, and Forestry
2 personnel occupying the following positions:

- 3 a. one Executive Secretary in addition to the Executive
4 Secretary authorized by paragraph 2 of this subsection
5 and one Executive Assistant,
- 6 b. nineteen Agricultural Marketing Coordinator III
7 positions,
- 8 c. temporary fire suppression personnel, regardless of
9 the number of hours worked, who are employed by the
10 Oklahoma Department of Agriculture, Food, and
11 Forestry; provided, however, notwithstanding the
12 provisions of any other section of law, the hours
13 worked by such employees shall not entitle such
14 employees to any benefits received by full-time
15 employees,
- 16 d. one Administrator for Human Resources,
- 17 e. one Director of Administrative Services,
- 18 f. one Water Quality Consumer Complaint Coordinator,
- 19 g. one hydrologist position,
- 20 h. Public Information Office Director,
- 21 i. Market Development Services Director,
- 22 j. Legal Services Director,
- 23 k. Animal Industry Services Director,

- 1 l. Agricultural Environmental Management Services
2 Director,
3 m. Forestry Services Director,
4 n. Plant Industry and Consumer Services Director,
5 o. one Grants Administrator position,
6 p. Director of Laboratory Services,
7 q. Chief of Communications,
8 r. Public Information Manager,
9 s. Inventory/Supply Officer,
10 t. five Agriculture Field Inspector positions assigned
11 the responsibility for conducting inspections and
12 audits of agricultural grain storage warehouses. All
13 other Agriculture Field Inspector positions and
14 employees of the Oklahoma Department of Agriculture,
15 Food, and Forestry shall be classified and subject to
16 the provisions of the Merit System of Personnel
17 Administration. On November 1, 2002, all other
18 unclassified Agriculture Field Inspectors shall be
19 given status in the classified service as provided in
20 Section 840-4.2 of this title,
21 u. Rural Fire Coordinator,
22 v. one Agricultural Marketing Coordinator III,
23 w. Food Safety Division Director,
24 x. two Environmental Program Specialists,

1 y. two Scale Technicians, and

2 z. two Plant Protection Specialists;

3 42. The Contracts Administrator within the Oklahoma State
4 Employees Benefits Council;

5 43. The Development Officer within the Oklahoma Department of
6 Libraries;

7 44. Oklahoma Real Estate Commission personnel occupying the
8 following offices and positions:

9 a. Educational Program Director, and

10 b. Data Processing Manager;

11 45. A Chief Consumer Credit Examiner for the Department of
12 Consumer Credit;

13 46. All officers and employees of the Oklahoma Capitol Complex
14 and Centennial Commemoration Commission;

15 47. All officers and employees of the Oklahoma Motor Vehicle
16 Commission;

17 48. One Museum Archivist of The Will Rogers Memorial
18 Commission;

19 49. One Fire Protection Engineer of the Office of the State
20 Fire Marshal;

21 50. Acting incumbents employed pursuant to Section 209 of Title
22 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
23 be included in any limitation on full-time equivalency imposed by
24 law on an agency. Permanent classified employees may request a

1 leave of absence from classified status and accept an unclassified
2 appointment and compensation as an acting incumbent with the same
3 agency; provided, the leave shall expire no later than two (2) years
4 from the date of the acting incumbent appointment. An appointing
5 authority may establish unclassified positions and appoint
6 unclassified employees to perform the duties of a permanent
7 classified employee who is on leave of absence from a classified
8 position to serve as an acting incumbent. All unclassified
9 appointments created pursuant to this paragraph shall expire no
10 later than two (2) years from the date of appointment. Classified
11 employees accepting unclassified appointments and compensation
12 pursuant to this paragraph shall be entitled to participate without
13 interruption in any benefit programs available to classified
14 employees, including retirement and insurance programs. Immediately
15 upon termination of an unclassified appointment pursuant to this
16 paragraph, an employee on assignment from the classified service
17 shall have a right to be restored to the classified service and
18 reinstated to the former job family level and compensation plus any
19 adjustments and increases in salary or benefits which the employee
20 would have received but for the leave of absence;

21 51. The Oklahoma Homeland Security Director and all other
22 positions assigned the responsibilities of working in the Oklahoma
23 Office of Homeland Security;

24

1 52. The following eighteen (18) positions in the State
2 Department of Health:

- 3 a. one surveillance supervisor,
- 4 b. one surveillance project monitor,
- 5 c. two bilingual interviewers,
- 6 d. eight senior interviewers, and
- 7 e. six interviewers;

8 53. State Board of Registration for Professional Engineers and
9 Land Surveyors personnel occupying the following offices and
10 positions:

- 11 a. one Director of Enforcement, and
- 12 b. one Board Investigator;

13 54. One Information Systems Data Management Analyst of the
14 Oklahoma State and Education Employees Group Insurance Board; and

15 55. Two Management Information Systems positions of the Office
16 of Juvenile Affairs.

17 B. If an agency has the authority to employ personnel in the
18 following offices and positions, the appointing authority shall have
19 the discretion to appoint personnel to the unclassified service:

- 20 1. Licensed medical doctors, osteopathic physicians, dentists,
21 psychologists, and nurses;
- 22 2. Certified public accountants;
- 23 3. Licensed attorneys;
- 24 4. Licensed veterinarians; and

1 5. Licensed pharmacists.

2 C. Effective July 1, 1996, authorization for unclassified
3 offices, positions, or personnel contained in a bill or joint
4 resolution shall terminate June 30 of the ensuing fiscal year after
5 the authorization unless the authorization is codified in the
6 Oklahoma Statutes or the termination is otherwise provided in the
7 legislation.

8 D. The appointing authority of agencies participating in the
9 statewide information systems project may establish unclassified
10 positions and appoint unclassified employees to the project as
11 needed. Additional unclassified positions may be established, if
12 required, to appoint an unclassified employee to perform the duties
13 of a permanent classified employee who is temporarily absent from a
14 classified position as a result of assignment to this project. All
15 unclassified appointments under this authority shall expire no later
16 than December 31, 2007, and all unclassified positions established
17 to support the project shall be abolished. Both the positions and
18 appointments resulting from this authority shall be exempt from any
19 agency FTE limitations and any limits imposed on the number of
20 unclassified positions authorized. Permanent classified employees
21 may request a leave of absence from classified status and accept an
22 unclassified appointment and compensation with the same agency under
23 the provisions of this subsection; provided, the leave shall expire
24 no later than December 31, 2007. Employees accepting the

1 appointment and compensation shall be entitled to participate
2 without interruption in any benefit programs available to classified
3 employees, including retirement and insurance programs. Immediately
4 upon termination of an unclassified appointment pursuant to this
5 subsection, an employee on assignment from the classified service
6 shall have a right to be restored to the classified service and
7 reinstated to the former job family level and compensation plus any
8 adjustments and increases in salary or benefits which the employee
9 would have received but for the leave of absence.

10 SECTION 25. Sections 1 through 16 and Sections 21 through 24 of
11 this act shall become effective November 1, 2008.

12 SECTION 26. Sections 17 through 20 of this act shall become
13 effective January 1, 2009.

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15 51-2-10268 MMP 02/21/08

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