

THE HOUSE OF REPRESENTATIVES
Wednesday, February 27, 2008

Committee Substitute for
House Bill No. 3239

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3239 - By: MCNIEL, BANZ,
JACKSON, PITTMAN AND SHANNON of the House and _____ of the Senate.

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

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

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

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

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

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

9 (a) "Aeronautics" means the science, art, and practice of flight including, but not
10 limited to, transportation by aircraft and matters relating to air commerce; the
11 operation, construction, repair, or maintenance of aircraft, aircraft power plants and
12 accessories, including the repair, packing, and maintenance of parachutes; the design,

1 establishment, construction, extension, operation, improvement, repair, or maintenance
2 of airports, restricted landing areas, or other air navigation facilities; and instruction in
3 flying or ground subjects pertaining thereto.

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

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

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

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

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

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

14 (h) "Air navigation facility" means any facility used in, available for use in, or
15 designed for use in, aid of air navigation, including landing areas, any structures,
16 mechanisms, lights, beacons, markers, communicating systems, or other
17 instrumentalities or devices used or useful as an aid, or constituting an advantage or
18 convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and
19 efficient operation or maintenance of an airport, and any combination of any or all of
20 such facilities.

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

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

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

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

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

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

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

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

1 (q) "Commercial service airport" means an airport meeting the current Federal
2 Aviation Administration definition for commercial service airport.

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

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

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

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

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

1 vacancy shall be appointed only for the remainder of such term. Each member shall
2 serve until the appointment and qualification of a successor. One member shall be
3 appointed from each congressional district and any remaining members shall be
4 appointed from the state at large. However, when congressional districts are redrawn
5 each member appointed prior to July 1 of the year in which such modification becomes
6 effective shall complete the current term of office and appointments made after July 1 of
7 the year in which such modification becomes effective shall be based on the redrawn
8 districts. Appointments made after July 1 of the year in which such modification
9 becomes effective shall be from any redrawn districts which are not represented by a
10 board member until such time as each of the modified congressional districts are
11 represented by a board member. No appointments may be made after July 1 of the year
12 in which such modification becomes effective if such appointment would result in more
13 than two members serving from the same modified district. To qualify for appointment
14 to the Commission, an 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 as general aviation,
17 agricultural aviation, airport management, or air carrier operation.

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

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

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

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

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

4 C. 1. The Commission shall, within thirty (30) days after its appointment,
5 organize, adopt a seal, and make such rules and regulations for its administration, not
6 inconsistent herewith, nor inconsistent with, or contrary to, any act of the Congress of
7 the United States or regulations promulgated or standards established pursuant thereto,
8 as it may deem expedient and from time to time amend such rules and regulations. At
9 such organizational meeting it shall elect from among its members a chair, a vice chair,
10 and a secretary, to serve for one (1) year, and annually thereafter shall elect such
11 officers, all to serve until their successors are appointed and qualified. The Commission
12 shall schedule meetings at a convenient time and place as they become necessary. Four
13 (4) members shall constitute a quorum, and no action shall be taken by less than a
14 majority of the Commission. Special meetings may be called as provided by the rules and
15 regulations of the Commission. Regular meetings shall be held at the established offices
16 of the Commission, but, whenever the convenience of the public or of the parties may be
17 promoted, or delay or expense may be prevented, the Commission may hold meetings,
18 hearings, or proceedings at any other place designated by it. The Commission shall
19 report in writing to the Governor on or about January 31 of each year. The report shall
20 contain a summary of the proceedings of the Commission during the preceding fiscal
21 year, a detailed and itemized statement of all revenue and of all expenditures made by or

1 in behalf of the Commission, such other information as it may deem necessary or useful,
2 and any additional information which may be requested by the Governor.

3 2. The rules and regulations in place at the time that the Oklahoma Aeronautics
4 Commission is renamed the Oklahoma Aerospace Commission shall remain in place and
5 in effect until the time in which the Oklahoma Aerospace Commission adopts its own
6 rules and regulations.

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

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

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

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

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

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

1 ~~Aeronautics~~ Aerospace Commission shall not be required to accept a lesser grade or
2 salary than presently received. All employees shall retain leave, sick and annual time
3 earned, and any retirement and longevity benefits which have accrued during their
4 tenure with the Department of Transportation. The transfer of personnel between the
5 state agencies shall be coordinated with the Office of Personnel Management.

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

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

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

20 F. The Director of State Finance is directed to coordinate the transfer of assets,
21 funds, allotments, purchase orders, liabilities, outstanding financial obligations or

1 encumbrances provided for in this section. The Department of Central Services shall
2 coordinate the transfer of property and records provided for in this section.

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

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

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

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

21 D. The Commission may establish air markers throughout the state.

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

3 F. The Commission shall:

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

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

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

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

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

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

18 H. 1. The Commission is authorized on behalf of and in the name of the state, out
19 of appropriations and other monies made available for such purposes, to plan, zone,
20 establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and
21 police airports and air navigation facilities, either within or without the state, including
22 the construction, installation, equipping, maintenance, and operation at such airports of

1 buildings and other facilities for the servicing of aircraft or for the comfort and
2 accommodation of air travelers. However, the regulatory authority shall not extend to
3 any airman employed by, nor to any aeronautics facility or aircraft under the exclusive
4 possession, operation, or control of, a person holding a certificate of public convenience
5 and necessity issued by any agency of the United States to operate as a common carrier
6 by air of persons and/or property in interstate commerce. For such purposes the
7 Commission may, by purchase, gift, devise, or lease, acquire property, real or personal, or
8 any interest therein including easements in aeronautical hazards or land outside the
9 boundaries of an airport or airport site, as are necessary to permit safe and efficient
10 operation of the state airports or to permit the removal, elimination, obstruction-marking
11 or obstruction-lighting of airport hazards, or to prevent the establishment of airport
12 hazards. In like manner the Commission may acquire existing airports and air
13 navigation facilities. However, the Commission shall not acquire or take over any airport
14 or air navigation facility owned or controlled by a municipality of this or any other state
15 without the consent of such municipality. The Commission may, by sale, lease, or
16 otherwise, dispose of any such property, airport, air navigation facility, or portion thereof
17 or interest therein. The disposal, by sale, lease, or otherwise, shall be in accordance with
18 the laws of this state governing the disposition of other property of the state, except that,
19 in the case of disposals to any municipality or state government or the United States for
20 aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected
21 in such manner and upon such terms as the Commission may deem in the best interest of
22 the state.

1 2. All airports owned by the state shall be within the primary jurisdiction of the
2 State Aeronautics Commission for purposes of design, development, and operation;
3 provided, that airports owned and operated by the Oklahoma Space Industry
4 Development Authority shall be exempt from such provisions, and during the time of a
5 national emergency, the Air National Guard shall be exempt from such provisions, and
6 provided further, that any airport owned by the state may be leased by the Commission
7 to a public or private agency, as it may deem fit.

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

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

12 5. a. In operating an airport or air navigation facility owned or controlled by
13 the state, the Commission may enter into contracts, leases, and other
14 arrangements for a term not exceeding twenty-five (25) years with any
15 persons granting the privilege of using or improving such airport or air
16 navigation facility or any portion or facility thereof or space therein for
17 commercial purposes; conferring the privilege of supplying goods,
18 commodities, things, services, or facilities at such airport or air
19 navigation facility; or making available services to be furnished by the
20 Commission or its agents at such airport or air navigation facility.
21 In each such case the Commission may establish the terms and
22 conditions and fix the charges, rentals, or fees for the privileges or

1 services, which shall be reasonable and uniform for the same class of
2 privileges or services and shall be established with due regard to the
3 property and improvements used and the expenses of operation to the
4 state; provided, that in no case shall the public be deprived of its
5 rightful, equal, and uniform use of the airport, air navigation facility or
6 portion or facility thereof.

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

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

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

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

12 I. The Commission may enter into any contracts necessary to the execution of the
13 powers granted it by this act. All contracts made by the Commission, either as the agent
14 of the state or as the agent of any municipality, shall be made pursuant to the laws of the
15 state governing the making of like contracts. When the planning, acquisition,
16 construction, improvement, maintenance, or operation of any airport or air navigation
17 facility is financed wholly or partially with federal monies, the Commission as agent of
18 the state or of any municipality may let contracts in the manner prescribed by the
19 federal authorities acting under the laws of the United States and any rules or
20 regulations made thereunder.

21 J. 1. The Commission, the Director, or any officer or employee of the Commission
22 designated by it shall have the power to hold investigations, inquiries, and hearings

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

15 2. In order to facilitate the making of investigations by the Commission in the
16 interest of public safety and promotion of aeronautics the public interest requires, and it
17 is therefore provided, that the reports of investigations or hearings, or any part thereof,
18 shall not be admitted in evidence or used for any purpose in any suit, action, or
19 proceeding growing out of any matter referred to in the investigation, hearing, or report
20 thereof, except in case of any suit, action, or proceeding, civil or criminal, instituted by or
21 in behalf of the Commission or in the name of the state under the provisions of this act or
22 other laws of the state relating to aeronautics; nor shall any member of the Commission,

1 or the Director, or any officer or employee of the Commission be required to testify to any
2 facts ascertained in, or information gained by reason of, such person's official capacity, or
3 be required to testify as an expert witness in any suit, action, or proceeding involving any
4 aircraft. Subject to the foregoing provisions, the Commission may in its discretion make
5 available to appropriate federal, state and municipal agencies information and material
6 developed in the course of its investigations and hearings.

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

10 2. The Commission is authorized to avail itself of the cooperation, services, records,
11 and facilities of the agencies of the United States as fully as may be practicable in the
12 administration and enforcement of this act. The Commission shall furnish to the
13 agencies of the United States its cooperation, services, records, and facilities, insofar as
14 may be practicable.

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

20 L. The Commission may organize and administer an aerospace education program
21 in cooperation with universities, colleges and schools for the general public. The
22 Commission may also plan and act jointly in a cooperative aviation research or high

1 technology program. As part of these programs, the Commission may issue aviation
2 communication films and publications.

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

5 Section 85.1 The Oklahoma ~~Aeronautics~~ Aerospace Commission is hereby
6 authorized on behalf of and in the name of the state, to accept title to property, real or
7 personal, or any interest therein including easements from any authority, county,
8 municipality or political subdivision thereof. The Commission is further authorized to
9 construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police such
10 property, including the construction, installation, equipping, maintenance, and operation
11 of airports, buildings and other facilities for the servicing of aircraft or for the comfort
12 and accommodation of air travelers. Any property accepted pursuant to this section shall
13 be in accordance with and subject to Section 82 et seq. of ~~Title 3 of the Oklahoma~~
14 ~~Statutes~~ this title.

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

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

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

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

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

9 2. In each county wherein there already exists an active airport owned by such
10 county or a municipality located therein or upon land owned by the federal government
11 but under the active control of the state, county or a municipality located within such
12 county, but there does not exist within such county a hardsurfaced runway of at least two
13 thousand six hundred (2,600) feet in length, the Oklahoma ~~Aeronautics~~ Aerospace
14 Commission may construct upon such lands as those described in paragraph 1 of this
15 section a runway of not less than two thousand six hundred (2,600) feet and may repair,
16 maintain and hardsurface such runway, or may, where sufficient land is available for
17 such purpose, expand such existing airport to a length of two thousand six hundred
18 (2,600) feet and may thereupon repair, maintain and hardsurface the entire runway.

19 3. During the fiscal year in which federal funds are available under the Federal
20 Airport Program for development or improvement of a state, county or city owned or
21 controlled airport, the Oklahoma ~~Aeronautics~~ Aerospace Commission shall be prohibited

1 from performing any construction or major repair work upon such airstrip unless and
2 until such federal funds have been available for such purpose.

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

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

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

13 Section 91. There is hereby created in the State Treasury a revolving fund for the
14 Oklahoma ~~Aeronautics~~ Aerospace Commission to be designated as the Oklahoma
15 ~~Aeronautics~~ Aerospace Commission Revolving Fund. The fund shall be a continuing
16 fund, not subject to fiscal year limitations, and shall consist of a monthly allocation by
17 the Oklahoma Tax Commission of Three Thousand Dollars (\$3,000.00) from the motor
18 fuel excise tax levied and collected pursuant to the provisions of Title 68 of the Oklahoma
19 Statutes, such amount being a part of the estimated amount of tax paid on gasoline
20 consumed by engines to propel aircraft in Oklahoma, sale of surplus property, fees and
21 receipts collected pursuant to the Oklahoma Open Records Act, donations, gifts,
22 bequests, contribution, devices, interagency reimbursements, federal funds unless

1 otherwise provided by federal law or regulation, sale of leases and aircraft registration
2 fees and taxes, or any other source. All monies accruing to said fund are hereby
3 appropriated and may be budgeted and expended by the Oklahoma ~~Aeronautics~~
4 Aerospace Commission for airport construction and rehabilitation programs and general
5 operations of the agency. Expenditures from said fund shall be made upon warrants
6 issued by the State Treasurer against claims filed as prescribed by law with the Director
7 of State Finance for approval and payment.

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

19 Section 102.1 A. In order to prevent the erection of structures dangerous to air
20 navigation, subject to the provisions of subsections B, C and D of this section, each
21 person shall secure from the local airport zoning authority, or in the absence of a local
22 airport zoning authority, the Oklahoma ~~Aeronautics~~ Aerospace Commission, a permit for

1 the erection, alteration, or modification of any structure the result of which would exceed
2 the federal obstruction standards as contained in 14 CFR, Part 77. Permits from the
3 local airport zoning authority will be required only within an airport hazard area where
4 federal standards are exceeded and if the proposed construction is within:

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

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

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

16 B. Affected airports will be considered as having those facilities which are
17 programmed in the Federal Aviation Administration's Regional Aviation System Plan
18 and will be so protected.

19 C. Permit requirements of subsection A of this section shall not apply to projects
20 which received construction permits from the Federal Communications Commission for
21 structures exceeding federal obstruction standards prior to May 20, 1975; nor shall it

1 apply to previously approved structures now existing, or any necessary replacement or
2 repairs to such existing structures, so long as the height and location is unchanged.

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

5 1. The nature of the terrain and height of existing structures;

6 2. Public and private interests and investments;

7 3. The character of flying operations and planned developments of airports;

8 4. Federal airways as designated by the Federal Aviation Administration that lie
9 within the radii described in paragraphs 1 through 3 of subsection A of this section;

10 5. Whether the construction of the proposed structure would cause an increase in
11 the minimum descent altitude or the decision height at the affected airport;

12 6. Technological advances;

13 7. The safety of persons on the ground and in the air; and

14 8. Land use density.

15 E. In order to promote the health, safety and welfare of the public and to protect
16 persons and property by promoting safety in aeronautics, the Oklahoma ~~Aeronautics~~
17 Aerospace Commission may review any structure erected, altered, or modified since
18 January 1, 1996, in which no permit was secured from the local airport zoning authority
19 because of the absence of a local airport authority. The Oklahoma ~~Aeronautics~~
20 Aerospace Commission shall determine whether such structures meet the requirements
21 set forth in this section. If the structures do not meet the requirements as set forth in
22 this section, the Oklahoma ~~Aeronautics~~ Aerospace Commission may request the owners

1 of such structure to make any necessary modifications to protect the health, safety and
2 welfare of the public, including, but not limited to, altering, marking, mapping, or
3 identifying such structure. The Oklahoma ~~Aeronautics~~ Aerospace Commission may
4 assist the owner of such structure in any manner deemed feasible by the Oklahoma
5 ~~Aeronautics~~ Aerospace Commission.

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

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

6 The registration and reregistration of aircraft shall be subject to the following
7 schedule and rates:

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

10 SCHEDULE "A"

11	WEIGHT IN POUNDS	FEE
12	Less than 1,750	\$20.00
13	1,751 through 2,500	\$35.00
14	2,501 through 3,500	\$55.00
15	3,501 through 4,500	\$75.00
16	4,501 through 5,500	\$95.00
17	5,501 through 6,500	\$115.00
18	6,501 through 8,500	\$135.00
19	8,501 through 10,000	\$185.00
20	10,001 through 13,000	\$230.00
21	13,001 through 17,000	\$265.00
22	17,001 through 20,000	\$300.00

1	20,001 through 25,000	\$375.00
2	25,001 through 30,000	\$500.00
3	30,001 through 40,000	\$625.00
4	40,001 through 50,000	\$750.00
5	50,001 through 75,000	\$1,000.00
6	75,001 through 100,000	\$1,250.00
7	100,001 and over	\$1,500.00

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

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

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

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

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

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

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

6 B. Aircraft purchased after January 1 of each year and subject to registration as
7 provided for in this section shall be registered and taxed on a prorated basis.

8 Registration fees and taxes shall be in lieu of all aircraft ad valorem taxes. All such
9 monies collected shall be paid to the Oklahoma Tax Commission and disbursed as
10 follows:

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

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

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

17 Section 500.6a All revenue from the tax of eight one-hundredths of one cent
18 (\$0.0008) per gallon imposed pursuant to the provisions of subsection B of Section 500.4
19 of ~~Title 68 of the Oklahoma Statutes~~ this title, and penalties and interest thereon,
20 collected by the Oklahoma Tax Commission shall be apportioned and distributed
21 monthly as follows:

1 1. For the fiscal year beginning July 1, 1999, one-third shall be paid to the State
2 Treasurer and placed to the credit of the Oklahoma ~~Aeronautics~~ Aerospace Commission
3 Revolving Fund and two-thirds shall be apportioned pursuant to the provisions of Section
4 500.6 of ~~Title 68 of the Oklahoma Statutes~~ this title;

5 2. For the fiscal year beginning July 1, 2000, two-thirds shall be paid to the State
6 Treasurer and placed to the credit of the Oklahoma ~~Aeronautics~~ Aerospace Commission
7 Revolving Fund and one-third shall be apportioned pursuant to the provisions of Section
8 500.6 of ~~Title 68 of the Oklahoma Statutes~~ this title; and

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

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

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

16 1. “Aerospace sector” means a private or public organization engaged in the
17 manufacture of aerospace or defense hardware or software, aerospace maintenance,
18 aerospace repair and overhaul, supply of parts to the aerospace industry, provision of
19 services and support relating to the aerospace industry, research and development of
20 aerospace technology and systems, and the education and training of aerospace
21 personnel;

1 2. “Compensation” means payments in the form of contract labor for which the
2 payor is required to provide a Form 1099 to the person paid, wages subject to
3 withholding tax paid to a part-time employee or full-time employee, or salary or other
4 remuneration. Compensation shall not include employer-provided retirement, medical or
5 health-care benefits, reimbursement for travel, meals, lodging or any other expense;

6 3. “Institution” means an institution within The Oklahoma State System of Higher
7 Education or any other public or private college or university that is accredited by a
8 national accrediting body;

9 4. “Qualified employer” means a sole proprietor, general partnership, limited
10 partnership, limited liability company, corporation, other legally recognized business
11 entity, or public entity whose principal business activity involves the aerospace sector;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 A. For taxable years beginning after December 31, 2008, a qualified employee shall
21 be allowed a credit against the tax imposed pursuant to Section 2355 of Title 68 of the

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

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

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

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

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

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

20 Section 6005. A. For fiscal years beginning prior to July 1, 1999, all revenues
21 derived pursuant to the provisions of Sections 6001 through 6007 of this title shall be
22 paid monthly by the Oklahoma Tax Commission to the State Treasurer and placed to the

1 credit of the General Revenue Fund to be paid out pursuant to direct appropriation by
2 the Legislature.

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

9 2. For the fiscal year beginning July 1, 2000, and for each fiscal year thereafter, one
10 hundred percent (100%) of the revenues derived pursuant to the provisions of Sections
11 6001 through 6007 of this title shall be paid monthly by the Tax Commission to the State
12 Treasurer and shall be placed to the credit of the Oklahoma ~~Aeronautics~~ Aerospace
13 Commission Revolving Fund.

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

16 Section 301. A. The Oklahoma Capitol Improvement Authority is authorized to
17 acquire real property, together with improvements located thereon, and personal
18 property, to construct buildings and other improvements to real property and to provide
19 funding for repairs, refurbishments and improvements to real and personal property and
20 for funding for the following capital projects in the following amounts:

21 1. Capital projects at institutions of higher education which are part of The
22 Oklahoma State System of Higher Education in a total amount not to exceed Forty-five

1 Million Dollars (\$45,000,000.00) with debt retirement payments to be made by the
2 Oklahoma State Regents for Higher Education;

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

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

13 4. Land acquisition, demolition, landscaping, environmental remediation and other
14 costs associated with the Lincoln Boulevard Renaissance Project in a total amount not to
15 exceed Thirteen Million Eight Hundred Thousand Dollars (\$13,800,000.00) with debt
16 retirement payments to be made by the Department of Central Services;

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

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

4 7. Funding for capital costs for the Native American Cultural and Educational
5 Authority of Oklahoma in a total amount not to exceed Five Million Dollars
6 (\$5,000,000.00) with debt retirement payments to be made by the Native American
7 Cultural and Educational Authority of Oklahoma;

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

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

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

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

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

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

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

11 15. Funding for construction and other capital costs at Quartz Mountain Lodge and
12 Arts and Conference Center in a total amount not to exceed Three Million Five Hundred
13 Thousand Dollars (\$3,500,000.00) with debt retirement payments to be made by the
14 Oklahoma Tourism and Recreation Department. Of such total amount appropriated
15 pursuant to this section, the sum of Three Million Five Hundred Thousand Dollars
16 (\$3,500,000.00) shall be transferred to the Capital Improvement Revolving Fund as
17 reimbursement for the construction and other capital costs at the Quartz Mountain
18 Lodge and Arts and Conference Center; and

19 16. The following capital projects to be funded by the obligations authorized herein
20 in the amounts to be allocated and expended by the following entities and in the
21 following amounts:

1	a.	the Oklahoma Aeronautics <u>Aerospace</u>	
2		Commission	\$2,990,000.00
3	b.	the State Department of Agriculture	\$5,044,194.00
4	c.	the Oklahoma State Bureau of Investigation	\$300,000.00
5	d.	the Oklahoma Capitol Complex and Centennial	
6		Commission	\$5,470,101.00
7	e.	the Department of Central Services	\$975,000.00
8	f.	the Oklahoma Department of Commerce	\$1,250,000.00
9	g.	the Oklahoma Conservation Commission	\$100,000.00
10	h.	the Oklahoma Department of Corrections	\$260,101.00
11	i.	the State Department of Education	\$700,000.00
12	j.	the Oklahoma Educational Television Authority	\$250,000.00
13	k.	the Grand River Dam Authority	\$220,000.00
14	l.	the State Department of Health	\$735,000.00
15	m.	the Oklahoma State Regents for Higher	
16		Education	\$30,617,909.00
17	n.	the Oklahoma Historical Society	\$10,456,303.00
18	o.	the Oklahoma House of Representatives	\$46,434.00
19	p.	the Department of Human Services	\$2,010,101.00
20	q.	the J.D. McCarty Center for Children with	
21		Developmental Disabilities	\$485,101.00
22	r.	the Office of Juvenile Affairs	\$1,227,601.00

1	s.	the Oklahoma Department of Mental Health and	
2		Substance Abuse Services	\$2,075,000.00
3	t.	the Oklahoma Military Department	\$5,700,101.00
4	u.	the Department of Public Safety	\$1,194,000.00
5	v.	the Oklahoma Department of Tourism and	
6		Recreation	\$10,565,005.00
7	w.	the Oklahoma Department of Transportation	\$5,241,412.00
8	x.	the Oklahoma Department of Veterans Affairs	\$1,450,000.00
9	y.	the Oklahoma Department of Career and	
10		Technology Education	\$13,845,303.00
11	z.	the Oklahoma Water Resources Board	\$1,850,000.00
12	aa.	the Oklahoma Department of Wildlife	
13		Conservation	\$608,000.00
14	bb.	the Department of Central Services	\$51,833,333.00
15		GRAND TOTAL	\$157,499,999.00

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

19 B. The Authority may hold title to the real and personal property and
20 improvements until such time as any obligations issued for this purpose are retired or
21 defeated and may lease the real property and improvements to the agencies indicated
22 herein. Upon final redemption or defeasance of the obligations created pursuant to this

1 section, title to the real and personal property and improvements shall be transferred
2 from the Oklahoma Capitol Improvement Authority, to the agencies indicated herein.

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

1 D. To the extent funds are available from the proceeds of the borrowing authorized
2 by subsection C of this section, the Oklahoma Capitol Improvement Authority shall
3 provide for the payment of professional fees and associated costs related to the projects
4 authorized in subsection A of this section.

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

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

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

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

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

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

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

16 L. The Legislature finds that several functions of state government are properly
17 performed through the delivery of state services by use of political subdivisions. In order
18 to facilitate the delivery of essential state services and in furtherance of state
19 governmental functions by the construction, acquisition or improvement of assets which
20 may be located within the corporate limits of a municipality of the State of Oklahoma or
21 which may be located in unincorporated areas of the state and subject to the jurisdiction
22 of a board of county commissioners, but which nonetheless serve an important function of

1 state government, the State of Oklahoma finds that the use of the proceeds from the
2 issuance of obligations pursuant to this section effectuates the performance of essential
3 state governmental functions, including, but not limited to:

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

18 M. Notwithstanding any other provision of law to the contrary, each and every
19 agency, board, commission, department or other entity of state government as identified
20 in paragraph 16 of subsection A of this section shall have the authority to acquire or to
21 transfer such property, whether real or personal, tangible or intangible, as may be

1 required to fully fund the projects and to acquire or improve the assets for which the
2 proceeds from the obligations authorized by this section are available.

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

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

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

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

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

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

18 5. All officers and employees of The Oklahoma State System of Higher Education,
19 State Board of Education and Oklahoma Department of Career and Technology
20 Education;

21 6. Persons employed in a professional or scientific capacity to make or conduct a
22 temporary and special inquiry, investigation, or examination on behalf of the Legislature

1 or a committee thereof or by authority of the Governor. These appointments and
2 authorizations shall terminate on the first day of the regular legislative session
3 immediately following the appointment, if not terminated earlier. However, nothing in
4 this paragraph shall prevent the reauthorization and reappointment of any such person.
5 Any such appointment shall be funded from the budget of the appointing authority;

6 7. Election officials and employees;

7 8. Temporary employees employed to work less than one thousand (1,000) hours in
8 any twelve-month period, and seasonal employees employed by the Oklahoma Tourism
9 and Recreation Department pursuant to Section 2241 of this title who work less than one
10 thousand six hundred (1,600) hours in any twelve-month period;

11 9. Department of Public Safety employees occupying the following offices or
12 positions:

- 13 a. administrative aides to the Commissioner,
- 14 b. executive secretaries to the Commissioner,
- 15 c. the Governor's representative of the Oklahoma Highway Safety Office
16 who shall be appointed by the Governor,
- 17 d. Highway Patrol Colonel,
- 18 e. Highway Patrol Lieutenant Colonel,
- 19 f. Highway Patrol Major,
- 20 g. Director of Finance,
- 21 h. noncommissioned pilots,
- 22 i. Information Systems Administrator,

- 1 j. Law Enforcement Telecommunications System Specialist,
2 k. Director of Driver License Administration,
3 l. Director of Transportation Division,
4 m. Director of the Alcohol and Drug Countermeasures Unit,
5 n. Director of the Oklahoma Highway Safety Office,
6 o. Civil Rights Administrator,
7 p. Budget Analyst,
8 q. Comptroller,
9 r. Chaplain,
10 s. Helicopter Mechanic,
11 t. Director of Safety Compliance,
12 u. Human Resources Director,
13 v. Administrator of Department Services, and
14 w. a maximum of seven (7) positions for the purpose of administering
15 programs in the Oklahoma Highway Safety Office, within full-time
16 employee limitations of the Department, employed with federal
17 funding that is continuing or indefinitely renewable. The
18 authorization for such positions shall be terminated if the federal
19 funding for positions is discontinued;

20 provided, any person appointed to a position prescribed in subparagraph d, e, f or o of
21 this paragraph shall have a right of return to the classified commissioned position
22 without any loss of rights, privileges or benefits immediately upon completion of the

1 duties in the unclassified commissioned position, and any person appointed to a position
2 prescribed in subparagraph i, j, k, l, m or n of this paragraph shall have a right of return
3 to the previously held vacant classified position within the Department of Public Safety
4 without any loss of rights, privileges or benefits immediately upon completion of the
5 duties in the unclassified commissioned position;

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

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

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

- 1 j. Manager of Pollution Abatement,
- 2 k. Manager of Field Operations,
- 3 l. Manager of Technical Services,
- 4 m. Public Utility Division Chief of Telecommunications,
- 5 n. Director of Information Services,
- 6 o. All Data Processing employees hired on or after September 1, 2005,
- 7 p. All Public Utilities employees hired on or after September 1, 2007, and
- 8 q. All Regulatory Program Managers hired on or after September 1, 2007;
- 9 16. At the option of the employing agency, the Supervisor, Director, or Educational
- 10 Coordinator in any other state agency having a primary responsibility to coordinate
- 11 educational programs operated for children in state institutions;
- 12 17. Department of Mental Health and Substance Abuse Services personnel
- 13 occupying the following offices and positions at each facility:
- 14 a. Director of Facility,
- 15 b. Deputy Director for Administration,
- 16 c. Clinical Services Director,
- 17 d. Executive Secretary to Director, and
- 18 e. Directors or Heads of Departments or Services;
- 19 18. Office of State Finance personnel occupying the following offices and positions:
- 20 a. State Comptroller,
- 21 b. Administrative Officers,
- 22 c. Alternator Claims Auditor,

- 1 d. Employees hired to fulfill state compliance agency requirements under
2 Model Tribal Gaming Compacts,
3 e. Employees of the Budget Division,
4 f. Employees of the Fiscal and Research Division,
5 g. Employees hired to work on the CORE Systems Project; and
6 h. The following employees of the Information Services Division:
7 (1) Information Services Division Manager,
8 (2) Network Manager,
9 (3) Network Technician,
10 (4) Security Manager,
11 (5) Contracts/Purchasing Manager,
12 (6) Operating and Applications Manager,
13 (7) Project Manager,
14 (8) Help Desk Manager,
15 (9) Help Desk Technician,
16 (10) Quality Assurance Manager,
17 (11) ISD Analysts,
18 (12) CORE Manager,
19 (13) Enterprise System/Database Software Manager,
20 (14) Data Center Operations and Production Manager,
21 (15) Voice Communications Manager,
22 (16) Applications Development Manager,

- 1 (17) Projects Manager,
2 (18) PC's Manager,
3 (19) Servers Manager,
4 (20) Portal Manager,
5 (21) Procurement Specialists,
6 (22) Security Technicians,
7 (23) Enterprise Communications and Network Administrator,
8 (24) Server Support Specialists,
9 (25) Senior Server Support Specialists,
10 (26) Systems Support Specialists, and
11 (27) Senior Systems Support Specialists;
- 12 19. Employees of the Oklahoma Industrial Finance Authority;
- 13 20. Those positions so specified in the annual business plan of the Oklahoma
14 Department of Commerce;
- 15 21. Those positions so specified in the annual business plan of the Oklahoma
16 Center for the Advancement of Science and Technology;
- 17 22. The following positions and employees of the Oklahoma School of Science and
18 Mathematics:
- 19 a. positions for which the annual salary is Twenty-four Thousand One
20 Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by
21 the Office of Personnel Management, provided no position shall become

- 1 unclassified because of any change in salary or grade while it is
2 occupied by a classified employee,
- 3 b. positions requiring certification by the State Department of Education,
4 and
- 5 c. positions and employees authorized to be in the unclassified service of
6 the state elsewhere in this section or in subsection B of this section;
- 7 23. Office of Personnel Management employees occupying the following positions:
- 8 a. the Carl Albert Internship Program Coordinator,
9 b. one Administrative Assistant,
10 c. one Workforce Planning Manager,
11 d. Assistant Administrators,
12 e. one Associate Administrator, and
13 f. Division Directors;
- 14 24. Department of Labor personnel occupying the following offices and positions:
- 15 a. two Deputy Commissioners,
16 b. two Executive Secretaries to the Commissioner,
17 c. Chief of Staff,
18 d. two Administrative Assistants,
19 e. Information Systems Administrator,
20 f. three Safety and Health Directors,
21 g. Research Director,
22 h. Employment Standards Director,

- 1 i. Asbestos Director,
- 2 j. General Counsel,
- 3 k. one Legal Secretary,
- 4 l. one Docket Clerk, and
- 5 m. two Information Systems Application Specialists;
- 6 25. The State Bond Advisor and his or her employees;
- 7 26. The Oklahoma Employment Security Commission employees occupying the
- 8 following positions:
- 9 a. Associate Director,
- 10 b. Secretary to the Associate Director, and
- 11 c. Assistant to the Executive Director;
- 12 27. Oklahoma Human Rights Commission personnel occupying the position of
- 13 Administrative Assistant;
- 14 28. Officers and employees of the State Banking Department;
- 15 29. Officers and employees of the University Hospitals Authority except personnel
- 16 in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma
- 17 Statutes and members of the University Hospitals Authority Model Personnel System
- 18 created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or
- 19 as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;
- 20 30. Alcoholic Beverage Laws Enforcement Commission employees occupying the
- 21 following positions:

- 1 a. three Administrative Service Assistant positions, however, employees
2 in such positions who are in the unclassified service on June 4, 2003,
3 may make an election to be in the classified service without a loss in
4 salary by September 1, 2003, and
5 b. the Deputy Director position in addition to the one authorized by
6 paragraph 2 of this subsection;

7 31. The Oklahoma State Bureau of Investigation employees occupying the following
8 positions:

- 9 a. five assistant directors,
10 b. six special investigators,
11 c. one information representative,
12 d. one federally funded physical evidence technician,
13 e. four federally funded laboratory analysts,
14 f. a maximum of fourteen positions employed for the purpose of
15 managing the automated information systems of the agency,
16 g. one executive secretary in addition to the one authorized pursuant to
17 paragraph 2 of this subsection,
18 h. Child Abuse Response Team (CART) investigator, and
19 i. Child Abuse Response Team (CART) forensic interviewer;

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

- 21 a. Director of the Oklahoma ~~Aeronautics~~ Aerospace Commission,
22 b. five Department of Transportation Assistant Director positions,

- 1 c. eight field division engineer positions,
- 2 d. one pilot position,
- 3 e. five Project Manager Positions, and
- 4 f. five Transportation Coordinators;

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

- 6 a. Director of the Investments Division,
- 7 b. Assistant Director of the Investments Division,
- 8 c. one Administrative Assistant,
- 9 d. one Audit Tech position,
- 10 e. one Auditor I position,
- 11 f. two Accounting Tech I positions,
- 12 g. two Administrative Assistant I positions,
- 13 h. two Imaging Specialist positions, and
- 14 i. one Information Systems Specialist position;

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

- 17 a. six Narcotics Agent positions and three Typist Clerk/Spanish
18 transcriptionists, including a Typist Clerk Supervisor/Spanish
19 transcriptionist, provided, authorization for such positions shall be
20 terminated if the federal funding for the positions is discontinued,
- 21 b. one executive secretary in addition to the one authorized pursuant to
22 paragraph 2 of this subsection,

- 1 c. one fiscal officer,
- 2 d. one full-time Programmer, and
- 3 e. one full-time Network Engineer;

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

9 36. Within the Oklahoma Commission on Children and Youth the following
10 unclassified positions:

- 11 a. one Oversight Specialist and one Community Development Planner,
- 12 b. one State Plan Grant Coordinator, provided authorization for the
13 position shall be terminated when federal support for the position by
14 the United States Department of Education Early Intervention
15 Program is discontinued, and
- 16 c. one executive secretary in addition to the one authorized pursuant to
17 paragraph 2 of this subsection;

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

- 19 a. one Executive Secretary in addition to the Executive Secretary
20 authorized by paragraph 2 of this subsection,
- 21 b. the Director of Central Purchasing,
- 22 c. one Alternate Fuels Administrator,

- 1 d. one Director of Special Projects,
2 e. three postauditors,
3 f. four high-technology contracting officers,
4 g. one Executive Assistant to the Purchasing Director,
5 h. four Contracts Managers,
6 i. one Associate Director,
7 j. one specialized HiTech/Food Contracting Officer,
8 k. one State Use Contracting Officer,
9 l. one Property Distribution Administrator,
10 m. three licensed architects assigned to the Facilities and Properties
11 Division,
12 n. three licensed engineers assigned to the Facilities and Properties
13 Division,
14 o. four construction consultants assigned to the Facilities and Properties
15 Division,
16 p. one attorney assigned to the Facilities and Properties Division,
17 q. three positions assigned to the Information Services Division, which
18 shall include one Information Technology Manager, one Applications
19 Specialist and one Data Planning Specialist, and
20 r. four positions assigned to Fleet Management, which shall include one
21 Deputy Fleet Manager and three Management Analysts;

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

3 39. J.D. McCarty Center for Children with Developmental Disabilities personnel
4 occupying the following offices and positions:

- 5 a. Physical Therapists,
- 6 b. Physical Therapist Assistants,
- 7 c. Occupational Therapists,
- 8 d. Certified Occupational Therapist Aides, and
- 9 e. Speech Pathologists;

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

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

- 14 a. one Executive Secretary in addition to the Executive Secretary
15 authorized by paragraph 2 of this subsection and one Executive
16 Assistant,
- 17 b. nineteen Agricultural Marketing Coordinator III positions,
- 18 c. temporary fire suppression personnel, regardless of the number of
19 hours worked, who are employed by the Oklahoma Department of
20 Agriculture, Food, and Forestry; provided, however, notwithstanding
21 the provisions of any other section of law, the hours worked by such

1 employees shall not entitle such employees to any benefits received by
2 full-time employees,
3 d. one Administrator for Human Resources,
4 e. one Director of Administrative Services,
5 f. one Water Quality Consumer Complaint Coordinator,
6 g. one hydrologist position,
7 h. Public Information Office Director,
8 i. Market Development Services Director,
9 j. Legal Services Director,
10 k. Animal Industry Services Director,
11 l. Agricultural Environmental Management Services Director,
12 m. Forestry Services Director,
13 n. Plant Industry and Consumer Services Director,
14 o. one Grants Administrator position,
15 p. Director of Laboratory Services,
16 q. Chief of Communications,
17 r. Public Information Manager,
18 s. Inventory/Supply Officer,
19 t. five Agriculture Field Inspector positions assigned the responsibility
20 for conducting inspections and audits of agricultural grain storage
21 warehouses. All other Agriculture Field Inspector positions and
22 employees of the Oklahoma Department of Agriculture, Food, and

1 Forestry shall be classified and subject to the provisions of the Merit
2 System of Personnel Administration. On November 1, 2002, all other
3 unclassified Agriculture Field Inspectors shall be given status in the
4 classified service as provided in Section 840-4.2 of this title,

- 5 u. Rural Fire Coordinator,
- 6 v. one Agricultural Marketing Coordinator III,
- 7 w. Food Safety Division Director,
- 8 x. two Environmental Program Specialists,
- 9 y. two Scale Technicians, and
- 10 z. two Plant Protection Specialists;

11 42. The Contracts Administrator within the Oklahoma State Employees Benefits
12 Council;

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

14 44. Oklahoma Real Estate Commission personnel occupying the following offices
15 and positions:

- 16 a. Educational Program Director, and
- 17 b. Data Processing Manager;

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

19 46. All officers and employees of the Oklahoma Capitol Complex and Centennial
20 Commemoration Commission;

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

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

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

2 50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of
3 Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-
4 time equivalency imposed by law on an agency. Permanent classified employees may
5 request a leave of absence from classified status and accept an unclassified appointment
6 and compensation as an acting incumbent with the same agency; provided, the leave
7 shall expire no later than two (2) years from the date of the acting incumbent
8 appointment. An appointing authority may establish unclassified positions and appoint
9 unclassified employees to perform the duties of a permanent classified employee who is
10 on leave of absence from a classified position to serve as an acting incumbent. All
11 unclassified appointments created pursuant to this paragraph shall expire no later than
12 two (2) years from the date of appointment. Classified employees accepting unclassified
13 appointments and compensation pursuant to this paragraph shall be entitled to
14 participate without interruption in any benefit programs available to classified
15 employees, including retirement and insurance programs. Immediately upon
16 termination of an unclassified appointment pursuant to this paragraph, an employee on
17 assignment from the classified service shall have a right to be restored to the classified
18 service and reinstated to the former job family level and compensation plus any
19 adjustments and increases in salary or benefits which the employee would have received
20 but for the leave of absence;

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

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

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

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

- 9 a. one Director of Enforcement, and
- 10 b. one Board Investigator;

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

13 55. Two Management Information Systems positions of the Office of Juvenile
14 Affairs.

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

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

1 5. Licensed pharmacists.

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

6 D. The appointing authority of agencies participating in the statewide information
7 systems project may establish unclassified positions and appoint unclassified employees
8 to the project as needed. Additional unclassified positions may be established, if
9 required, to appoint an unclassified employee to perform the duties of a permanent
10 classified employee who is temporarily absent from a classified position as a result of
11 assignment to this project. All unclassified appointments under this authority shall
12 expire no later than December 31, 2007, and all unclassified positions established to
13 support the project shall be abolished. Both the positions and appointments resulting
14 from this authority shall be exempt from any agency FTE limitations and any limits
15 imposed on the number of unclassified positions authorized. Permanent classified
16 employees may request a leave of absence from classified status and accept an
17 unclassified appointment and compensation with the same agency under the provisions
18 of this subsection; provided, the leave shall expire no later than December 31, 2007.
19 Employees accepting the appointment and compensation shall be entitled to participate
20 without interruption in any benefit programs available to classified employees, including
21 retirement and insurance programs. Immediately upon termination of an unclassified
22 appointment pursuant to this subsection, an employee on assignment from the classified

1 service shall have a right to be restored to the classified service and reinstated to the
2 former job family level and compensation plus any adjustments and increases in salary
3 or benefits which the employee would have received but for the leave of absence.

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

6 SECTION 26. Sections 17 through 20 of this act shall become effective January 1,
7 2009.

8 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TECHNOLOGY dated
9 02-26-08 - DO PASS, As Amended and Coauthored.