

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1959

By: Coates

4  
5 AS INTRODUCED

6 An Act relating to the Oklahoma Aeronautics  
7 Commission; amending 3 O.S. 2001, Sections 81, 82,  
8 84, as last amended by Section 1, Chapter 100, O.S.L.  
9 2005, Section 1, Chapter 269, O.S.L. 2002, as amended  
10 by Section 2, Chapter 100, O.S.L. 2005, 85, as last  
11 amended by Section 1, Chapter 401, O.S.L. 2005,  
12 Section 1, Chapter 157, O.S.L. 2002, Section 1,  
13 Chapter 263, O.S.L. 2006, as renumbered by Section 2,  
14 Chapter 180, O.S.L. 2008, and as last amended by  
15 Section 5, Chapter 417, O.S.L. 2008, 89, 90, 91, 92,  
16 93, 102.1, 116, 251 and 256 (3 O.S. Supp. 2009,  
17 Sections 84, 84.2, 85, 85.1 and 85.3), which relate  
18 to the Oklahoma Aeronautics Commission; renaming the  
19 Oklahoma Aeronautics Commission Act the Oklahoma  
20 Aviation Commission Act; modifying definitions;  
21 renaming the Oklahoma Aeronautics Commission the  
22 Oklahoma Aviation Commission; renaming the Oklahoma  
23 Aerospace Institute the Stafford Center; amending 68  
24 O.S. 2001, Sections 500.6a and 6005, which relate to  
the Oklahoma Aeronautics Commission Revolving Fund;  
renaming the Oklahoma Aeronautics Commission  
Revolving Fund the Oklahoma Aviation Commission  
Revolving Fund; amending 73 O.S. 2001, Section 301,  
which relates to the Oklahoma Capitol Improvement  
Authority; renaming the Oklahoma Aeronautics  
Commission the Oklahoma Aviation Commission; amending  
74 O.S. 2001, Sections 840-5.5, as last amended by  
Section 1, Chapter 300, O.S.L. 2008 and 5060.4, as  
last amended by Section 79, Chapter 1, O.S.L. 2007  
(74 O.S. Supp. 2009, Sections 840-5.5 and 5060.4),  
which relate to state government; modifying certain  
list of unclassified positions; renaming the Oklahoma  
Aeronautics Commission the Oklahoma Aviation  
Commission; renaming the Oklahoma Aerospace Institute  
the Stafford Center; and providing an effective date.

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

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

4 Section 81. This act may be cited as the "Oklahoma ~~Aeronautics~~  
5 Aviation Commission Act."

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

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

10 (a) "Aeronautics" means the science, art, and practice of  
11 flight including, but not limited to, transportation by aircraft and  
12 matters relating to air commerce; the operation, construction,  
13 repair, or maintenance of aircraft, aircraft power plants and  
14 accessories, including the repair, packing, and maintenance of  
15 parachutes; the design, establishment, construction, extension,  
16 operation, improvement, repair, or maintenance of airports,  
17 restricted landing areas, or other air navigation facilities; and  
18 instruction in flying or ground subjects pertaining thereto.

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

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

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

5 (e) "Commission" means the Oklahoma ~~Aeronautics~~ Aviation  
6 Commission.

7 (f) "Director" means the Director of ~~Aeronautics~~ Aviation of  
8 Oklahoma.

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

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

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

21 (j) "Airman" means any individual who engages, as the person in  
22 command, or as pilot, mechanic, or member of the crew, in the  
23 navigation of aircraft while under way, and any individual who is  
24

1 directly in charge of the inspection, maintenance, overhauling, or  
2 repair of aircraft, aircraft engines, propellers, and appliances.

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

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

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

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

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

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

4 (q) "Commercial service airport" means an airport meeting the  
5 current Federal Aviation Administration definition for commercial  
6 service airport.

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

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

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

16 SECTION 3. AMENDATORY 3 O.S. 2001, Section 84, as last  
17 amended by Section 1, Chapter 100, O.S.L. 2005 (3 O.S. Supp. 2009,  
18 Section 84), is amended to read as follows:

19 Section 84. A. There is hereby created the Oklahoma  
20 ~~Aeronautics Commission, which shall be the successor to the Oklahoma~~  
21 ~~Aviation Commission created by Section 81 et seq. of this title.~~  
22 The Oklahoma ~~Aeronautics~~ Aviation Commission shall consist of seven  
23 (7) members, who shall be appointed by the Governor and who shall  
24 continue in office, as designated by the Governor at the time of

1 appointment, through the last day of the second, third, fourth,  
2 fifth, sixth, and seventh calendar years, respectively, following  
3 the passage of this act, with the initial seventh member remaining  
4 in office until the end of the calendar year 1979. The successors  
5 of the members initially appointed shall be appointed for terms of  
6 six (6) years in the same manner as the members originally appointed  
7 under this act, except that any person appointed to fill a vacancy  
8 shall be appointed only for the remainder of such term. Each member  
9 shall serve until the appointment and qualification of a successor.  
10 One member shall be appointed from each congressional district and  
11 any remaining members shall be appointed from the state at large.  
12 However, when congressional districts are redrawn each member  
13 appointed prior to July 1 of the year in which such modification  
14 becomes effective shall complete the current term of office and  
15 appointments made after July 1 of the year in which such  
16 modification becomes effective shall be based on the redrawn  
17 districts. Appointments made after July 1 of the year in which such  
18 modification becomes effective shall be from any redrawn districts  
19 which are not represented by a board member until such time as each  
20 of the modified congressional districts are represented by a board  
21 member. No appointments may be made after July 1 of the year in  
22 which such modification becomes effective if such appointment would  
23 result in more than two members serving from the same modified  
24

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

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

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

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

1 the Director, subject to general statutory limitations on such  
2 expenses as contained in the State Travel Reimbursement Act.

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

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

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

21 C. The Commission shall, within thirty (30) days after its  
22 appointment, organize, adopt a seal, and make such rules and  
23 regulations for its administration, not inconsistent herewith, nor  
24 inconsistent with, or contrary to, any act of the Congress of the

1 United States or regulations promulgated or standards established  
2 pursuant thereto, as it may deem expedient and from time to time  
3 amend such rules and regulations. At such organizational meeting it  
4 shall elect from among its members a chair, a vice chair, and a  
5 secretary, to serve for one (1) year, and annually thereafter shall  
6 elect such officers, all to serve until their successors are  
7 appointed and qualified. The Commission shall schedule meetings at  
8 a convenient time and place as they become necessary. Four (4)  
9 members shall constitute a quorum, and no action shall be taken by  
10 less than a majority of the Commission. Special meetings may be  
11 called as provided by the rules and regulations of the Commission.  
12 Regular meetings shall be held at the established offices of the  
13 Commission, but, whenever the convenience of the public or of the  
14 parties may be promoted, or delay or expense may be prevented, the  
15 Commission may hold meetings, hearings, or proceedings at any other  
16 place designated by it. The Commission shall report in writing to  
17 the Governor on or about January 31 of each year. The report shall  
18 contain a summary of the proceedings of the Commission during the  
19 preceding fiscal year, a detailed and itemized statement of all  
20 revenue and of all expenditures made by or in behalf of the  
21 Commission, such other information as it may deem necessary or  
22 useful, and any additional information which may be requested by the  
23 Governor.

24

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

6 SECTION 4. AMENDATORY Section 1, Chapter 269, O.S.L.  
7 2002, as amended by Section 2, Chapter 100, O.S.L. 2005 (3 O.S.  
8 Supp. 2009, Section 84.2), is amended to read as follows:

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

20 B. 1. The number of full-time-equivalent employees for the  
21 Oklahoma ~~Aeronautics~~ Aviation Commission shall not be less than ten,  
22 nor more than the number of employees currently allowed by law for  
23 the Oklahoma ~~Aeronautics~~ Aviation Commission division of the  
24 Department of Transportation and who transfer to the Oklahoma

1 ~~Aeronautics~~ Aviation Commission pursuant to this section. In no  
2 event shall the total full-time-equivalent employees of the Oklahoma  
3 ~~Aeronautics~~ Aviation Commission transferring or electing to remain  
4 with the Department of Transportation exceed eighteen full-time-  
5 equivalent positions.

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

11 3. The Oklahoma ~~Aeronautics~~ Aviation Commission and the  
12 Department of Transportation may enter into an agreement for the  
13 transfer of personnel from the Department of Transportation to the  
14 Oklahoma ~~Aeronautics~~ Aviation Commission. No employee shall be  
15 transferred to the Oklahoma ~~Aeronautics~~ Aviation Commission except  
16 on the freely given written consent of the employee. All classified  
17 employees under the Merit System of Personnel Administration who are  
18 not transferred to the Oklahoma ~~Aeronautics~~ Aviation Commission  
19 shall retain the status in the class to which the position occupied  
20 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  
22 reduced as a result of such position allocation. All employees who  
23 are transferred to the Oklahoma ~~Aeronautics~~ Aviation Commission  
24 shall not be required to accept a lesser grade or salary than

1 presently received. All employees shall retain leave, sick and  
2 annual time earned, and any retirement and longevity benefits which  
3 have accrued during their tenure with the Department of  
4 Transportation. The transfer of personnel between the state  
5 agencies shall be coordinated with the Office of Personnel  
6 Management.

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

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

20 E. The division within the Department of Transportation known  
21 as the Oklahoma ~~Aeronautics~~ Aviation Commission shall be abolished  
22 by the Transportation Commission after the transfer has been  
23 completed.

24

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

6 SECTION 5. AMENDATORY 3 O.S. 2001, Section 85, as last  
7 amended by Section 1, Chapter 401, O.S.L. 2005 (3 O.S. Supp. 2009,  
8 Section 85), is amended to read as follows:

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

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

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

4 D. The Commission may establish air markers throughout the  
5 state.

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

9 F. The Commission shall:

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

12 2. Represent the state in aeronautical matters before federal  
13 agencies and other state agencies; and

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

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

22 2. The Commission may render financial assistance by grant or  
23 loan or both to any municipality or municipalities acting jointly in  
24 the planning, acquisition, construction, improvement, maintenance,

1 or operation of an airport owned or controlled, or to be owned or  
2 controlled, by such municipality or municipalities, out of  
3 appropriations or other monies made available by the Legislature for  
4 such purposes. Such financial assistance may be furnished in  
5 connection with federal or other financial aid for the same  
6 purposes.

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

1 Commission pursuant to this section shall be deposited in the  
2 Oklahoma ~~Aeronautics~~ Aviation Commission Revolving Fund in the State  
3 Treasury and shall be paid out by the Commission in accordance with  
4 the terms and conditions of any agreement entered into under the  
5 provisions of this section.

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

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

18 2. All airports owned by the state shall be within the primary  
19 jurisdiction of the State ~~Aeronautics~~ Aviation Commission for  
20 purposes of design, development, and operation; provided, that  
21 airports owned and operated by the Oklahoma Space Industry  
22 Development Authority shall be exempt from such provisions, and  
23 during the time of a national emergency, the Air National Guard  
24 shall be exempt from such provisions, and provided further, that any

1 airport owned by the state may be leased by the Commission to a  
2 public or private agency, as it may deem fit.

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

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

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

21 In each such case the Commission may establish the  
22 terms and conditions and fix the charges, rentals, or  
23 fees for the privileges or services, which shall be  
24 reasonable and uniform for the same class of

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

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

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

1           which shall be enforceable by the Commission as  
2           provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

16 SECTION 6. AMENDATORY Section 1, Chapter 157, O.S.L.  
17 2002 (3 O.S. Supp. 2009, Section 85.1), is amended to read as  
18 follows:

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

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

7 SECTION 7. AMENDATORY Section 1, Chapter 263, O.S.L.  
8 2006, as renumbered by Section 2, Chapter 180, O.S.L. 2008, and as  
9 last amended by Section 5, Chapter 417, O.S.L. 2008 (3 O.S. Supp.  
10 2009, Section 85.3), is amended to read as follows:

11 Section 85.3 A. This act shall be known and may be cited as  
12 the "Aerospace Development Act of 2008".

13 B. There is hereby created within the Oklahoma ~~Aeronautics~~  
14 Aviation Commission, the Center for Aerospace Supplier Quality  
15 (CASQ), and the ~~Oklahoma Aerospace Institute (OAI)~~ Stafford Center  
16 (SC) whose purpose shall be to create a partnership of service  
17 providers to more effectively respond to the needs of the aerospace  
18 industry in the areas of education and training, research, and  
19 economic development. The CASQ and ~~OAI~~ SC will focus available  
20 resources to promote cooperation and collaboration among businesses,  
21 manufacturers, military installations, commercial aviation,  
22 educational institutions, nonprofit research institutions, and state  
23 government for the purpose of strengthening the economy of the State  
24 of Oklahoma. Contingent upon the availability of funds, the

1 Oklahoma ~~Aeronautics~~ Aviation Commission may employ established  
2 program processes or may contract with other qualified entities to  
3 operate the CASQ and the ~~OAI~~ SC.

4 C. The CASQ is designed to serve as a conduit between  
5 Oklahoma's military installations and aerospace industry to promote  
6 quick response to opportunities that will:

7 1. Increase Department of Defense contracts with Oklahoma  
8 aerospace companies and contracts between Oklahoma aerospace  
9 companies and prime contractors in the aerospace and defense  
10 industries;

11 2. Create and retain more high-wage, high-skill jobs;

12 3. Strengthen collaborations between businesses and aerospace  
13 interests;

14 4. Reduce the flow of federal defense contract dollars to out-  
15 of-state businesses;

16 5. Expand the aerospace industry in Oklahoma;

17 6. Provide engineering and technical assistance;

18 7. Provide more manufacturing sources for Oklahoma military  
19 installations and the aerospace industry; and

20 8. Reduce costs and increase competitiveness for Oklahoma  
21 military installations and the aerospace industry.

22 D. In order to streamline the use of resources with the goal of  
23 eliminating duplication of efforts, the ~~OAI~~ SC shall act as a  
24 clearinghouse of information and activities concerning the aerospace

1 industry. The ~~OAI~~ SC will provide a focal point to coordinate the  
2 plans and activities of state agencies, task forces, departments,  
3 boards, commissions, and other entities that have responsibilities  
4 or duties regarding the aerospace industry with the goal of  
5 eliminating duplication of effort.

6 E. The ~~OAI~~ SC shall create a partnership of education and  
7 training providers to meet the specific needs of the aerospace  
8 industry to build a credentialed work force for the future.  
9 Participating educational institutions shall act cooperatively to  
10 create complementary activities.

11 F. The ~~OAI~~ SC shall include a center for applied research and  
12 will primarily undertake applied research, development and  
13 technology transfer that have long-term potential for commercial  
14 development. The center shall build upon institutional strengths  
15 and conduct activity in areas of research in which the participating  
16 research institutions and businesses have achieved or have true  
17 promise of attaining a standard of excellence in applied research  
18 and development.

19 G. The ~~OAI~~ SC shall support and foster the growth of the  
20 aerospace industry. The ~~OAI~~ SC shall acquire aerospace executive  
21 expertise and provide consulting services to the aerospace industry,  
22 government agencies and organizations across the State of Oklahoma  
23 in order to strengthen the policy framework, economic development  
24 initiatives and activities of the state.

1 H. The ~~OAI~~ SC may accept funding that includes, but is not  
2 limited to:

- 3 1. Monetary contributions;
- 4 2. Contractual arrangements;
- 5 3. In-kind services;
- 6 4. Federal- and state-appropriated dollars;
- 7 5. Private and public foundation grants; and
- 8 6. Fee-for-service products.

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

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

15 SECTION 9. AMENDATORY 3 O.S. 2001, Section 90, is  
16 amended to read as follows:

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

- 19 1. In every county wherein there is no active airport, the  
20 Oklahoma ~~Aeronautics~~ Aviation Commission is authorized to construct  
21 within such county or a municipality located therein or upon land  
22 owned by the federal government but under the active control of the  
23 state, county or a municipality located within such county a runway

24

1 of not less than two thousand six hundred (2,600) feet in length and  
2 to repair, maintain and hardsurface such runway-;

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

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

22 4. The Oklahoma ~~Aeronautics~~ Aviation Commission, in any county  
23 where no airport containing two thousand six hundred (2,600) feet or  
24 more runway exists, is authorized to accept gifts of land to be used

1 for a county airport and of money to be used to acquire an airport-;  
2 and

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

8 SECTION 10. AMENDATORY 3 O.S. 2001, Section 91, is  
9 amended to read as follows:

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

1 hereby appropriated and may be budgeted and expended by the Oklahoma  
2 ~~Aeronautics~~ Aviation Commission for airport construction and  
3 rehabilitation programs and general operations of the agency.  
4 Expenditures from said fund shall be made upon warrants issued by  
5 the State Treasurer against claims filed as prescribed by law with  
6 the Director of State Finance for approval and payment.

7 SECTION 11. AMENDATORY 3 O.S. 2001, Section 92, is  
8 amended to read as follows:

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

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

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

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

22 SECTION 13. AMENDATORY 3 O.S. 2001, Section 102.1, is  
23 amended to read as follows:

24

1 Section 102.1 A. In order to prevent the erection of  
2 structures dangerous to air navigation, subject to the provisions of  
3 subsections B, C and D of this section, each person shall secure  
4 from the local airport zoning authority, or in the absence of a  
5 local airport zoning authority, the Oklahoma ~~Aeronautics~~ Aviation  
6 Commission, a permit for the erection, alteration, or modification  
7 of any structure the result of which would exceed the federal  
8 obstruction standards as contained in 14 CFR, Part 77. Permits from  
9 the local airport zoning authority will be required only within an  
10 airport hazard area where federal standards are exceeded and if the  
11 proposed construction is within:

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

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

21 3. A 2.5-nautical mile radius of the geographical center of a  
22 publicly owned or operated airport, a military airport, or an  
23 airport open for public use which has no published instrument  
24

1 approach and has runways three thousand two hundred (3,200) feet or  
2 less in length.

3 B. Affected airports will be considered as having those  
4 facilities which are programmed in the Federal Aviation  
5 Administration's Regional Aviation System Plan and will be so  
6 protected.

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

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

- 16 1. The nature of the terrain and height of existing structures;
- 17 2. Public and private interests and investments;
- 18 3. The character of flying operations and planned developments  
19 of airports;
- 20 4. Federal airways as designated by the Federal Aviation  
21 Administration that lie within the radii described in paragraphs 1  
22 through 3 of subsection A of this section;

23

24

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

4           6. Technological advances;

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

6           8. Land use density.

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

23           SECTION 14.           AMENDATORY           3 O.S. 2001, Section 116, is  
24 amended to read as follows:

1       Section 116. The Oklahoma ~~Aeronautics~~ Aviation Commission may  
2 provide technical assistance to any political subdivision requesting  
3 assistance in the preparation of an airport zoning code. A copy of  
4 all local airport zoning codes, rules, and regulations, and  
5 amendments and proposed and granted variances thereto, shall be  
6 filed with the Oklahoma ~~Aeronautics~~ Aviation Commission.

7       SECTION 15.        AMENDATORY        3 O.S. 2001, Section 251, is  
8 amended to read as follows:

9       Section 251. A. It is hereby declared that it is the policy of  
10 the Legislature to make registration procedures for aircraft similar  
11 to those for automobiles, with the authority to accomplish the same  
12 vested fully in the Oklahoma Tax Commission separately from the  
13 Oklahoma ~~Aeronautics~~ Aviation Commission, the jurisdiction of the  
14 two Commissions, their directors and officers being separate.

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

18       SECTION 16.        AMENDATORY        3 O.S. 2001, Section 256, is  
19 amended to read as follows:

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

24

1 The registration and reregistration of aircraft shall be subject  
2 to the following schedule and rates:

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

5 SCHEDULE "A"

6	WEIGHT IN POUNDS	FEE
7	Less than 1,750	\$20.00
8	1,751 through 2,500	\$35.00
9	2,501 through 3,500	\$55.00
10	3,501 through 4,500	\$75.00
11	4,501 through 5,500	\$95.00
12	5,501 through 6,500	\$115.00
13	6,501 through 8,500	\$135.00
14	8,501 through 10,000	\$185.00
15	10,001 through 13,000	\$230.00
16	13,001 through 17,000	\$265.00
17	17,001 through 20,000	\$300.00
18	20,001 through 25,000	\$375.00
19	25,001 through 30,000	\$500.00
20	30,001 through 40,000	\$625.00
21	40,001 through 50,000	\$750.00
22	50,001 through 75,000	\$1,000.00
23	75,001 through 100,000	\$1,250.00
24	100,001 and over	\$1,500.00

- 1           2. Rotary-wing aircraft shall be taxed at two times the  
2 Schedule "A" fee, based on the same weight classifications-; i
- 3           3. Multiengine piston aircraft shall be taxed at three times  
4 the Schedule "A" fee, based on the same weight classifications-; i
- 5           4. Turbo-prop aircraft shall be taxed at six times the Schedule  
6 "A" fee, based on the same weight classifications-; i
- 7           5. Turbo-jet aircraft shall be taxed at ten times the Schedule  
8 "A" fee, based on the same weight classifications-; i
- 9           6. Antique aircraft as defined by the Federal Aviation  
10 Administration, sailplanes, balloons, and home-built aircraft shall  
11 be subject to a flat-rate fee of Ten Dollars (\$10.00)-; i
- 12           7. The fees of this subsection, except those in paragraph 6 of  
13 this subsection, shall be reduced at a rate of ten percent (10%)  
14 each year following the date of manufacture until the fee is equal  
15 to fifty percent (50%) of the original fee, which shall then be the  
16 fee for each year thereafter-; i and
- 17           8. Every aircraft owner shall have the right to appeal the  
18 assessment of the fee as provided for in this subsection, and the  
19 Oklahoma Tax Commission shall appraise the aircraft and its avionics  
20 as personal property at the fair market value thereof, and shall  
21 apply a twelve-percent assessment rate which shall be levied at the  
22 appropriate county millage rate.
- 23           B. Aircraft purchased after January 1 of each year and subject  
24 to registration as provided for in this section shall be registered

1 and taxed on a prorated basis. Registration fees and taxes shall be  
2 in lieu of all aircraft ad valorem taxes. All such monies collected  
3 shall be paid to the Oklahoma Tax Commission and disbursed as  
4 follows:

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

8 2. Ninety-seven percent (97%) of said registration fees and  
9 taxes shall be deposited in the Oklahoma ~~Aeronautics~~ Aviation  
10 Commission Revolving Fund.

11 SECTION 17. AMENDATORY 68 O.S. 2001, Section 500.6a, is  
12 amended to read as follows:

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

19 1. For the fiscal year beginning July 1, 1999, one-third shall  
20 be paid to the State Treasurer and placed to the credit of the  
21 Oklahoma ~~Aeronautics~~ Aviation Commission Revolving Fund and two-  
22 thirds shall be apportioned pursuant to the provisions of Section  
23 500.6 of ~~Title 68 of the Oklahoma Statutes~~ this title;

24

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

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

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

12           Section 6005. A. For fiscal years beginning prior to July 1,  
13 1999, all revenues derived pursuant to the provisions of Sections  
14 6001 through 6007 of this title shall be paid monthly by the  
15 Oklahoma Tax Commission to the State Treasurer and placed to the  
16 credit of the General Revenue Fund to be paid out pursuant to direct  
17 appropriation by the Legislature.

18           B. 1. For the fiscal year beginning July 1, 1999, fifty  
19 percent (50%) of all revenues derived pursuant to the provisions of  
20 Sections 6001 through 6007 of this title shall be paid monthly by  
21 the Tax Commission to the State Treasurer and placed to the credit  
22 of the General Revenue Fund to be paid out pursuant to direct  
23 appropriation by the Legislature, and fifty percent (50%) of the  
24

1 revenues shall be placed to the credit of the Oklahoma ~~Aeronautics~~  
2 Aviation Commission Revolving Fund; and

3 2. For the fiscal year beginning July 1, 2000, and for each  
4 fiscal year thereafter, one hundred percent (100%) of the revenues  
5 derived pursuant to the provisions of Sections 6001 through 6007 of  
6 this title shall be paid monthly by the Tax Commission to the State  
7 Treasurer and shall be placed to the credit of the Oklahoma  
8 ~~Aeronautics~~ Aviation Commission Revolving Fund.

9 SECTION 19. AMENDATORY 73 O.S. 2001, Section 301, is  
10 amended to read as follows:

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

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

23 2. Construction of a History Center for the Oklahoma Historical  
24 Society in a total amount not to exceed Thirty-two Million Dollars

1 (\$32,000,000.00) with debt retirement payments to be made by the  
2 Oklahoma Historical Society. Of such total amount, the sum of Four  
3 Million One Hundred Thousand Dollars (\$4,100,000.00) shall be  
4 transferred to the Capital Improvement Revolving Fund as  
5 reimbursement for improvements and renovations to the property made  
6 in preparation for the construction of the History Center;

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

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

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

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

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

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

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

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

19           11. Construction of a new Veterans Center in Lawton, Oklahoma,  
20 in a total amount not to exceed Twelve Million Dollars  
21 (\$12,000,000.00) with debt retirement payments to be made by the  
22 Oklahoma Department of Veterans Affairs;

23           12. Capital costs for financial management information systems  
24 in a total amount not to exceed One Million Dollars (\$1,000,000.00)

1 with debt retirement payments to be made by the Office of State  
2 Finance;

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

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

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

22 16. The following capital projects to be funded by the  
23 obligations authorized herein in the amounts to be allocated and  
24 expended by the following entities and in the following amounts:

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

1	s.	the Oklahoma Department of Mental	
2		Health and 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	
8		Transportation	\$5,241,412.00
9	x.	the Oklahoma Department of Veterans	
10		Affairs	\$1,450,000.00
11	y.	the Oklahoma Department of Career and	
12		Technology Education	\$13,845,303.00
13	z.	the Oklahoma Water Resources Board	\$1,850,000.00
14	aa.	the Oklahoma Department of Wildlife	
15		Conservation	\$608,000.00
16	bb.	the Department of Central Services	\$51,833,333.00
17		GRAND TOTAL	\$157,499,999.00

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

21 B. The Authority may hold title to the real and personal  
22 property and improvements until such time as any obligations issued  
23 for this purpose are retired or defeated and may lease the real  
24 property and improvements to the agencies indicated herein. Upon

1 final redemption or defeasance of the obligations created pursuant  
2 to this section, title to the real and personal property and  
3 improvements shall be transferred from the Oklahoma Capitol  
4 Improvement Authority, to the agencies indicated herein.

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

1 obligations pursuant to this section for the purpose of providing  
2 funding for the projects authorized in paragraph 16 of subsection A  
3 of this section prior to January 1, 2001. For the fiscal year  
4 ending June 30, 2002, and thereafter, it is the intent of the  
5 Legislature to appropriate to the agencies administering the  
6 projects sufficient monies to make rental payments for the purpose  
7 of retiring the obligations created pursuant to this section.

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

13 E. The Authority may issue obligations in one or more series  
14 and in conjunction with other issues of the Authority. The  
15 Authority is authorized to hire bond counsel, financial consultants,  
16 and such other professionals as it may deem necessary to provide for  
17 the efficient sale of the obligations and may utilize a portion of  
18 the proceeds of any borrowing to create such reserves as may be  
19 deemed necessary and to pay costs associated with the issuance and  
20 administration of such obligations.

21 F. The obligations authorized under this section may be sold at  
22 either competitive or negotiated sale, as determined by the  
23 Authority, and in such form and at such prices as may be authorized  
24 by the Authority. The Authority may enter into agreements with such

1 credit enhancers and liquidity providers as may be determined  
2 necessary to efficiently market the obligations. The obligations  
3 may mature and have such provisions for redemption as shall be  
4 determined by the Authority, but in no event shall the final  
5 maturity of such obligations occur later than thirty (30) years from  
6 the first principal maturity date.

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

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

15 I. The Authority may direct the investment of all monies in any  
16 funds or accounts created in connection with the offering of the  
17 obligations authorized under this section. Such investments shall  
18 be made in a manner consistent with the investment guidelines of the  
19 State Treasurer. The Authority may place additional restrictions on  
20 the investment of such monies if necessary to enhance the  
21 marketability of the obligations.

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

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

7 L. The Legislature finds that several functions of state  
8 government are properly performed through the delivery of state  
9 services by use of political subdivisions. In order to facilitate  
10 the delivery of essential state services and in furtherance of state  
11 governmental functions by the construction, acquisition or  
12 improvement of assets which may be located within the corporate  
13 limits of a municipality of the State of Oklahoma or which may be  
14 located in unincorporated areas of the state and subject to the  
15 jurisdiction of a board of county commissioners, but which  
16 nonetheless serve an important function of state government, the  
17 State of Oklahoma finds that the use of the proceeds from the  
18 issuance of obligations pursuant to this section effectuates the  
19 performance of essential state governmental functions, including,  
20 but not limited to:

- 21 1. Fire protection services;
- 22 2. Roads, bridges and highways located either partially within  
23 or completely within the corporate limits of a municipality or in an  
24 unincorporated area of the state;

- 1 3. Historic preservation;
- 2 4. Recreational facilities;
- 3 5. Air transportation infrastructure;
- 4 6. Facilities for the housing and care of the elderly;
- 5 7. Juvenile delinquency prevention and treatment facilities;
- 6 8. Agricultural and horticultural event facilities;
- 7 9. Health care facilities, including, but not limited to
- 8 facilities the primary purpose of which is the treatment or
- 9 prevention of communicable diseases or illness;
- 10 10. Promotion of tourism;
- 11 11. Promotion of economic development and business site
- 12 selection; and
- 13 12. Public safety.

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

22 SECTION 20. AMENDATORY 74 O.S. 2001, Section 840-5.5, as  
23 last amended by Section 1, Chapter 300, O.S.L. 2008 (74 O.S. Supp.  
24 2009, Section 840-5.5), is amended to read as follows:

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

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

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

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

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

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

20 6. Persons employed in a professional or scientific capacity to  
21 make or conduct a temporary and special inquiry, investigation, or  
22 examination on behalf of the Legislature or a committee thereof or  
23 by authority of the Governor. These appointments and authorizations  
24 shall terminate on the first day of the regular legislative session

1 immediately following the appointment, if not terminated earlier.  
2 However, nothing in this paragraph shall prevent the reauthorization  
3 and reappointment of any such person. Any such appointment shall be  
4 funded from the budget of the appointing authority;

5 7. Election officials and employees;

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

11 9. Department of Public Safety employees occupying the  
12 following offices or 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  
16 Safety Office who shall be appointed by the Governor,
- 17 d. Highway Patrol Colonel,
- 18 e. Highway Patrol Lieutenant Colonel,
- 19 f. Director of Finance,
- 20 g. noncommissioned pilots,
- 21 h. Information Systems Administrator,
- 22 i. Law Enforcement Telecommunications System Specialist,
- 23 j. Director of Driver Compliance,
- 24 k. Director of Transportation Division,

- 1           l.    Director of the Oklahoma Highway Safety Office,  
2           m.    Civil Rights Administrator,  
3           n.    Budget Analyst,  
4           o.    Comptroller,  
5           p.    Chaplain,  
6           q.    Helicopter Mechanic,  
7           r.    Director of Safety Compliance,  
8           s.    Human Resources Director,  
9           t.    Administrator of Department Services, and  
10          u.    a maximum of seven (7) positions for the purpose of  
11             administering programs in the Oklahoma Highway Safety  
12             Office, within full-time employee limitations of the  
13             Department, employed with federal funding that is  
14             continuing or indefinitely renewable. The  
15             authorization for such positions shall be terminated  
16             if the federal funding for positions is discontinued;  
17 provided, any person appointed to a position prescribed in  
18 subparagraph d or e of this paragraph shall have a right of return  
19 to the classified commissioned position without any loss of rights,  
20 privileges or benefits immediately upon completion of the duties in  
21 the unclassified commissioned position;
- 22          10. Professional trainees only during the prescribed length of  
23 their course of training or extension study;

24

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

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

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

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

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

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

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

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

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

- 1 i. Deputy Conservation Director,
- 2 j. Manager of Pollution Abatement,
- 3 k. Manager of Field Operations,
- 4 l. Manager of Technical Services,
- 5 m. Public Utility Division Chief of Telecommunications,
- 6 n. Director of Information Services,
- 7 o. All Data Processing employees hired on or after
- 8 September 1, 2005,
- 9 p. All Public Utilities employees hired on or after
- 10 September 1, 2007,
- 11 q. All Regulatory Program Managers hired on or after
- 12 September 1, 2007, and
- 13 r. All Pipeline Safety Department employees hired on or
- 14 after September 1, 2008;

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

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

- 22 a. Director of Facility,
- 23 b. Deputy Director for Administration,
- 24 c. Clinical Services Director,

1           d.    Executive Secretary to Director, and

2           e.    Directors or Heads of Departments or Services;

3           18.   Office of State Finance personnel occupying the following  
4 offices and positions:

5           a.    State Comptroller,

6           b.    Administrative Officers,

7           c.    Alternator Claims Auditor,

8           d.    Employees hired to fulfill state compliance agency  
9 requirements under Model Tribal Gaming Compacts,

10          e.    Employees of the Budget Division,

11          f.    Employees of the Fiscal and Research Division,

12          g.    Employees hired to work on the CORE Systems Project;  
13 and

14          h.    The following employees of the Information Services  
15 Division:

16           (1)   Information Services Division Manager,

17           (2)   Network Manager,

18           (3)   Network Technicians,

19           (4)   Security Manager,

20           (5)   Contracts/Purchasing Manager,

21           (6)   Operating and Applications Manager,

22           (7)   Project Manager,

23           (8)   Help Desk Manager,

24           (9)   Help Desk Technicians,

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

1        22. The following positions and employees of the Oklahoma  
2 School of Science and Mathematics:

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

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

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

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

- 24            a. two Deputy Commissioners,

- 1           b.   two Executive Secretaries to the Commissioner,
- 2           c.   Chief of Staff,
- 3           d.   two Administrative Assistants,
- 4           e.   Information Systems Administrator,
- 5           f.   three Safety and Health Directors,
- 6           g.   Research Director,
- 7           h.   Employment Standards Director,
- 8           i.   Asbestos Director,
- 9           j.   General Counsel,
- 10          k.   one Legal Secretary,
- 11          l.   one Docket Clerk, and
- 12          m.   two Information Systems Application Specialists;
- 13          25.   The State Bond Advisor and his or her employees;
- 14          26.   The Oklahoma Employment Security Commission employees
- 15   occupying the following positions:
- 16           a.   Associate Director,
- 17           b.   Secretary to the Associate Director, and
- 18           c.   Assistant to the Executive Director;
- 19          27.   Oklahoma Human Rights Commission personnel occupying the
- 20   position of Administrative Assistant;
- 21          28.   Officers and employees of the State Banking Department;
- 22          29.   Officers and employees of the University Hospitals
- 23   Authority except personnel in the state classified service pursuant
- 24   to Section 3211 of Title 63 of the Oklahoma Statutes and members of

1 the University Hospitals Authority Model Personnel System created  
2 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma  
3 Statutes or as otherwise provided for in Section 3213.2 of Title 63  
4 of the Oklahoma Statutes;

5 30. Alcoholic Beverage Laws Enforcement Commission employees  
6 occupying the following positions:

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

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

14 31. The Oklahoma State Bureau of Investigation employees  
15 occupying the following positions:

16 a. five assistant directors,

17 b. six special investigators,

18 c. one information representative,

19 d. one federally funded physical evidence technician,

20 e. four federally funded laboratory analysts,

21 f. a maximum of fourteen positions employed for the  
22 purpose of managing the automated information systems  
23 of the agency,

24

- g. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- h. Child Abuse Response Team (CART) investigator, and
- i. Child Abuse Response Team (CART) forensic interviewer;

32. The Department of Transportation, the following positions:

- ~~a. Director of the Oklahoma Aeronautics Commission,~~
- ~~b.~~ five Department of Transportation Assistant Director positions,
- ~~c.~~
- b. eight field division engineer positions,
- ~~d.~~
- c. one pilot position,
- ~~e.~~
- d. five Project Manager Positions, and
- ~~f.~~
- e. five Transportation Coordinators;

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

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,
- f. two Accounting Tech I positions,

- 1           g.    two Administrative Assistant I positions,
- 2           h.    two Imaging Specialist positions, and
- 3           i.    one Information Systems Specialist position;

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

- 6           a.    six Narcotics Agent positions and three Typist  
7           Clerk/Spanish transcriptionists, including a Typist  
8           Clerk Supervisor/Spanish transcriptionist, provided,  
9           authorization for such positions shall be terminated  
10          if the federal funding for the positions is  
11          discontinued,
- 12          b.    one executive secretary in addition to the one  
13          authorized pursuant to paragraph 2 of this subsection,
- 14          c.    one fiscal officer,
- 15          d.    one full-time Programmer, and
- 16          e.    one full-time Network Engineer;

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

23          36.   Within the Oklahoma Commission on Children and Youth the  
24 following unclassified positions:

- 1 a. one Oversight Specialist and one Community Development
- 2 Planner,
- 3 b. one State Plan Grant Coordinator, provided
- 4 authorization for the position shall be terminated
- 5 when federal support for the position by the United
- 6 States Department of Education Early Intervention
- 7 Program is discontinued,
- 8 c. one executive secretary in addition to the one
- 9 authorized pursuant to paragraph 2 of this subsection,
- 10 and
- 11 d. one Programs Manager;

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

- 14 a. one Executive Secretary in addition to the Executive
- 15 Secretary authorized by paragraph 2 of this
- 16 subsection,
- 17 b. the Director of Central Purchasing,
- 18 c. one Alternate Fuels Administrator,
- 19 d. one Director of Special Projects,
- 20 e. three postauditors,
- 21 f. four high-technology contracting officers,
- 22 g. one Executive Assistant to the Purchasing Director,
- 23 h. four Contracts Managers,
- 24 i. one Associate Director,

- 1           j.    one specialized HiTech/Food Contracting Officer,
- 2           k.    one State Use Contracting Officer,
- 3           l.    one Property Distribution Administrator,
- 4           m.    three licensed architects assigned to the Construction
- 5                 and Properties Division,
- 6           n.    three licensed engineers assigned to the Construction
- 7                 and Properties Division,
- 8           o.    eight construction consultants assigned to the
- 9                 Construction and Properties Division,
- 10          p.    one attorney assigned to the Construction and
- 11                 Properties Division,
- 12          q.    three positions assigned to the Information Services
- 13                 Division, which shall include one Information
- 14                 Technology Manager, one Applications Specialist and
- 15                 one Data Planning Specialist, and
- 16          r.    four positions assigned to Fleet Management, which
- 17                 shall include one Deputy Fleet Manager and three
- 18                 Management Analysts;

19           38. Oklahoma Water Resources Board personnel occupying the  
20 following offices and positions:

- 21          a.    four Water Quality Assistant Division Chiefs,
- 22          b.    four Water Resources Division Chiefs, and
- 23          c.    Director of Water Planning;

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

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

9 40. The Development Officer, the Director of the State Museum  
10 of History and the Cherokee Strip Regional Heritage Center Director  
11 within the Oklahoma Historical Society;

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

- 14 a. one Executive Secretary in addition to the Executive  
15 Secretary authorized by paragraph 2 of this subsection  
16 and one Executive Assistant,
- 17 b. nineteen Agricultural Marketing Coordinator III  
18 positions,
- 19 c. temporary fire suppression personnel, regardless of  
20 the number of hours worked, who are employed by the  
21 Oklahoma Department of Agriculture, Food, and  
22 Forestry; provided, however, notwithstanding the  
23 provisions of any other section of law, the hours  
24 worked by such employees shall not entitle such

1 employees to any benefits received by full-time  
2 employees,

- 3 d. one Information Technology Specialist,
- 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. one Information Technology Technician,
- 9 j. Legal Services Director,
- 10 k. Animal Industry Services Director,
- 11 l. Agricultural Environmental Management Services  
12 Director,
- 13 m. Forestry Services Director,
- 14 n. Plant Industry and Consumer Services Director,
- 15 o. one Grants Administrator position,
- 16 p. Director of Laboratory Services,
- 17 q. Chief of Communications,
- 18 r. Public Information Manager,
- 19 s. Inventory/Supply Officer,
- 20 t. five Agriculture Field Inspector positions assigned  
21 the responsibility for conducting inspections and  
22 audits of agricultural grain storage warehouses. All  
23 other Agriculture Field Inspector positions and  
24 employees of the Oklahoma Department of Agriculture,

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

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

13 42. The Contracts Administrator within the Oklahoma State  
14 Employees Benefits Council;

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

17 44. Oklahoma Real Estate Commission personnel occupying the  
18 following offices and positions:

- 19 a. Educational Program Director, and
- 20 b. Data Processing Manager;

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

23 46. All officers and employees of the Oklahoma Capitol Complex  
24 and Centennial Commemoration Commission;

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

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

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

7 50. Acting incumbents employed pursuant to Section 209 of Title  
8 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not  
9 be included in any limitation on full-time equivalency imposed by  
10 law on an agency. Permanent classified employees may request a  
11 leave of absence from classified status and accept an unclassified  
12 appointment and compensation as an acting incumbent with the same  
13 agency; provided, the leave shall expire no later than two (2) years  
14 from the date of the acting incumbent appointment. An appointing  
15 authority may establish unclassified positions and appoint  
16 unclassified employees to perform the duties of a permanent  
17 classified employee who is on leave of absence from a classified  
18 position to serve as an acting incumbent. All unclassified  
19 appointments created pursuant to this paragraph shall expire no  
20 later than two (2) years from the date of appointment. Classified  
21 employees accepting unclassified appointments and compensation  
22 pursuant to this paragraph shall be entitled to participate without  
23 interruption in any benefit programs available to classified  
24 employees, including retirement and insurance programs. Immediately

1 upon termination of an unclassified appointment pursuant to this  
2 paragraph, an employee on assignment from the classified service  
3 shall have a right to be restored to the classified service and  
4 reinstated to the former job family level and compensation plus any  
5 adjustments and increases in salary or benefits which the employee  
6 would have received but for the leave of absence;

7 51. The Oklahoma Homeland Security Director and all other  
8 positions assigned the responsibilities of working in the Oklahoma  
9 Office of Homeland Security;

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

- 12 a. one surveillance supervisor,
- 13 b. one surveillance project monitor,
- 14 c. two bilingual interviewers,
- 15 d. eight senior interviewers, and
- 16 e. six interviewers;

17 53. State Board of Registration for Professional Engineers and  
18 Land Surveyors personnel occupying the following offices and  
19 positions:

- 20 a. one Director of Enforcement, and
- 21 b. two Board Investigators;

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

24

1 55. Two Management Information Systems positions of the Office  
2 of Juvenile Affairs; and

3 56. The employees of the Oklahoma Aviation Commission.

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

7 1. Licensed medical doctors, osteopathic physicians, dentists,  
8 psychologists, and nurses;

9 2. Certified public accountants;

10 3. Licensed attorneys;

11 4. Licensed veterinarians; and

12 5. Licensed pharmacists.

13 C. Effective July 1, 1996, authorization for unclassified  
14 offices, positions, or personnel contained in a bill or joint  
15 resolution shall terminate June 30 of the ensuing fiscal year after  
16 the authorization unless the authorization is codified in the  
17 Oklahoma Statutes or the termination is otherwise provided in the  
18 legislation.

19 D. The appointing authority of agencies participating in the  
20 statewide information systems project may establish unclassified  
21 positions and appoint unclassified employees to the project as  
22 needed. Additional unclassified positions may be established, if  
23 required, to appoint an unclassified employee to perform the duties  
24 of a permanent classified employee who is temporarily absent from a

1 classified position as a result of assignment to this project. All  
2 unclassified appointments under this authority shall expire no later  
3 than December 31, 2007, and all unclassified positions established  
4 to support the project shall be abolished. Both the positions and  
5 appointments resulting from this authority shall be exempt from any  
6 agency FTE limitations and any limits imposed on the number of  
7 unclassified positions authorized. Permanent classified employees  
8 may request a leave of absence from classified status and accept an  
9 unclassified appointment and compensation with the same agency under  
10 the provisions of this subsection; provided, the leave shall expire  
11 no later than December 31, 2007. Employees accepting the  
12 appointment and compensation shall be entitled to participate  
13 without interruption in any benefit programs available to classified  
14 employees, including retirement and insurance programs. Immediately  
15 upon termination of an unclassified appointment pursuant to this  
16 subsection, an employee on assignment from the classified service  
17 shall have a right to be restored to the classified service and  
18 reinstated to the former job family level and compensation plus any  
19 adjustments and increases in salary or benefits which the employee  
20 would have received but for the leave of absence.

21 SECTION 21. AMENDATORY 74 O.S. 2001, Section 5060.4, as  
22 last amended by Section 79, Chapter 1, O.S.L. 2007 (74 O.S. Supp.  
23 2009, Section 5060.4), is amended to read as follows:

24

1 Section 5060.4 As used in the Oklahoma Science and Technology  
2 Research and Development Act:

3 1. "COEAT" means Center of Excellence for Aerospace Technology,  
4 an initiative within the ~~Oklahoma Aerospace Institute~~ Stafford  
5 Center that undertakes applied research, development and technology  
6 transfer that has long-term potential for commercial development;

7 2. "CASQ" means Center of Aerospace Supplier Quality, an  
8 initiative within the ~~Oklahoma Aerospace Institute~~ Stafford Center  
9 that serves as a conduit between Oklahoma's military installations  
10 and the aerospace industry;

11 3. "Applied research" means those research activities occurring  
12 at institutions of higher education, nonprofit research foundations,  
13 and in private enterprises which have potential commercial  
14 application;

15 4. "Basic research" means any original investigation for the  
16 advancement of scientific knowledge not having a specific commercial  
17 objective, but having potential long-range value to commercial  
18 interests;

19 5. "Board" means the Oklahoma Science and Technology Research  
20 and Development Board;

21 6. "Center" or "OCAST" means the Oklahoma Center for the  
22 Advancement of Science and Technology;

23 7. "Enterprise" means a firm with its principal place of  
24 business in Oklahoma;

1       8. "Health research project" means a specific examination,  
2 experimentation or investigation, or initiative to provide research  
3 resources oriented principally toward basic, applied, and  
4 developmental scientific inquiry related to the causes, diagnosis,  
5 prevention, and treatment of human diseases and disabilities and  
6 mental health and emotional disorders, and the rehabilitation of  
7 persons afflicted with such diseases, disabilities, and disorders;  
8 new knowledge, better understanding, and innovative methods to  
9 improve the processes by which health care services are made  
10 available and how they may be provided more efficiently, more  
11 effectively and at a lower cost, for all the citizens of this state;  
12 and the development of new products and services which shall form  
13 the basis of new high-technology health research and care industry  
14 for this state;

15       9. "Industrial Extension System" means a coordinated network of  
16 public and private manufacturing modernization resources, the  
17 purpose of which is to stimulate the competitiveness of Oklahoma  
18 small and medium-sized manufacturing firms;

19       10. "Institute" means the Oklahoma Institute of Technology;

20       11. "Institutional Review Board" means a committee composed of  
21 investigators, lay representatives, and legal counsel, which is  
22 established at each institution of higher learning and each  
23 nonprofit research institution receiving funds from a health  
24

1 research project, for the express purpose of determining the  
2 appropriateness of any research involving human subjects;

3 12. "Institutions of higher education" means public and private  
4 colleges and universities in the state;

5 13. "Investigator" means a person who proposes research  
6 projects and is primarily responsible for the execution of the  
7 proposed projects and is employed by or affiliated with an  
8 institution of higher education, a nonprofit research institution in  
9 this state, or a private enterprise;

10 14. "Nanotechnology" means technology development at the  
11 molecular range (1nm to 100nm) to create and use structures,  
12 devices, and systems that have novel properties because of their  
13 small size;

14 15. "New technology" means methods, products, processes and  
15 procedures developed through science or research;

16 16. "Nonprofit research institution" means any not-for-profit  
17 public or private facility in this state which has the capabilities  
18 for research projects and which is not a subsidiary of any  
19 corporation, partnership, or association organized for profit, nor  
20 is its stock or assets owned or controlled by a corporation,  
21 partnership, or association organized for profit;

22 17. ~~"OAI" means Oklahoma Aerospace Institute, a strategic~~  
23 ~~partnership that will focus available resources to promote~~  
24 ~~cooperation and collaboration among Oklahoma businesses,~~

1 ~~manufacturers, military installations, commercial aviation, higher~~  
2 ~~education institutions, nonprofit research institutions, and state~~  
3 ~~government;~~

4 ~~18.~~ "OAME" means the Oklahoma Alliance for Manufacturing  
5 Excellence, Inc., a corporation to be formed pursuant to the  
6 provisions of Title 18 of the Oklahoma Statutes and Section 5060.26  
7 of this title;

8 ~~19.~~ 18. "ONAP" means the Oklahoma Nanotechnology Applications  
9 Project;

10 ~~20.~~ 19. "OSTRaD" means the Oklahoma Science and Technology  
11 Research and Development Act;

12 ~~21.~~ 20. "Person" means any individual, partnership, corporation  
13 or joint venture carrying on business or proposing to carry on  
14 business within the state;

15 ~~22.~~ 21. "Plant science research" means those research  
16 activities occurring at institutions of higher education, nonprofit  
17 research institutions, and in private enterprises, which have  
18 potential commercial application and concern plant productivity,  
19 renewable biomass, plant-based environmental applications and  
20 chemical platforms, plant-based solutions to improve nutrition,  
21 human and/or animal health or performance, process applications, and  
22 seed management and the development of new products and services  
23 that shall form the basis of new, high-technology plant  
24 science/agriculture industry for this state;

1       ~~23.~~ 22. "Product" means any outcome, device, technique or  
2 process, which is or may be developed or marketed commercially and  
3 which has advanced beyond the theoretical stage and is in a  
4 prototype or practice stage;

5       ~~24.~~ 23. "Professional service contract" means a written  
6 agreement providing funds for the performance of a research project;  
7 for salaries and fringe benefits of personnel associated with  
8 research programs; for research equipment; for operating expenses  
9 associated with a research program; or for services provided in  
10 connection with the evaluation of applications submitted to the  
11 Center;

12       ~~25.~~ 24. "Qualified security" means any public or private  
13 financial arrangement, involving any note, security, debenture,  
14 evidence of indebtedness, certificate of interest or participation  
15 in any profit-sharing agreement, preorganization certificate or  
16 subscription, transferable security, investment contract,  
17 certificate of deposit for a security, certificate of interest or  
18 participation in a patent or application therefor, or in royalty or  
19 other payments under such a patent or application, or, in general,  
20 any interest or instrument commonly known as a "security" or any  
21 certificate for, receipt for, guarantee of, or option, warrant or  
22 right to subscribe to or purchase any of the foregoing to the extent  
23 allowed by law;

1       ~~26.~~ 25. "Seed-capital" means financing that is provided for the  
2 development, refinement and commercialization of a product, process  
3 or innovation, whether for the startup of a new firm or the  
4 expansion or the restructuring of a small firm;

5       26. "SC" means Stafford Center, a strategic partnership that  
6 will focus available resources to promote cooperation and  
7 collaboration among Oklahoma businesses, manufacturers, military  
8 installations, commercial aviation, higher education institutions,  
9 nonprofit research institutions, and state government; and

10       27. "Technology transfer" means a two-way process by which  
11 ideas or inventions for processes or products (developed in research  
12 programs usually on a laboratory or pilot-plant scale) are converted  
13 to commercial use.

14       SECTION 22. This act shall become effective January 1, 2011.

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