

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 457

 By: Treat, Simpson, Boggs and
 David of the Senate

6 and

7 McCall, Lawson, Conley,
8 Bush, Frix, Hasenbeck,
9 Vancuren, Moore, McEntire,
10 Fetgatter, Steagall,
11 Roberts (Dustin), Townley,
12 Olsen, Randleman, Burns,
13 Cornwell, Strom, Sterling,
14 Davis, Kiger, Manger,
15 Marti, Dills, Fincher,
16 Miller, Pae, May, Boles,
17 Mize, McBride, West
 (Kevin), Talley, Stark,
 West (Josh), Taylor,
 Phillips, Smith, Grego,
 Boatman, Luttrell,
 Patzkowsky, Baker, Gann,
 Sims, Hill, Kerbs, Lepak,
 Echols, McDugle, Kannady,
 Wallace, **West (Tammy),**
 Roberts (Sean), Wright and
 Ford of the House

18
19
20 An Act relating to the Department of Transportation;
21 amending 69 O.S. 2011, Sections 302 and 305, which
22 relate to transportation; modifying appointment of
23 members of the Transportation Commission; providing
24 for service at pleasure of appointing authority;
 prohibiting voting on certain issues; making Director
 of the Department ex officio member; allowing vote of
 Director in case of tie; deleting obsolete language;
 authorizing Governor to appoint and set compensation

1 of the Director; specifying methods of removing
2 Director from office; and declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 69 O.S. 2011, Section 302, is
6 amended to read as follows:

7 Section 302. ~~(a)~~ A. The State Transportation Commission shall
8 consist of an at-large member and one (1) member from each of eight
9 districts of the state, such districts to serve as the maintenance
10 districts and to include the area as follows:

11 District 1. Wagoner, Cherokee, Adair, Sequoyah, Muskogee,
12 Okmulgee, McIntosh and Haskell Counties.

13 District 2. Pittsburg, Latimer, LeFlore, McCurtain, Pushmataha,
14 Atoka, Choctaw, Bryan and Marshall Counties.

15 District 3. Lincoln, Cleveland, McClain, Garvin, Pottawatomie,
16 Okfuskee, Seminole, Hughes, Pontotoc, Coal and Johnston Counties.

17 District 4. Payne, Logan, Canadian, Kingfisher, Garfield,
18 Grant, Kay, Noble and Oklahoma Counties.

19 District 5. Roger Mills, Dewey, Custer, Washita, Beckham,
20 Greer, Kiowa, Harmon, Jackson, Blaine, and Tillman Counties.

21 District 6. Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,
22 Ellis, Major and Woodward Counties.

23 District 7. Carter, Love, Murray, Grady, Comanche, Stephens,
24 Cotton, Caddo and Jefferson Counties.

1 District 8. Osage, Pawnee, Nowata, Creek, Craig, Ottawa,
2 Rogers, Mayes, Delaware, Washington and Tulsa Counties.

3 ~~(b) B. The members of the Commission shall be appointed by the~~
4 ~~Governor, by and with the consent of the Senate, such appointment to~~
5 ~~have full force and effect and to be submitted to the Senate for its~~
6 ~~confirmation at the first session of the Senate after such~~
7 ~~appointment is made. No Commissioner shall be entitled to the~~
8 ~~payment of salary, or to perform any service, until his appointment~~
9 ~~is confirmed by the Senate, if the Senate then be in session; if the~~
10 ~~Senate be not in session, then such Commissioner may serve and draw~~
11 ~~his salary until a special or regular session convenes; and if his~~
12 ~~appointment is not then confirmed within twenty (20) days, he shall~~
13 ~~cease to perform such services and cease to draw his salary. Each~~
14 ~~of the Commissioners thus appointed shall, at the time of his~~
15 ~~appointment, be a citizen and resident of the district for which he~~
16 ~~shall have been appointed for at least three (3) years prior to the~~
17 ~~date of his appointment. Not more than one Commissioner shall~~
18 ~~reside in any one district, as defined herein, at any time while~~
19 ~~serving on the Commission. Each Commissioner thus appointed and~~
20 ~~confirmed shall, after the first term of office as herein provided,~~
21 ~~serve for a term of eight (8) years, and unless he is reappointed by~~
22 ~~the Governor and confirmed by the Senate within twenty (20)~~
23 ~~legislative days his services are automatically terminated and he~~
24 ~~shall cease to draw his salary, or any perquisites or emoluments as~~

~~a Commissioner; provided, that in the event the Governor's appointee is not confirmed by the Senate within ten (10) days from the date his name is submitted, then the Governor shall submit a further appointee for confirmation; and during his term of office may be removed by the Governor at his pleasure. The terms of office shall be as follows: Two Commissioners shall serve until the 15th day of February, 1969; two Commissioners shall serve until the 15th day of February, 1971; two Commissioners shall serve until the 15th day of February, 1973; and two Commissioners shall serve until the 15th day of February, 1975; and the Governor, at the time of making the first appointment, shall, in his order of appointment, designate the term each Commissioner so appointed shall serve. Thereafter the term of each Commissioner appointed and confirmed shall expire the 15th day of February in the eighth year after his appointment, and in case of death, resignation, or removal, the place shall be filled by appointment by the Governor for the remainder of the term. Such appointments also shall be confirmed by the Senate. The members of the Commission each shall receive an annual salary of Four Thousand Eight Hundred Dollars (\$4,800.00), payable monthly, and each shall be entitled to receive travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes as follows:~~

1. Members from Districts 5, 6, 7 and 8 and the at-large member shall be appointed by the Governor;

1 2. Members from Districts 2 and 3 shall be appointed by the
2 Speaker of the House of Representatives; and

3 3. Members from Districts 1 and 4 shall be appointed by the
4 President Pro Tempore of the Senate.

5 C. Each member shall serve at the pleasure of his or her
6 appointing authority and may be removed or replaced without cause.

7 Any member of the Commission shall be prohibited from voting on any
8 issue in which the member has a direct financial interest. The

9 ~~Governor~~ Director of the Department of Transportation shall be an ex
10 officio member of the Commission, but shall be entitled to vote only
11 in case of a tie vote.

12 ~~(c) Provided, that persons serving as members of the State~~
13 ~~Highway Commission created by Section 301 of this title, when this~~
14 ~~Code becomes effective shall serve as members of the State~~
15 ~~Transportation Commission created by this Code for the remainder of~~
16 ~~the terms for which they were appointed, in the positions on the~~
17 ~~latter Commission having corresponding terms of office, or until~~
18 ~~such positions are filled as herein provided. Future gubernatorial~~
19 ~~appointments shall be made from districts as directed by this act~~

20 D. The members of the Commission each shall receive an annual
21 salary of Four Thousand Eight Hundred Dollars (\$4,800.00), payable
22 monthly, and each shall be entitled to receive travel expenses
23 pursuant to the State Travel Reimbursement Act.
24

SECTION 2. AMENDATORY 69 O.S. 2011, Section 305, is amended to read as follows:

Section 305. There is hereby created the office of the Director of the Department of Transportation, who shall be ~~elected by a majority vote of the entire Commission~~ appointed by the Governor with the advice and consent of the Senate and who shall serve at the pleasure of the ~~Commission. The Director shall receive an annual salary to be fixed by a majority vote of the entire Commission from appropriations made by the Legislature~~ Governor and may be removed or replaced without cause. Compensation for the Director shall be determined by the Governor. The Director may be removed from office by a two-thirds (2/3) vote of the members elected to and constituting each chamber of the Legislature.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/11/2019 - DO PASS, As Coauthored.