

1 **SENATE FLOOR VERSION**

2 February 24, 2016

3 **AS AMENDED**

4 SENATE BILL NO. 1400

5 By: Dahm

6
7 [Oklahoma Aeronautics Commission - membership -
8 termination - appointment - director - legal counsel
9 -
10 **emergency]**

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

12 SECTION 1. AMENDATORY 3 O.S. 2011, Section 84, as
13 amended by Section 20, Chapter 304, O.S.L. 2012 (3 O.S. Supp. 2015,
14 Section 84), is amended to read as follows:

15 Section 84. A. There is hereby created the Oklahoma
16 Aeronautics Commission, which shall be the successor to the Oklahoma
17 Aviation Commission created by Section 81 et seq. of this title.

18 ~~The Until June 30, 2016, the Oklahoma Aeronautics Commission shall~~
19 ~~consist of seven (7) members, who shall be appointed by the Governor~~
20 ~~and who shall continue in office, as designated by the Governor at~~
21 ~~the time of appointment, through the last day of the second, third,~~
22 ~~fourth, fifth, sixth, and seventh calendar years, respectively,~~
23 ~~following the passage of this act, with the initial seventh member~~
24 ~~remaining in office until the end of the calendar year 1979. The~~

1 ~~successors of the members initially appointed shall be appointed for~~
2 ~~terms of six (6) years in the same manner as the members originally~~
3 ~~appointed under this act, except that any person appointed to fill a~~
4 ~~vacancy shall be appointed only for the remainder of such term.~~

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

- 22 1. A citizen and bona fide resident of the state; and

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

4 Members of the Commission shall receive no salary but shall be
5 entitled to be reimbursed for necessary travel expenses pursuant to
6 the State Travel Reimbursement Act. The members of the Commission
7 may be removed by the Governor for inefficiency, neglect of duty, or
8 malfeasance in office in the manner provided by law for the removal
9 of officers not subject to impeachment. Effective July 1, 2016, the
10 members of the Commission shall be appointed pursuant to subsection
11 C of this section and shall be governed by the provisions of this
12 section, except for subsection A of this section.

13 B. Effective July 1, 2016, the terms of the members of the
14 Oklahoma Aeronautics Commission appointed pursuant to subsection A
15 of this section shall be terminated. Any existing vacancy until
16 that time shall be appointed in the manner provided by subsection A
17 of this section and that person may serve until the date provided in
18 this subsection.

19 C. Effective July 1, 2016, the Commission shall consist of nine
20 (9) members as follows:

21 1. Five members shall be lay persons and each person shall
22 represent one of the congressional districts and shall be appointed
23 by the Governor with the advice and consent of the Senate. Any
24 future appointments to accommodate a change in congressional

1 districts shall be made pursuant to Section 2.4 of Title 74 of the
2 Oklahoma Statutes; and

3 2. Four members shall have experience in the aeronautical
4 industry. The members shall be appointed by the Governor with the
5 advice and consent of the Senate.

6 Except for the initial terms as provided in this subsection, the
7 terms of the members of the Commission shall be for four (4) years
8 and members may be appointed to successive terms. Successors shall
9 be appointed in the same manner as the members originally appointed.
10 Any member appointed to fill a vacancy shall serve the remainder of
11 that term. The first three members initially appointed shall serve
12 a term of two (2) years. The next three members initially appointed
13 shall serve a term of three (3) years. The last three members
14 initially appointed shall serve a term of four (4) years.

15 D. Members of the Commission shall receive no salary but shall
16 be entitled to be reimbursed for necessary travel expenses pursuant
17 to the State Travel Reimbursement Act. The members of the
18 Commission may be subject to removal for inefficiency, neglect of
19 duty or malfeasance in office in the manner provided by law for the
20 removal of officers not subject to impeachment pursuant to Section
21 1181 et seq. of Title 22 of the Oklahoma Statutes or Section 91 of
22 Title 51 of the Oklahoma Statutes. Members may also be removed by
23 the Legislature upon the passage of a concurrent resolution
24 specifying the member to be removed.

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

17 2. The Director shall be the executive officer of the
18 Commission and under its supervision shall administer the provisions
19 of this act and rules, regulations, and orders established
20 thereunder and all other laws of the state relative to aeronautics.
21 The Director shall attend all meetings of the Commission, but shall
22 have no vote. The Director shall be in charge of the offices of the
23 Commission and responsible to the Commission for the preparation of
24 reports and the collection and dissemination of data and other

1 public information relating to aeronautics. The Director is hereby
2 empowered to execute all contracts entered into by the Commission.

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

7 4. The Director shall appoint, subject to the approval of the
8 Commission, such experts, field and office assistants, clerks, and
9 other employees as may be required and authorized for the proper
10 discharge of the functions of the Commission. The Director may also
11 retain legal counsel to advise and assist operations of the
12 Commission when necessary.

13 ~~C.~~ E. The Commission shall, within thirty (30) days after its
14 appointment, organize, adopt a seal, and make such rules and
15 regulations for its administration, not inconsistent herewith, nor
16 inconsistent with, or contrary to, any act of the Congress of the
17 United States or regulations promulgated or standards established
18 pursuant thereto, as it may deem expedient and from time to time
19 amend such rules and regulations. At such organizational meeting it
20 shall elect from among its members a chair, a vice chair, and a
21 secretary, to serve for one (1) year, and annually thereafter shall
22 elect such officers, all to serve until their successors are
23 appointed and qualified. The Commission shall schedule meetings at
24 a convenient time and place as they become necessary. ~~Four (4)~~ Five

1 (5) members shall constitute a quorum, and no action shall be taken
2 by less than a majority of the Commission. Special meetings may be
3 called as provided by the rules and regulations of the Commission.
4 Regular meetings shall be held at the established offices of the
5 Commission, but, whenever the convenience of the public or of the
6 parties may be promoted, or delay or expense may be prevented, the
7 Commission may hold meetings, hearings, or proceedings at any other
8 place designated by it. The Commission shall report in writing to
9 the Governor on or about January 31 of each year. The report shall
10 contain a summary of the proceedings of the Commission during the
11 preceding fiscal year, a detailed and itemized statement of all
12 revenue and of all expenditures made by or in behalf of the
13 Commission, such other information as it may deem necessary or
14 useful, and any additional information which may be requested by the
15 Governor.

16 ~~D.~~ F. Suitable office space shall be provided by the Office of
17 Management and Enterprise Services for the Commission in the City of
18 Oklahoma City, and the Commission may incur the necessary expense
19 for office rent, furniture, stationery, printing, incidental
20 expenses, and other necessary expenses needed for the administration
21 of this act.

22 ~~SECTION 2. It being immediately necessary for the preservation~~
23 ~~of the public peace, health and safety, an emergency is hereby~~
24

1 ~~declared to exist, by reason whereof this act shall take effect and~~
2 ~~be in full force from and after its passage and approval.~~

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
4 February 24, 2016 - DO PASS AS AMENDED
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