

## STATE PAID TO GET RID OF OLD PLANE

By Shawn Ashley  
Staff Writer

■(GIT) It was supposed to be used as a trade-in, but the state's Department of Public Safety actually paid a Tulsa-based firm to take one of its old aircraft off its hands in the deal that landed a new aircraft for Oklahoma's chief executive.

According to information discovered by House staff, records from the Office of State Finance show that the Department of Public Safety paid \$7,500 to TulsAir Beechcraft, Inc., on Sept. 26 to settle a claim that the Cessna 421-B traded in as part of the deal to acquire Governor Frank Keating's King Air 350 "was not airworthy" and was "inoperative under FAA regulations."

Rep. James Hamilton, D-Poteau and a critic of Keating's use of the aircraft for political and personal purposes, said, "That raises additional serious questions about the bidding process the DPS used to acquire the governor's airplane. Furthermore, the public has been provided with no explanation of why the State of Oklahoma would pay money to get rid of an airplane."

Questions about the purchase process that put the plane in a state hangar arose last week when Rep. Russ Roach, D-Tulsa, an outspoken critic of Keating's use of the state-owned plane, asked the State Auditor and Inspector and the Attorney General to look into the matter.

Roach called the process "highly suspicious and apparently deceptive, if not illegal." Specifically, Roach said he was concerned that the specifications listed in a request for proposals were too narrow, saying they "were written so tightly that they obviously referred to one particular airplane owned by one particular company."

The president of the Tulsa-based company, Roach also noted, contributed at least \$2,450 to Keating's 1994 gubernatorial campaign, including cash and in-kind services. Additionally, state ledgers indicate that the company has received almost \$12,500 in

business this year, including \$4,000 prior to the state's purchase of the plane, \$988 of business and \$7,500 in a settlement with the state over the plane used as a trade-in.

The Department of Public Safety maintains that the purchase of the plane was handled legally and that the lowest and best bidder was selected.

State documents, however, indicate it was the department's intention to trade in the aircraft for credit against the purchase of the new plane.

The first known reference to the purchase of a new aircraft for executive transportation and the trade-in of an older aircraft as part of that acquisition appears in the Fiscal Year 1997 Executive Budget prepared by the governor's office.

In a section entitled "Executive Airlift Support Services" under the portion of the budget proposal dealing with the public safety department, Keating and his staff wrote, "The principal aircraft deployed for airlift support mission has been the department's Cessna 421B; however, this aircraft has come under scrutiny concerning its air worthiness, unreliability, demonstrated mechanical short comings and high maintenance expense. Recommendations in this budget are that the agency upgrade and salvage or sell the Jet Commander (another DPS aircraft) and Cessna 421B as appropriate and acquire by lease-purchase, a new or late model Beechcraft 200 or 350."

Additionally, the public safety department's request for proposals makes note of the plan to trade in those two aircraft, offering the aircraft for trade-in on the proposal form and providing a space on the form for deducting the value of the planes from the cost of the aircraft being acquired.

Despite the fact that the Cessna 421B, which was taken in trade, was declared "not airworthy" and "inoperative under FAA regulations" sometime after the state's purchase of the new plane was completed, Department of Public Safety flight logs indicate that the governor flew on the aircraft 91 times in 11 months, including as recently as June 18, one month before the purchase of the King Air 350, Hamilton said.

Ironically, a provision of the bill which provided funding for the purchase of the new plane, SB837, requires legislative approval before the plane can be disposed of in any way, such as selling the aircraft of using it as a trade-in during the purchase of another plane.

## GARRETT PLEASED WITH ATTORNEY GENERAL'S OPINION

By Shawn Ashley  
Staff Writer

■(GIT) State Superintendent of Public Instruction Sandy Garrett said Tuesday that she was "delighted" with the findings by the Attorney General's Office regarding her questions concerning the distribution of certain funds that were held up by a gubernatorial veto.

"There has been \$4.3 million for local teachers' staff development that has been held because of the governor's veto," said Garrett. "We feel strongly that professional development is a major component of teacher growth. We think these funds are necessary for continued education reform in Oklahoma."

The attorney general's opinion, which was released Monday, said that the State Board of Education may expend money to fund an existing program even though amendments to the program were vetoed by the governor. In addition, the attorney general's office concluded, the state board is not precluded from adopting a minimum salary schedule for career teachers.

At issue were two bills, SB800 and SB1100. Governor Frank Keating vetoed SB1100, which, among other things, directed the expenditure of some of the funds appropriated in SB800 and created some new programs to which funds from the appropriation bill were also directed.

As a result of that veto, nearly \$6 million was withheld by the Office of State Finance from the state education board, including \$4.3 million for staff development and \$1.65 million for other programs. The veto also killed a career teachers' salary schedule.

Under the terms of the attorney general's opinion, the staff development funding should be released, while the funding for the other programs will be lost. Garrett called the latter fact "unfortunate."

Assistant attorney general Neal Leader wrote in the opinion that the essential difference between the questions was whether the programs existed or not at the time the appropriation was made. In the case of the professional development funding, such a program already existed, although amendments to the program were proposed and then vetoed. In the case of the other programs in questions, the legislation creating them was vetoed, meaning they did not exist and as a result, funds appropriated to them could not be expended.

*"Voting is merely a handy device; it is not to be identified with democracy, which is a mental and moral relation of man to man."*

*George Douglas Cole  
"Essays in Social Theory"  
1950*