

1 ENGROSSED HOUSE
2 BILL NO. 3672

By: Miller of the House

and

Haste of the Senate

3
4
5
6 An Act relating to aircraft and airports; amending 3
7 O.S. 2021, Sections 65.1, 65.2, 65.4, 65.5, 65.6,
8 65.7, 65.8, 65.10, 65.12, 65.15, 65.16, and 65.17,
9 which relate to the Municipal Airports Act; defining
10 terms; modifying definition; modifying language to
11 include vertiports as municipally owned air
12 facilities; extending certain tax exemption to
13 include vertiports and air navigation properties;
14 amending 3 O.S. 2021, Section 82, as amended by
15 Section 2, Chapter 126, O.S.L. 2023 (3 O.S. Supp.
16 2023, Section 82), which relates to definitions;
17 defining terms; amending 3 O.S. 2021, Section 85, as
18 amended by Section 5, Chapter 126, O.S.L. 2023 (3
19 O.S. Supp. 2023, Section 85), which relates to powers
20 and duties of the Department; modifying language to
21 include vertiports and air navigation facilities;
22 amending 3 O.S. 2021, Section 421, as last amended by
23 Section 15, Chapter 365, O.S.L. 2023 (3 O.S. Supp.
24 2023, Section 421), which relates to the
establishment of clearinghouse of unmanned aircraft
systems; modifying duties of clearinghouse;
authorizing entry into certain partnerships; and
providing an effective date.

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

SECTION 1. AMENDATORY 3 O.S. 2021, Section 65.1, is
amended to read as follows:

Section 65.1 As used in this act, unless the text otherwise
requires:

1 (a) "Airport" means an area on land or water that is used, or
2 intended to be used, for the landing and taking off of aircraft, and
3 includes its buildings and facilities, if any.

4 (b) "Air navigation facility" means any facility - other than
5 one owned and operated by the United States - used in, available for
6 use in, or designed for use in, aid of air navigation, including any
7 structures, mechanisms, lights, beacons, markers, communicating
8 systems, or other instrumentalities, or devices used or useful as an
9 aid, or constituting an advantage or convenience, to the safe taking
10 off, navigation, and landing of aircraft, or the safe and efficient
11 operation or maintenance of an airport, and any combination of any
12 or all of such facilities.

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

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

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

1 (f) "Municipality" means any county, city, ~~or~~ town, or
2 political subdivision of this state. "Municipal" means pertaining
3 to a municipality as herein defined.

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

8 (h) "Vertiport" means an area of land, water, or structure used
9 or intended to be used for the landing and takeoff of VTOL aircraft.

10 (i) "VTOL aircraft" means an aircraft which has vertical
11 takeoff and landing capability.

12 SECTION 2. AMENDATORY 3 O.S. 2021, Section 65.2, is
13 amended to read as follows:

14 Section 65.2 (a) Establishment, Operation, Land Acquisition.
15 Every municipality is authorized, out of any appropriations or other
16 monies made available for such purpose, to plan, establish, develop,
17 construct, enlarge, improve, maintain, equip, operate, regulate,
18 protect and police airports, vertiports, and air navigation
19 facilities, either within or without the territorial limits of such
20 municipality and within or without the territorial boundaries of
21 this state, including the construction, installation, equipment,
22 maintenance and operation at such airports of buildings and other
23 facilities for the servicing of aircraft or for the comfort and
24 accommodation of air travelers, and the purchase and sale of

1 supplies, goods and commodities as an incident to the operation of
2 its airport properties. For such purposes the municipality may use
3 any available property that it may now or hereafter own or control
4 and may, by purchase, gift, devise, lease, eminent domain
5 proceedings or otherwise, acquire property, real or personal, or any
6 interest therein including easements in airport hazards or land
7 outside the boundaries of an airport, vertiport, or airport site as
8 are necessary to permit safe and efficient operation of the airport
9 or vertiport or to permit the removal, elimination, obstruction-
10 marking or obstruction-lighting of airport hazards or to prevent the
11 establishment of airport hazards.

12 (b) Acquisition of Existing Airports. Any municipality may by
13 purchase, gift, devise or lease acquire existing airports,
14 vertiports, and air navigation facilities, provided however it shall
15 not acquire or take over any airport or air navigation facility
16 without the consent of the owner thereof.

17 (c) Establishment of Airports on Public Waters and Reclaimed
18 Lands. For the purposes of this act, a municipality may establish
19 or acquire and maintain, within or bordering upon the territorial
20 limits of the municipality, airports in, over and upon, any public
21 waters of this state, any submerged lands under such public waters,
22 and any artificial or reclaimed lands which before the artificial
23 making or reclamation thereof constituted a portion of the submerged
24 lands under such public waters; and may construct and maintain

1 terminal building, landing floats, causeways, roadways and bridges
2 for approaches to or connecting with any such airport, and landing
3 floats and breakwaters for the protection thereof.

4 (d) Limitation on Design and Operation of Air Navigation
5 Facilities. All air navigation facilities established or operated
6 by municipalities shall be supplementary to and coordinated in
7 design and operation with those established and operated by the
8 federal and state governments.

9 SECTION 3. AMENDATORY 3 O.S. 2021, Section 65.4, is
10 amended to read as follows:

11 Section 65.4 Except as may be limited by the terms and
12 conditions of any grant, loan, or agreement pursuant to Section 13
13 of this act, every municipality may by sale, lease or otherwise,
14 dispose of any airport, vertiport, air navigation facility or other
15 property, or portion thereof or interest therein, acquired pursuant
16 to this act. Such disposal by sale, lease, or otherwise, shall be
17 in accordance with the laws of this state, or provisions of the
18 charter of the municipality, governing the disposition of other
19 property of the municipality, except that in the case of the
20 disposal of another municipality or agency of the state or federal
21 government for aeronautical purposes incident thereto, the sale,
22 lease, or other disposal may be effected in such manner and upon
23 such terms as the governing body of the municipality may deem in the
24 best interest of the municipality.

1 SECTION 4. AMENDATORY 3 O.S. 2021, Section 65.5, is
2 amended to read as follows:

3 Section 65.5 A. Under Municipal Operation. In operating an
4 airport, vertiport, air navigation facility or aircraft maintenance
5 or manufacturing facility owned, leased or controlled by a
6 municipality, such municipality may, except as may be limited by the
7 terms and conditions of any grant, loan, or agreement pursuant to
8 Section 65.13 of this title, enter into contracts, leases and other
9 arrangements for a primary term not exceeding fifty (50) years with
10 any persons:

11 1. Granting the privilege of using or improving such airport,
12 vertiport, air navigation facility or aircraft maintenance or
13 manufacturing facility or any portion or facility thereof, or space
14 therein for commercial purposes;

15 2. Conferring the privilege of supplying goods, commodities,
16 things, services or facilities at such airport, vertiport, air
17 navigation facility or aircraft maintenance or manufacturing
18 facility; or

19 3. Making available services to be furnished by the
20 municipality or its agents at such airport, vertiport, air
21 navigation facility or aircraft maintenance or manufacturing
22 facility. In each case the municipality may establish the terms and
23 conditions and fix the charges, rentals or fees for the privileges
24 or services, which shall be reasonable and uniform for the same

1 class of privilege or service and shall be established with due
2 regard to the property and improvements used and the expenses of
3 operation to the municipality.

4 B. Under Other Operation. Except as may be limited by the
5 terms and conditions of any grant, loan, or agreement pursuant to
6 Section 65.13 of this title, a municipality may by contract, lease
7 or other arrangement, upon a consideration fixed by it, grant to any
8 qualified person for a term not to exceed five (5) years the
9 privilege of operating, as agent of the municipality or otherwise,
10 any airport or vertiport owned or controlled by the municipality;
11 provided, that no such person shall be granted any authority to
12 operate such airport or vertiport other than as a public ~~airport~~
13 facility or to enter into any contracts, leases, or other
14 arrangements in connection with the operation of the airport or
15 vertiport which the municipality might not have undertaken under
16 subsection A of this section.

17 SECTION 5. AMENDATORY 3 O.S. 2021, Section 65.6, is
18 amended to read as follows:

19 Section 65.6 To enforce the payment of any charges for repairs
20 or improvements to or storage or care of, any personal property made
21 or furnished by the municipality or its agents in connection with
22 the operation of an airport, vertiport, or air navigation facility
23 owned or operated by the municipality, the municipality shall have a
24

1 | lien on such property, which shall be enforceable by the
2 | municipality as provided by law.

3 | SECTION 6. AMENDATORY 3 O.S. 2021, Section 65.7, is
4 | amended to read as follows:

5 | Section 65.7 Any authority vested by this act in a municipality
6 | or in the governing body thereof, for the planning, establishment,
7 | development, construction, enlargement, improvement, maintenance,
8 | equipment, operation, regulation, protection and policing of
9 | airports, vertiport, or other air navigation facilities established,
10 | owned or controlled, or to be established, owned or controlled by
11 | the municipality may be vested by resolution of the governing body
12 | of the municipality in an officer or board or other municipal agency
13 | whose powers and duties shall be prescribed in the resolution;
14 | provided, however, that the expense of such planning, establishment,
15 | development, construction, enlargement, improvement, maintenance,
16 | equipment, operation, regulation, protection and policing shall be a
17 | responsibility of the municipality.

18 | SECTION 7. AMENDATORY 3 O.S. 2021, Section 65.8, is
19 | amended to read as follows:

20 | Section 65.8 (a) Scope. A municipality, which has established
21 | or acquired or which may hereafter establish or acquire an airport,
22 | vertiport, or air navigation facility, is authorized to adopt, amend
23 | and repeal such reasonable ordinance, resolutions, rules,
24 | regulations and orders as it shall deem necessary for the

1 management, government and use of such airport, vertiport, or air
2 navigation facility under its control, whether situated within or
3 without the territorial limits of the municipality. For the
4 enforcement thereof, the municipality, may, by ordinance or
5 resolution, as may by law be appropriate, appoint airport guards or
6 police, with full police powers, and fix penalties, within the
7 limits prescribed by law, for the violation of the aforesaid
8 ordinances, resolutions, rules, regulations and orders. Enforcement
9 may also be conducted by airport officers holding a commission from
10 and employed by an airport trust as defined in, and pursuant to and
11 in accordance with, the provisions and requirements of the Oklahoma
12 Campus Security Act, and who, as a result of which, hold full police
13 powers. Said penalties shall be enforced in the same manner in
14 which penalties prescribed by other ordinances, or resolutions of
15 the municipality are enforced. To the extent that an airport,
16 vertiport, or other air navigation facility controlled and operated
17 by a municipality is located outside the territorial limits of the
18 municipality, it shall, subject to federal and state laws, rules and
19 regulations, be under the jurisdiction and control of the
20 municipality controlling or operating it, and no other municipality
21 shall have any authority to charge or exact a license fee or
22 occupation tax for operations thereon.

23 (b) Conformity to Federal and State Law. All ordinances,
24 resolutions, rules, regulations or orders which are issued by the

1 municipality shall be kept in substantial conformity with the laws
2 of this state or any regulations promulgated or standards
3 established pursuant thereto, and, as nearly as may be, with the
4 federal laws governing aerospace and aeronautics and the rules,
5 regulations and standards duly issued thereunder.

6 SECTION 8. AMENDATORY 3 O.S. 2021, Section 65.10, is
7 amended to read as follows:

8 Section 65.10 The cost of planning and acquiring, establishing,
9 developing, constructing, enlarging, improving, or equipping, an
10 airport, vertiport, or air navigation facility, or the site
11 therefor, including buildings and other facilities incidental to the
12 operation thereof, and the acquisition or elimination of airport
13 hazards, may be paid for wholly or partly from the proceeds of the
14 sale of bonds or notes of the municipality, as the governing body of
15 the municipality shall determine. For such purposes a municipality
16 may issue general or special obligation bonds, revenue bonds or
17 other forms of bonds or notes, secured or unsecured, including
18 refunding bonds, in the manner and within the limitations prescribed
19 by the laws of this state or the charter of the municipality for the
20 authorization and issuance of bonds or notes thereof for public
21 purposes generally. Any bonds or notes issued by a municipality
22 pursuant to this act which are payable, as to principal and
23 interest, solely from the revenues of an airport, vertiport, or air
24 navigation facility (and such bonds or notes shall so state on their

1 face) shall not constitute a debt of such municipality within the
2 meaning of any constitutional or statutory debt limitation or
3 restriction. In any suit, action or proceeding involving the
4 security, or the validity or enforceability, of any bond or note
5 issued by a municipality, which bond or note states on its face that
6 it was issued pursuant to the provisions of this act and for a
7 purpose or purposes authorized to be accomplished by this act, such
8 bond or note shall be conclusively deemed to have been issued
9 pursuant to this act for such purpose or purposes.

10 SECTION 9. AMENDATORY 3 O.S. 2021, Section 65.12, is
11 amended to read as follows:

12 Section 65.12 The revenues obtained by a municipality from the
13 ownership, control or operation of any airport, vertiport, or air
14 navigation facility, including proceeds from the sale of any
15 airport, vertiport, or portion thereof of an air navigation facility
16 property, shall be deposited in a special fund to be designated the
17 "Airport Fund", which revenues shall be appropriated solely to, and
18 used by the municipality for, the purposes authorized by this act.

19 SECTION 10. AMENDATORY 3 O.S. 2021, Section 65.15, is
20 amended to read as follows:

21 Section 65.15 (a) Authorization. For the purposes of this
22 section, unless otherwise qualified, the term "public agency"
23 includes municipality, as defined in this act, an agency of the
24 state government and of the United States, and any municipality,

1 political subdivision and agency of another state, but shall not
2 include institutions of higher education constituting the Oklahoma
3 State System of Higher Education under Section 1, Article 13A,
4 Constitution of the State of Oklahoma; or other institutions
5 coordinated with the State System of Higher Education under Section
6 4, Article 13A, Constitution of the State of Oklahoma; and the term
7 "governing body" means the governing body of a county or
8 municipality, and the head of the agency if the public agency is
9 other than a county or municipality. All powers, privileges and
10 authority granted to any municipality by this act may be exercised
11 and enjoyed jointly with any public agency of this state, and
12 jointly with any public agency of any other state or of the United
13 States to the extent that the laws of such other state or of the
14 United States permit such joint exercise or enjoyment. If not
15 otherwise authorized by law, any agency of the state government when
16 acting jointly with any municipality, may exercise and enjoy all of
17 the powers, privileges and authority conferred by this act upon a
18 municipality.

19 (b) Agreement. Any two or more public agencies may enter into
20 agreements with each other for joint action pursuant to the
21 provisions of this section. Concurrent action by ordinance,
22 resolution or otherwise or the governing bodies of the participating
23 public agencies shall constitute joint action. Each such agreement
24 shall specify its duration, the proportionate interest which each

1 public agency shall have in the property, facilities and privileges
2 involved, the proportion to be borne by each public agency of
3 preliminary costs and costs of acquisition, establishment,
4 construction, enlargement, improvement, and equipment of the
5 airport, vertiport, or air navigation facility, the proportion of
6 the expenses of maintenance, operation, regulation and protection
7 thereof to be borne by each, and such other terms as are required by
8 the provisions of this section. The agreement may also provide for;
9 amendments thereof, and conditions and methods of termination of the
10 agreement; the disposal of all or any of the property, facilities
11 and privileges jointly owned upon said property, facilities and
12 privileges, or any part thereof, ceasing to be used for the purposes
13 provided by this act, or upon termination of the agreement; the
14 distribution of the proceeds received upon any such disposal, and of
15 any funds or other property jointly owned and undisposed of; the
16 assumption or payment of any indebtedness arising from the joint
17 venture which remains unpaid upon the disposal of all assets or upon
18 a termination of the agreement; and such other provisions as may be
19 necessary or convenient.

20 (c) Joint Board. Public agencies acting jointly pursuant to
21 this section shall create a joint board which shall consist of
22 members appointed by the governing board of each participating
23 public agency. The number to be appointed, their term and
24 compensation, if any, shall be provided for in the joint agreement.

1 Each such joint board shall organize, select officers for terms to
2 be fixed by the agreement, and adopt and amend from time to time
3 rules for its own procedure. The joint board shall have power to
4 plan, acquire, establish, develop, construct, enlarge, improve,
5 maintain, equip, operate, regulate, protect, and police any airport,
6 vertiport, or air navigation facility or airport hazard to be
7 jointly acquired, controlled and operated, and such board may
8 exercise on behalf of its constituent public agencies all the powers
9 of each with respect to such airport, vertiport, air navigation
10 facility or airport hazard, subject to the limitations of subsection
11 (d) of this section.

12 (d) Limitations on Joint Board. (1) Expenditures. The total
13 expenditures to be made by the joint board for any purpose in any
14 fiscal year shall be determined by a budget approved by the
15 governing bodies of its constituent public agencies.

16 (2) Acquisitions Beyond Sums Allotted. No airport, vertiport,
17 air navigation facility, airport hazard, or real or personal
18 property, the cost of which is in excess of sums therefor fixed by
19 the joint agreement or allotted in the annual budget, may be
20 acquired by the joint board without the approval of the governing
21 bodies of its constituent public agencies.

22 (3) Eminent Domain. Eminent domain proceedings under this
23 section may be instituted only by authority of the governing bodies
24 of the constituent public agencies of the joint board. If so

1 authorized, such proceedings shall be instituted in the names of the
2 constituent public agencies jointly, and the property so acquired
3 shall be held by said public agencies as tenants in common until
4 conveyed by them to the joint board.

5 (4) Disposal of Real Property. The joint board shall not
6 dispose of any airport, vertiport, air navigation facility or real
7 property under its jurisdiction except with the consent of the
8 governing bodies of its constituent public agencies, provided that
9 the joint board may, without such consent, enter into contracts,
10 leases, or other arrangements contemplated by Section 5 of this act.

11 (5) Police Regulations. Any resolutions, rules, regulations or
12 orders of the joint board dealing with subjects authorized by
13 Section 8 of this act shall become effective only upon approval of
14 the governing bodies of the constituent public agencies provided
15 that upon such approval, the resolutions, rules, regulations or
16 orders of the joint board shall have the same force and effect in
17 the territories or jurisdictions involved as the ordinances,
18 resolutions, rules, regulations, or orders of each public agency
19 would have in its own territory or jurisdiction.

20 (e) Joint Fund. For the purpose of providing a joint board
21 with moneys for the necessary expenditures in carrying out the
22 provisions of this section, a joint fund shall be created and
23 maintained, into which shall be deposited the share of each of the
24 constituent public agencies as provided by the joint agreement.

1 Each of the constituent public agencies shall provide its share of
2 the fund from sources available to each. Any federal, state or
3 other contributions or loans, and the revenues obtained from the
4 joint ownership, control and operation of any airport or air
5 navigation facility under the jurisdiction of the joint board shall
6 be paid into the joint fund, which said joint fund shall be kept and
7 maintained at such place or places as shall be mutually agreed
8 between the constituent agencies. Disbursements from such fund
9 shall be made by order of the board, subject to the limitations
10 prescribed in subsection (d) of this section.

11 SECTION 11. AMENDATORY 3 O.S. 2021, Section 65.16, is
12 amended to read as follows:

13 Section 65.16 The acquisition of any land or interest therein
14 pursuant to this act, the planning, acquisition, establishment,
15 development, construction, improvement, maintenance, equipment,
16 operation, regulation, protection and policing of airports,
17 vertiports, and air navigation facilities, including the acquisition
18 or elimination of airport hazards, and the exercise of any other
19 powers herein granted to municipalities and other public agencies,
20 to be severally or jointly exercised, are hereby declared to be
21 public and governmental functions, exercised for a public purpose,
22 and matters of public necessity; and in the case of any county, are
23 declared to be county functions and purposes as well as public and
24 governmental; and in the case of any municipality other than a

1 county, are declared to be municipal functions and purposes as well
2 as public and governmental. All land and other property and
3 privileges acquired and used by or on behalf of any municipality or
4 other public agency in the manner and for the purposes enumerated in
5 this act shall and are hereby declared to be acquired and used for
6 public and governmental purposes and as a matter of public
7 necessity, and, in the case of a county or municipality, for county
8 or municipal purposes, respectively.

9 SECTION 12. AMENDATORY 3 O.S. 2021, Section 65.17, is
10 amended to read as follows:

11 Section 65.17 Any property in this state acquired by a
12 municipality for airport, vertiport, or air navigation purposes
13 pursuant to the provisions of this act, and any income derived by
14 such municipality from the ownership, operation or control thereof,
15 shall be exempt from taxation to the same extent as other property
16 used for public purposes. Any municipality is authorized to exempt
17 from municipal taxation any property, acquired within its boundaries
18 by a public agency of another state, for airport, vertiport, or air
19 navigation purposes, and any income derived from such property, to
20 the extent that such other state authorizes similar exemptions from
21 taxation to municipalities of this state.

22 SECTION 13. AMENDATORY 3 O.S. 2021, Section 82, as
23 amended by Section 2, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2023,
24 Section 82), is amended to read as follows:

1 Section 82. As used in the Oklahoma Department of Aerospace and
2 Aeronautics Act, unless the context otherwise requires:

3 1. "Aeronautics" means the science, art and practice of flight
4 including, but not limited to, transportation by aircraft and
5 matters relating to air commerce; the operation, construction,
6 repair or maintenance of aircraft, aircraft power plants and
7 accessories including the repair, packing and maintenance of
8 parachutes; the design, establishment, construction, extension,
9 operation, improvement, repair or maintenance of airports,
10 restricted landing areas or other air navigation facilities; and
11 instruction in flying or ground subjects pertaining thereto;

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

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

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1 4. "Aircraft" means any contraption now known, or hereafter
2 invented, used or designed for navigation of or flight in the air or
3 airspace;

4 5. "Airman" means any individual who engages, as the person in
5 command, or as a pilot, mechanic or member of the crew, in the
6 navigation of aircraft while under way, and any individual who is
7 directly in charge of the inspection, maintenance, overhauling or
8 repair of aircraft, aircraft engines, propellers and appliances;

9 6. "Airport" means an area of land or water that is used, or
10 intended to be used, for the landing and takeoff of aircraft, and
11 buildings and facilities, if any;

12 7. "Airspace" means that portion of the atmosphere overlying a
13 designated geographical area considered as subject to territorial
14 jurisdiction or international law in respect to its use by aircraft,
15 guided missiles, and rockets;

16 8. "Commercial service airport" means an airport meeting the
17 current Federal Aviation Administration definition for commercial
18 service airport;

19 9. "Commission" means the seven members of the Oklahoma
20 Aerospace and Aeronautics Commission as appointed by the Governor;

21 10. "Department" means the Oklahoma Department of Aerospace and
22 Aeronautics;

23 11. "Director" means the Director of the Oklahoma Department of
24 Aerospace and Aeronautics;

1 12. "General aviation airport" means an airport not meeting the
2 criteria for definition as a commercial service or reliever airport;

3 13. "Helipad" means a small, designated area, usually with a
4 prepared surface, on a heliport, airport, landing or takeoff area,
5 apron or ramp, or movement area used for takeoff, landing or parking
6 of helicopters;

7 14. "Heliport" means an area of land, water or structure used
8 or intended to be used for the landing and takeoff of helicopters
9 and includes its buildings and facilities, if any;

10 15. "Manned aircraft" means an aircraft, as defined in this
11 section, that is operated with a person in or on the aircraft;

12 16. "Model aircraft" means an aircraft as defined in this
13 section that is mechanically driven or launched into flight and that
14 meets all of the following requirements:

15 a. is flown solely for hobby or recreational purposes,
16 and

17 b. is not used for payment, consideration, gratuity or
18 benefit, directly or indirectly charged, demanded,
19 received or collected by any person for the use of the
20 aircraft or any photographic or video image produced
21 by the aircraft;

22 17. "Municipality" means any incorporated city, village, or
23 town of this state and any county or political subdivision or
24 district in this state, or any public trust thereof, which is, or

1 may be, authorized by law to acquire, establish, construct,
2 maintain, improve, and operate airports, airstrips, vertiports, and
3 aeronautical navigation facilities;

4 18. "Operation of aircraft" or "operate aircraft" means the
5 use, navigation or piloting of aircraft in the airspace over this
6 state or upon any airport within this state;

7 19. "Person" means any individual, firm, partnership,
8 corporation, company, association, joint stock association or body
9 politic and includes any trustee, receiver, assignee or other
10 similar representative thereof;

11 20. "Primary commercial service airport" means an airport
12 meeting the current Federal Aviation Administration definition for
13 primary commercial service airport;

14 21. "Reliever airport" means an airport designated by the
15 Federal Aviation Administration as a reliever airport and which
16 provides substantial capacity or instrument training relief to a
17 primary commercial service airport;

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

21 23. "State" or "this state" means the State of Oklahoma;

22 24. "Unmanned aircraft" means an aircraft, as defined in this
23 section, that is operated without the possibility of human
24 intervention from within or on the aircraft; ~~and~~

1 25. "Unmanned aircraft system" means an unmanned aircraft and
2 associated elements including communication links and components
3 that control the unmanned aircraft that are required for the pilot
4 in command to operate safely and efficiently in the National
5 Airspace System;

6 26. "Vertiport" means an area of land, water, or structure used
7 or intended to be used for the landing and takeoff of VTOL aircraft;
8 and

9 27. "VTOL aircraft" means an aircraft which has vertical
10 takeoff and landing capability.

11 SECTION 14. AMENDATORY 3 O.S. 2021, Section 85, as
12 amended by Section 5, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2023,
13 Section 85), is amended to read as follows:

14 Section 85. A. The Oklahoma Department of Aerospace and
15 Aeronautics and its Executive Director acting under its authority is
16 empowered and directed to encourage, foster, and assist in the
17 development of aerospace and aeronautics in this state and to
18 encourage the establishment of airports, vertiports, and air
19 navigation facilities. It shall cooperate with and assist the
20 federal government, the municipalities of this state, and other
21 persons in the development of aerospace and aeronautics, and shall
22 seek to coordinate the aeronautical activities of these bodies and
23 persons. Municipalities are authorized to cooperate with the

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1 Department in the development of aeronautics and aeronautical
2 facilities in this state.

3 B. The Department may organize and administer a voluntary
4 program of air-age education in cooperation with the schools,
5 colleges, and for the general public, and may prepare and conduct
6 voluntary flight clinics for airmen and issue such bulletins and
7 publications as may be required.

8 C. The Department shall assist in all aeronautical matters
9 related to emergency management actions in conformance with federal
10 directions and with the Emergency Operations Plan of the state.

11 D. The Department may establish air markers throughout the
12 state.

13 E. The Department may purchase and install roadside signs
14 directing highway traffic to airports, subject to approval of the
15 State Transportation Commission.

16 F. The Department shall:

17 1. Draft and recommend necessary legislation to advance the
18 interests of the state in aerospace and aeronautics;

19 2. Represent the state in aeronautical matters before federal
20 agencies and other state agencies; and

21 3. Participate as party plaintiff or defendant or as intervener
22 on behalf of the state or any municipality or citizen thereof in any
23 proceeding which involves the interest of the state in aerospace or
24 aeronautics.

1 G. 1. The Department may, insofar as is reasonably possible,
2 make available its engineering and other technical services to any
3 municipality or person desiring them in connection with the
4 planning, acquisition, construction, improvement, maintenance, or
5 operation of airports, vertiports, or air navigation facilities.

6 2. The Department may render financial assistance by grant or
7 loan or both to any municipality or municipalities acting jointly in
8 the planning, acquisition, construction, improvement, maintenance,
9 or operation of an airport, vertiport, or air navigation facility
10 owned or controlled, or to be owned or controlled, by such
11 municipality or municipalities, out of appropriations or other
12 monies made available by the Legislature for such purposes. Such
13 financial assistance may be furnished in connection with federal or
14 other financial aid for the same purposes.

15 3. The Department shall be designated as the agent of this
16 state or any political subdivision of this state for the purpose of
17 applying for, receiving, administering and disbursing federal funds
18 and other public monies for the benefit of general aviation
19 airports, except reliever airports, as may be available under
20 applicable federal law or other laws. If requested by a political
21 subdivision, the Department may act as its or their agent in
22 contracting for and supervising such planning, acquisition,
23 construction, improvement, maintenance, or operation; and all
24 political subdivisions are authorized to designate the Department as

1 their agent for the foregoing purposes. The Department, as
2 principal on behalf of the state, may enter into any contracts with
3 the United States or with any person, which may be required in
4 connection with a grant or loan of federal monies for municipal
5 airport, vertiport, or air navigation facility purposes. All
6 federal monies accepted under this section shall be accepted and
7 transferred or expended by the Department upon such terms and
8 conditions as are prescribed by the United States. All monies
9 received by the Department pursuant to this section shall be
10 deposited in the Oklahoma Department of Aerospace and Aeronautics
11 Revolving Fund in the State Treasury and shall be paid out by the
12 Department in accordance with the terms and conditions of any
13 agreement entered into under the provisions of this section.

14 H. 1. The Department is authorized on behalf of and in the
15 name of the state, out of appropriations and other monies made
16 available for such purposes, to plan, zone, establish, construct,
17 enlarge, improve, maintain, equip, operate, regulate, protect, and
18 police airports, vertiports, and air navigation facilities, either
19 within or without the state, including the construction,
20 installation, equipping, maintenance, and operation at such airports
21 of buildings and other facilities for the servicing of aircraft or
22 for the comfort and accommodation of air travelers. However, the
23 regulatory authority shall not extend to any airman employed by, nor
24 to any aeronautics facility or aircraft under the exclusive

1 possession, operation, or control of, a person holding a certificate
2 of public convenience and necessity issued by any agency of the
3 United States to operate as a common carrier by air of persons
4 and/or property in interstate commerce. For such purposes, the
5 Department may, by purchase, gift, devise, or lease, acquire
6 property, real or personal, or any interest therein, including
7 easements in aeronautical hazards or land outside the boundaries of
8 an airport or airport site, as are necessary to permit safe and
9 efficient operation of the state airports or to permit the removal,
10 elimination, obstruction-marking or obstruction-lighting of airport
11 hazards, or to prevent the establishment of airport hazards. In
12 like manner, the Department may acquire existing airports,
13 vertiports, and air navigation facilities. However, the Department
14 shall not acquire or take over any airport, vertiport, or air
15 navigation facility owned or controlled by a municipality of this or
16 any other state without the consent of such municipality. The
17 Department may, by sale, lease, or otherwise, dispose of any such
18 property, airport, vertiport, air navigation facility, or portion
19 thereof or interest therein. The disposal, by sale, lease, or
20 otherwise, shall be in accordance with the laws of this state
21 governing the disposition of other property of the state, except
22 that, in the case of disposals to any municipality or state
23 government or the United States for aeronautical purposes incident
24 thereto, the sale, lease, or other disposal may be effected in such

1 manner and upon such terms as the Department may deem in the best
2 interest of the state.

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

12 3. Nothing contained in the Oklahoma Department of Aerospace
13 and Aeronautics Act shall be construed to limit any right, power, or
14 authority of the state or a municipality to regulate airport hazards
15 by zoning.

16 4. The Department may exercise any powers granted by this
17 section jointly with any municipalities or with the United States.

18 5. a. In operating an airport, vertiport, or air navigation
19 facility owned or controlled by the state, the
20 Department may enter into contracts, leases, and other
21 arrangements for a term not exceeding twenty-five (25)
22 years with any persons granting the privilege of using
23 or improving such airport, vertiport, or air
24 navigation facility or any portion or facility thereof

1 or space therein for commercial purposes; conferring
2 the privilege of supplying goods, commodities, things,
3 services, or facilities at such airport or air
4 navigation facility; or making available services to
5 be furnished by the Department or its agents at such
6 airport, vertiport, or air navigation facility.

7 In each such case, the Department may establish the
8 terms and conditions and fix the charges, rentals, or
9 fees for the privileges or services, which shall be
10 reasonable and uniform for the same class of
11 privileges or services and shall be established with
12 due regard to the property and improvements used and
13 the expenses of operation to the state; provided, that
14 in no case shall the public be deprived of its
15 rightful, equal, and uniform use of the airport,
16 vertiport, air navigation facility or portion or
17 facility thereof.

- 18 b. The Department may by contract, lease, or other
19 arrangement, upon a consideration fixed by it, grant
20 to any qualified person for a term not to exceed
21 twenty-five (25) years the privilege of operating, as
22 an agent of the state or otherwise, any airport,
23 vertiport, or air navigation facility owned or
24 controlled by the state; provided, that no such person

1 shall be granted any authority to operate the airport,
2 vertiport, or air navigation facility other than as a
3 public airport, vertiport, or air navigation facility
4 or to enter into any contracts, leases, or other
5 arrangements in connection with the operation of the
6 airport, vertiport or air navigation facility which
7 the Department might not have undertaken under
8 subparagraph a of this paragraph.

9 c. To enforce the payment of any charges for repairs to,
10 or improvements, storage, or care of, any personal
11 property made or furnished by the Department or its
12 agents in connection with the operation of an airport,
13 vertiport, or air navigation facility owned or
14 operated by the state, the state shall have liens on
15 such property, which shall be enforceable by the
16 Department as provided by law.

17 6. In accepting federal monies under this section, the
18 Department shall have the same authority to enter into contracts on
19 behalf of the state as is granted to the Department under paragraph
20 3 of subsection G of this section with respect to federal monies
21 accepted on behalf of municipalities. All monies received by the
22 Department pursuant to this section shall be deposited in the
23 Oklahoma Department of Aerospace and Aeronautics Revolving Fund in
24 the State Treasury and shall be paid out of the Department Fund in

1 accordance with the terms and conditions of any agreement entered
2 into under the provisions of this section.

3 7. The Department shall grant no exclusive right for the use of
4 any airport, vertiport, or air navigation facility under its
5 jurisdiction. This shall not be construed to prevent the making of
6 contracts, leases, and other arrangements pursuant to paragraph 5 of
7 this subsection.

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

20 J. 1. The Oklahoma Aerospace and Aeronautics Commission, the
21 Executive Director, or any officer or employee of the Department
22 designated by it shall have the power to hold investigations,
23 inquiries, and hearings concerning matters covered by the provisions
24 of the Oklahoma Department of Aerospace and Aeronautics Act and the

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

18 2. In order to facilitate the making of investigations by the
19 Department in the interest of public safety and promotion of
20 aeronautics, the public interest requires, and it is therefore
21 provided, that the reports of investigations or hearings, or any
22 part thereof, shall not be admitted in evidence or used for any
23 purpose in any suit, action, or proceeding growing out of any matter
24 referred to in the investigation, hearing, or report thereof, except

1 in case of any suit, action, or proceeding, civil or criminal,
2 instituted by or in behalf of the Department or in the name of the
3 state under the provisions of the Oklahoma Department of Aerospace
4 and Aeronautics Act or other laws of the state relating to
5 aeronautics; nor shall any member of the Commission, or the
6 Executive Director, or any officer or employee of the Department be
7 required to testify to any facts ascertained in, or information
8 gained by reason of, such person's official capacity, or be required
9 to testify as an expert witness in any suit, action, or proceeding
10 involving any aircraft. Subject to the foregoing provisions, the
11 Department may in its discretion make available to appropriate
12 federal, state and municipal agencies information and material
13 developed in the course of its investigations and hearings.

14 K. 1. The Department is authorized to confer with or to hold
15 joint hearings with any agency of the United States in connection
16 with any matter arising under the Oklahoma Department of Aerospace
17 and Aeronautics Act or relating to the sound development of
18 aerospace and aeronautics.

19 2. The Department is authorized to avail itself of the
20 cooperation, services, records, and facilities of the agencies of
21 the United States as fully as may be practicable in the
22 administration and enforcement of the Oklahoma Department of
23 Aerospace and Aeronautics Act. The Department shall furnish to the
24

1 agencies of the United States its cooperation, services, records,
2 and facilities, insofar as may be practicable.

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

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

15 M. The Department shall administer an airport inspection
16 program for all public-use airports within this state. The
17 inspection program shall occur on a three-year cycle and shall be
18 administered by the Oklahoma Department of Aerospace and
19 Aeronautics. Airport owners, including individuals and
20 municipalities, shall provide access to airport facilities for
21 conducting the inspections. The Department shall provide a written
22 report to each public-use airport detailing the findings of such
23 inspections.

24

1 SECTION 15. AMENDATORY 3 O.S. 2021, Section 421, as last
2 amended by Section 15, Chapter 365, O.S.L. 2023 (3 O.S. Supp. 2023,
3 Section 421), is amended to read as follows:

4 Section 421. A. The Oklahoma Department of Aerospace and
5 Aeronautics is hereby established as the clearinghouse for unmanned
6 aircraft systems (UAS) and advanced air mobility (AAM) in this state
7 and shall be designated as the agency of this state for the
8 promotion, enhancement and development of UAS and AAM as well as any
9 associated infrastructure necessary to ensure the safe integration
10 and use of this new technology within the state. The purpose of
11 this clearinghouse is to create a partnership between those entities
12 that currently operate UAS, those that desire to use this technology
13 in the future and other entities that can support the research and
14 development of UAS to ensure that this state can more effectively
15 respond to the needs of this critical sector of the aviation and
16 aerospace industry. In the operation of this clearinghouse, the
17 Department shall cooperate, assist and coordinate with the federal
18 government, agencies of this state, tribal entities, municipalities
19 and other persons in the development of unmanned aircraft systems
20 throughout the state to ensure the acceptance of this technology and
21 the successful integration of UAS into the National Airspace System.
22 Contingent upon the availability of funds, the Oklahoma Department
23 of Aerospace and Aeronautics may use established program processes
24 or may contract with other qualified entities to carry out the

1 duties and responsibilities of the Unmanned Aircraft Systems
2 Development Act of 2021.

3 B. The primary goal of the clearinghouse within the Department
4 is to establish a central point within state government to develop
5 the strategy for how this state can become a leader in the UAS and
6 AAM industry. It will focus the collective resources, knowledge,
7 information and assets within state government to ensure coordinated
8 efforts amongst all parties. The clearinghouse will:

9 1. Conduct research on what other states and localities are
10 doing insofar as their UAS rules and regulations so that it can
11 provide recommendations to ensure this state is in the best position
12 within the industry;

13 2. Organize and coordinate the application for any UAS and AAM
14 test site, integration opportunity, pilot program or grant funding
15 on behalf of this state;

16 3. Maintain a registry of UAS being operated by state agencies,
17 except those UAS that are part of a university-affiliated research
18 program; ~~and~~

19 4. Maintain a registry of educational institutions that offer
20 training programs for users of UAS; and

21 5. Investigate the development of and, if necessary, create a
22 statewide system plan that will provide the framework for the
23 construction, development, siting, and potential partnerships
24 required for vertiports and other infrastructure needed to integrate

1 AAM and UAS into the existing air transportation system of the
2 state.

3 C. The Department is authorized to enter into partnerships with
4 any city or town of this state and any county or political
5 subdivision or district of this state, or any public trust thereof,
6 for the purpose of investing in and operating infrastructure and any
7 other items necessary to safely and effectively integrate AAM and
8 UAS into the existing air transportation system of the state as well
9 as the testing and development of these new aeronautical
10 technologies.

11 SECTION 16. This act shall become effective November 1, 2024.

12 Passed the House of Representatives the 5th day of March, 2024.

13

14

Presiding Officer of the House
of Representatives

15

16

17

Passed the Senate the ____ day of _____, 2024.

18

19

Presiding Officer of the Senate

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