

An Act

ENROLLED HOUSE
BILL NO. 3672

By: Miller of the House

and

Haste of the Senate

An Act relating to aircraft and airports; amending 3 O.S. 2021, Sections 65.1, 65.2, 65.4, 65.5, 65.6, 65.7, 65.8, 65.10, 65.12, 65.15, 65.16, and 65.17, which relate to the Municipal Airports Act; defining terms; modifying definition; modifying language to include vertiports as municipally owned air facilities; extending certain tax exemption to include vertiports and air navigation properties; amending 3 O.S. 2021, Section 82, as amended by Section 2, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2023, Section 82), which relates to definitions; defining terms; amending 3 O.S. 2021, Section 85, as amended by Section 5, Chapter 126, O.S.L. 2023 (3 O.S. Supp. 2023, Section 85), which relates to powers and duties of the Department; modifying language to include vertiports and air navigation facilities; amending 3 O.S. 2021, Section 421, as last amended by Section 15, Chapter 365, O.S.L. 2023 (3 O.S. Supp. 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.

SUBJECT: Aircraft and airports

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:

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

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

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

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

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

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

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

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

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

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

Section 65.2 (a) Establishment, Operation, Land Acquisition. Every municipality is authorized, out of any appropriations or other monies made available for such purpose, to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports, vertiports, and air navigation facilities, either within or without the territorial limits of such municipality and within or without the territorial boundaries of this state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods and commodities as an incident to the operation of its airport properties. For such purposes the municipality may use any available property that it may now or hereafter own or control and may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein including easements in airport hazards or land outside the boundaries of an airport, vertiport, or airport site as are necessary to permit safe and efficient operation of the airport or vertiport or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards.

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

(c) Establishment of Airports on Public Waters and Reclaimed Lands. For the purposes of this act, a municipality may establish or acquire and maintain, within or bordering upon the territorial limits of the municipality, airports in, over and upon, any public waters of this state, any submerged lands under such public waters, and any artificial or reclaimed lands which before the artificial making or reclamation thereof constituted a portion of the submerged lands under such public waters; and may construct and maintain terminal building, landing floats, causeways, roadways and bridges

for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

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

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

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

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

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

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

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

3. Making available services to be furnished by the municipality or its agents at such airport, vertiport, air navigation facility or aircraft maintenance or manufacturing facility. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the municipality.

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

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

Section 65.6 To enforce the payment of any charges for repairs or improvements to or storage or care of, any personal property made or furnished by the municipality or its agents in connection with the operation of an airport, vertiport, or air navigation facility owned or operated by the municipality, the municipality shall have a lien on such property, which shall be enforceable by the municipality as provided by law.

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

Section 65.7 Any authority vested by this act in a municipality or in the governing body thereof, for the planning, establishment,

development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of airports, vertiport, or other air navigation facilities established, owned or controlled, or to be established, owned or controlled by the municipality may be vested by resolution of the governing body of the municipality in an officer or board or other municipal agency whose powers and duties shall be prescribed in the resolution; provided, however, that the expense of such planning, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing shall be a responsibility of the municipality.

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

Section 65.8 (a) Scope. A municipality, which has established or acquired or which may hereafter establish or acquire an airport, vertiport, or air navigation facility, is authorized to adopt, amend and repeal such reasonable ordinance, resolutions, rules, regulations and orders as it shall deem necessary for the management, government and use of such airport, vertiport, or air navigation facility under its control, whether situated within or without the territorial limits of the municipality. For the enforcement thereof, the municipality, may, by ordinance or resolution, as may by law be appropriate, appoint airport guards or police, with full police powers, and fix penalties, within the limits prescribed by law, for the violation of the aforesaid ordinances, resolutions, rules, regulations and orders. Enforcement may also be conducted by airport officers holding a commission from and employed by an airport trust as defined in, and pursuant to and in accordance with, the provisions and requirements of the Oklahoma Campus Security Act, and who, as a result of which, hold full police powers. Said penalties shall be enforced in the same manner in which penalties prescribed by other ordinances, or resolutions of the municipality are enforced. To the extent that an airport, vertiport, or other air navigation facility controlled and operated by a municipality is located outside the territorial limits of the municipality, it shall, subject to federal and state laws, rules and regulations, be under the jurisdiction and control of the municipality controlling or operating it, and no other municipality shall have any authority to charge or exact a license fee or occupation tax for operations thereon.

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

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

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

Section 65.10 The cost of planning and acquiring, establishing, developing, constructing, enlarging, improving, or equipping, an airport, vertiport, or air navigation facility, or the site therefor, including buildings and other facilities incidental to the operation thereof, and the acquisition or elimination of airport hazards, may be paid for wholly or partly from the proceeds of the sale of bonds or notes of the municipality, as the governing body of the municipality shall determine. For such purposes a municipality may issue general or special obligation bonds, revenue bonds or other forms of bonds or notes, secured or unsecured, including refunding bonds, in the manner and within the limitations prescribed by the laws of this state or the charter of the municipality for the authorization and issuance of bonds or notes thereof for public purposes generally. Any bonds or notes issued by a municipality pursuant to this act which are payable, as to principal and interest, solely from the revenues of an airport, vertiport, or air navigation facility (and such bonds or notes shall so state on their face) shall not constitute a debt of such municipality within the meaning of any constitutional or statutory debt limitation or restriction. In any suit, action or proceeding involving the security, or the validity or enforceability, of any bond or note issued by a municipality, which bond or note states on its face that it was issued pursuant to the provisions of this act and for a purpose or purposes authorized to be accomplished by this act, such bond or note shall be conclusively deemed to have been issued pursuant to this act for such purpose or purposes.

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

Section 65.12 The revenues obtained by a municipality from the ownership, control or operation of any airport, vertiport, or air navigation facility, including proceeds from the sale of any airport, vertiport, or portion thereof of an air navigation facility property, shall be deposited in a special fund to be designated the

"Airport Fund", which revenues shall be appropriated solely to, and used by the municipality for, the purposes authorized by this act.

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

Section 65.15 (a) Authorization. For the purposes of this section, unless otherwise qualified, the term "public agency" includes municipality, as defined in this act, an agency of the state government and of the United States, and any municipality, political subdivision and agency of another state, but shall not include institutions of higher education constituting the Oklahoma State System of Higher Education under Section 1, Article 13A, Constitution of the State of Oklahoma; or other institutions coordinated with the State System of Higher Education under Section 4, Article 13A, Constitution of the State of Oklahoma; and the term "governing body" means the governing body of a county or municipality, and the head of the agency if the public agency is other than a county or municipality. All powers, privileges and authority granted to any municipality by this act may be exercised and enjoyed jointly with any public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. If not otherwise authorized by law, any agency of the state government when acting jointly with any municipality, may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a municipality.

(b) Agreement. Any two or more public agencies may enter into agreements with each other for joint action pursuant to the provisions of this section. Concurrent action by ordinance, resolution or otherwise or the governing bodies of the participating public agencies shall constitute joint action. Each such agreement shall specify its duration, the proportionate interest which each public agency shall have in the property, facilities and privileges involved, the proportion to be borne by each public agency of preliminary costs and costs of acquisition, establishment, construction, enlargement, improvement, and equipment of the airport, vertiport, or air navigation facility, the proportion of the expenses of maintenance, operation, regulation and protection thereof to be borne by each, and such other terms as are required by the provisions of this section. The agreement may also provide for; amendments thereof, and conditions and methods of termination of the agreement; the disposal of all or any of the property, facilities

and privileges jointly owned upon said property, facilities and privileges, or any part thereof, ceasing to be used for the purposes provided by this act, or upon termination of the agreement; the distribution of the proceeds received upon any such disposal, and of any funds or other property jointly owned and undisposed of; the assumption or payment of any indebtedness arising from the joint venture which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and such other provisions as may be necessary or convenient.

(c) Joint Board. Public agencies acting jointly pursuant to this section shall create a joint board which shall consist of members appointed by the governing board of each participating public agency. The number to be appointed, their term and compensation, if any, shall be provided for in the joint agreement. Each such joint board shall organize, select officers for terms to be fixed by the agreement, and adopt and amend from time to time rules for its own procedure. The joint board shall have power to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police any airport, vertiport, or air navigation facility or airport hazard to be jointly acquired, controlled and operated, and such board may exercise on behalf of its constituent public agencies all the powers of each with respect to such airport, vertiport, air navigation facility or airport hazard, subject to the limitations of subsection (d) of this section.

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

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

(3) Eminent Domain. Eminent domain proceedings under this section may be instituted only by authority of the governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be instituted in the names of the constituent public agencies jointly, and the property so acquired

shall be held by said public agencies as tenants in common until conveyed by them to the joint board.

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

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

(e) Joint Fund. For the purpose of providing a joint board with moneys for the necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which shall be deposited the share of each of the constituent public agencies as provided by the joint agreement. Each of the constituent public agencies shall provide its share of the fund from sources available to each. Any federal, state or other contributions or loans, and the revenues obtained from the joint ownership, control and operation of any airport or air navigation facility under the jurisdiction of the joint board shall be paid into the joint fund, which said joint fund shall be kept and maintained at such place or places as shall be mutually agreed between the constituent agencies. Disbursements from such fund shall be made by order of the board, subject to the limitations prescribed in subsection (d) of this section.

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

Section 65.16 The acquisition of any land or interest therein pursuant to this act, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, protection and policing of airports, vertiports, and air navigation facilities, including the acquisition or elimination of airport hazards, and the exercise of any other

powers herein granted to municipalities and other public agencies, to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity; and in the case of any county, are declared to be county functions and purposes as well as public and governmental; and in the case of any municipality other than a county, are declared to be municipal functions and purposes as well as public and governmental. All land and other property and privileges acquired and used by or on behalf of any municipality or other public agency in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity, and, in the case of a county or municipality, for county or municipal purposes, respectively.

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

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

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

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

1. "Aeronautics" means the science, art and practice of flight including, but not limited to, transportation by aircraft and matters relating to air commerce; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports,

restricted landing areas or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. is flown solely for hobby or recreational purposes, and
- b. is not used for payment, consideration, gratuity or benefit, directly or indirectly charged, demanded, received or collected by any person for the use of the aircraft or any photographic or video image produced by the aircraft;

17. "Municipality" means any incorporated city, village, or town of this state and any county or political subdivision or district in this state, or any public trust thereof, which is, or may be, authorized by law to acquire, establish, construct, maintain, improve, and operate airports, airstrips, vertiports, and aeronautical navigation facilities;

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

19. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association or body

politic and includes any trustee, receiver, assignee or other similar representative thereof;

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

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

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

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

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

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

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

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

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

Section 85. A. The Oklahoma Department of Aerospace and Aeronautics and its Executive Director acting under its authority is empowered and directed to encourage, foster, and assist in the development of aerospace and aeronautics in this state and to encourage the establishment of airports, vertiports, and air navigation facilities. It shall cooperate with and assist the

federal government, the municipalities of this state, and other persons in the development of aerospace and aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the Department in the development of aeronautics and aeronautical facilities in this state.

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

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

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

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

F. The Department shall:

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

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

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

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

2. The Department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in

the planning, acquisition, construction, improvement, maintenance, or operation of an airport, vertiport, or air navigation facility owned or controlled, or to be owned or controlled, by such municipality or municipalities, out of appropriations or other monies made available by the Legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes.

3. The Department shall be designated as the agent of this state or any political subdivision of this state for the purpose of applying for, receiving, administering and disbursing federal funds and other public monies for the benefit of general aviation airports, except reliever airports, as may be available under applicable federal law or other laws. If requested by a political subdivision, the Department may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all political subdivisions are authorized to designate the Department as their agent for the foregoing purposes. The Department, as principal on behalf of the state, may enter into any contracts with the United States or with any person, which may be required in connection with a grant or loan of federal monies for municipal airport, vertiport, or air navigation facility purposes. All federal monies accepted under this section shall be accepted and transferred or expended by the Department upon such terms and conditions as are prescribed by the United States. All monies received by the Department pursuant to this section shall be deposited in the Oklahoma Department of Aerospace and Aeronautics Revolving Fund in the State Treasury and shall be paid out by the Department in accordance with the terms and conditions of any agreement entered into under the provisions of this section.

H. 1. The Department is authorized on behalf of and in the name of the state, out of appropriations and other monies made available for such purposes, to plan, zone, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, vertiports, and air navigation facilities, either within or without the state, including the construction, installation, equipping, maintenance, and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. However, the regulatory authority shall not extend to any airman employed by, nor to any aeronautics facility or aircraft under the exclusive possession, operation, or control of, a person holding a certificate of public convenience and necessity issued by any agency of the

United States to operate as a common carrier by air of persons and/or property in interstate commerce. For such purposes, the Department may, by purchase, gift, devise, or lease, acquire property, real or personal, or any interest therein, including easements in aeronautical hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the state airports or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. In like manner, the Department may acquire existing airports, vertiports, and air navigation facilities. However, the Department shall not acquire or take over any airport, vertiport, or air navigation facility owned or controlled by a municipality of this or any other state without the consent of such municipality. The Department may, by sale, lease, or otherwise, dispose of any such property, airport, vertiport, air navigation facility, or portion thereof or interest therein. The disposal, by sale, lease, or otherwise, shall be in accordance with the laws of this state governing the disposition of other property of the state, except that, in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the Department may deem in the best interest of the state.

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

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

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

5. a. In operating an airport, vertiport, or air navigation facility owned or controlled by the state, the

Department may enter into contracts, leases, and other arrangements for a term not exceeding twenty-five (25) years with any persons granting the privilege of using or improving such airport, vertiport, or air navigation facility or any portion or facility thereof or space therein for commercial purposes; conferring the privilege of supplying goods, commodities, things, services, or facilities at such airport or air navigation facility; or making available services to be furnished by the Department or its agents at such airport, vertiport, or air navigation facility.

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

- b. The Department may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five (25) years the privilege of operating, as an agent of the state or otherwise, any airport, vertiport, or air navigation facility owned or controlled by the state; provided, that no such person shall be granted any authority to operate the airport, vertiport, or air navigation facility other than as a public airport, vertiport, or air navigation facility or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport, vertiport or air navigation facility which the Department might not have undertaken under subparagraph a of this paragraph.
- c. To enforce the payment of any charges for repairs to, or improvements, storage, or care of, any personal property made or furnished by the Department or its agents in connection with the operation of an airport, vertiport, or air navigation facility owned or

operated by the state, the state shall have liens on such property, which shall be enforceable by the Department as provided by law.

6. In accepting federal monies under this section, the Department shall have the same authority to enter into contracts on behalf of the state as is granted to the Department under paragraph 3 of subsection G of this section with respect to federal monies accepted on behalf of municipalities. All monies received by the Department pursuant to this section shall be deposited in the Oklahoma Department of Aerospace and Aeronautics Revolving Fund in the State Treasury and shall be paid out of the Department Fund in accordance with the terms and conditions of any agreement entered into under the provisions of this section.

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

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

J. 1. The Oklahoma Aerospace and Aeronautics Commission, the Executive Director, or any officer or employee of the Department designated by it shall have the power to hold investigations, inquiries, and hearings concerning matters covered by the provisions of the Oklahoma Department of Aerospace and Aeronautics Act and the rules, regulations, and orders of the Department. Hearings shall be open to the public and shall be held upon such call or notice as the Commission shall deem advisable. Each member of the Commission, the Director, and every officer or employee of the Department designated by it to hold any inquiry, investigation, or hearing shall have the power to administer oaths and affirmations, certify to all official

acts, issue subpoenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. In case of the failure of any person to comply with any subpoena or order issued under the authority of this subsection, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it shall be the duty of the district court of any county or of the judge thereof, on application of the Department or its authorized representative, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

2. In order to facilitate the making of investigations by the Department in the interest of public safety and promotion of aeronautics, the public interest requires, and it is therefore provided, that the reports of investigations or hearings, or any part thereof, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report thereof, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the Department or in the name of the state under the provisions of the Oklahoma Department of Aerospace and Aeronautics Act or other laws of the state relating to aeronautics; nor shall any member of the Commission, or the Executive Director, or any officer or employee of the Department be required to testify to any facts ascertained in, or information gained by reason of, such person's official capacity, or be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to the foregoing provisions, the Department may in its discretion make available to appropriate federal, state and municipal agencies information and material developed in the course of its investigations and hearings.

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

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

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

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

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

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

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

Section 421. A. The Oklahoma Department of Aerospace and Aeronautics is hereby established as the clearinghouse for unmanned aircraft systems (UAS) and advanced air mobility (AAM) in this state and shall be designated as the agency of this state for the promotion, enhancement and development of UAS and AAM as well as any associated infrastructure necessary to ensure the safe integration and use of this new technology within the state. The purpose of this clearinghouse is to create a partnership between those entities that currently operate UAS, those that desire to use this technology in the future and other entities that can support the research and development of UAS to ensure that this state can more effectively respond to the needs of this critical sector of the aviation and aerospace industry. In the operation of this clearinghouse, the Department shall cooperate, assist and coordinate with the federal

government, agencies of this state, tribal entities, municipalities and other persons in the development of unmanned aircraft systems throughout the state to ensure the acceptance of this technology and the successful integration of UAS into the National Airspace System. Contingent upon the availability of funds, the Oklahoma Department of Aerospace and Aeronautics may use established program processes or may contract with other qualified entities to carry out the duties and responsibilities of the Unmanned Aircraft Systems Development Act of 2021.

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

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

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

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

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

5. Investigate the development of and, if necessary, create a statewide system plan that will provide the framework for the construction, development, siting, and potential partnerships required for vertiports and other infrastructure needed to integrate AAM and UAS into the existing air transportation system of the state.

C. The Department is authorized to enter into partnerships with any city or town of this state and any county or political subdivision or district of this state, or any public trust thereof, for the purpose of investing in and operating infrastructure and any other items necessary to safely and effectively integrate AAM and

UAS into the existing air transportation system of the state as well as the testing and development of these new aeronautical technologies.

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____