

1   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   2nd Session of the 59th Legislature (2024)

4 HOUSE BILL 3672

By: Miller of the House

5   and

6   **Haste** of the Senate

7  
8  
9   AS INTRODUCED

10    An Act relating to aircraft and airports; amending 3  
11    O.S. 2021, Sections 65.1, 65.2, 65.4, 65.5, 65.6,  
12    65.7, 65.8, 65.10, 65.12, 65.15, 65.16, and 65.17,  
13    which relate to the Municipal Airports Act; defining  
14    terms; modifying definition; modifying language to  
15    include vertiports as municipally owned air  
16    facilities; extending certain tax exemption to  
17    include vertiports and air navigation properties;  
18    amending 3 O.S. 2021, Section 82, as amended by  
19    Section 2, Chapter 126, O.S.L. 2023 (3 O.S. Supp.  
20    2023, Section 82), which relates to definitions;  
21    defining terms; amending 3 O.S. 2021, Section 85, as  
22    amended by Section 5, Chapter 126, O.S.L. 2023 (3  
23    O.S. Supp. 2023, Section 85), which relates to powers  
24    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.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 Section 65.2 (a) Establishment, Operation, Land Acquisition.  
20 Every municipality is authorized, out of any appropriations or other  
21 monies made available for such purpose, to plan, establish, develop,  
22 construct, enlarge, improve, maintain, equip, operate, regulate,  
23 protect and police airports, vertiports, and air navigation  
24 facilities, either within or without the territorial limits of such

1 municipality and within or without the territorial boundaries of  
2 this state, including the construction, installation, equipment,  
3 maintenance and operation at such airports of buildings and other  
4 facilities for the servicing of aircraft or for the comfort and  
5 accommodation of air travelers, and the purchase and sale of  
6 supplies, goods and commodities as an incident to the operation of  
7 its airport properties. For such purposes the municipality may use  
8 any available property that it may now or hereafter own or control  
9 and may, by purchase, gift, devise, lease, eminent domain  
10 proceedings or otherwise, acquire property, real or personal, or any  
11 interest therein including easements in airport hazards or land  
12 outside the boundaries of an airport, vertiport, or airport site as  
13 are necessary to permit safe and efficient operation of the airport  
14 or vertiport or to permit the removal, elimination, obstruction-  
15 marking or obstruction-lighting of airport hazards or to prevent the  
16 establishment of airport hazards.

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

22 (c) Establishment of Airports on Public Waters and Reclaimed  
23 Lands. For the purposes of this act, a municipality may establish  
24 or acquire and maintain, within or bordering upon the territorial

1 limits of the municipality, airports in, over and upon, any public  
2 waters of this state, any submerged lands under such public waters,  
3 and any artificial or reclaimed lands which before the artificial  
4 making or reclamation thereof constituted a portion of the submerged  
5 lands under such public waters; and may construct and maintain  
6 terminal building, landing floats, causeways, roadways and bridges  
7 for approaches to or connecting with any such airport, and landing  
8 floats and breakwaters for the protection thereof.

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

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

16 Section 65.4 Except as may be limited by the terms and  
17 conditions of any grant, loan, or agreement pursuant to Section 13  
18 of this act, every municipality may by sale, lease or otherwise,  
19 dispose of any airport, vertiport, air navigation facility or other  
20 property, or portion thereof or interest therein, acquired pursuant  
21 to this act. Such disposal by sale, lease, or otherwise, shall be  
22 in accordance with the laws of this state, or provisions of the  
23 charter of the municipality, governing the disposition of other  
24 property of the municipality, except that in the case of the

1 disposal of another municipality or agency of the state or federal  
2 government for aeronautical purposes incident thereto, the sale,  
3 lease, or other disposal may be effected in such manner and upon  
4 such terms as the governing body of the municipality may deem in the  
5 best interest of the municipality.

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

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

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

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

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

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

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

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

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

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

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

1       Section 65.8 (a) Scope. A municipality, which has established  
2 or acquired or which may hereafter establish or acquire an airport,  
3 vertiport, or air navigation facility, is authorized to adopt, amend  
4 and repeal such reasonable ordinance, resolutions, rules,  
5 regulations and orders as it shall deem necessary for the  
6 management, government and use of such airport, vertiport, or air  
7 navigation facility under its control, whether situated within or  
8 without the territorial limits of the municipality. For the  
9 enforcement thereof, the municipality, may, by ordinance or  
10 resolution, as may by law be appropriate, appoint airport guards or  
11 police, with full police powers, and fix penalties, within the  
12 limits prescribed by law, for the violation of the aforesaid  
13 ordinances, resolutions, rules, regulations and orders. Enforcement  
14 may also be conducted by airport officers holding a commission from  
15 and employed by an airport trust as defined in, and pursuant to and  
16 in accordance with, the provisions and requirements of the Oklahoma  
17 Campus Security Act, and who, as a result of which, hold full police  
18 powers. Said penalties shall be enforced in the same manner in  
19 which penalties prescribed by other ordinances, or resolutions of  
20 the municipality are enforced. To the extent that an airport,  
21 vertiport, or other air navigation facility controlled and operated  
22 by a municipality is located outside the territorial limits of the  
23 municipality, it shall, subject to federal and state laws, rules and  
24 regulations, be under the jurisdiction and control of the

1 municipality controlling or operating it, and no other municipality  
2 shall have any authority to charge or exact a license fee or  
3 occupation tax for operations thereon.

4 (b) Conformity to Federal and State Law. All ordinances,  
5 resolutions, rules, regulations or orders which are issued by the  
6 municipality shall be kept in substantial conformity with the laws  
7 of this state or any regulations promulgated or standards  
8 established pursuant thereto, and, as nearly as may be, with the  
9 federal laws governing aerospace and aeronautics and the rules,  
10 regulations and standards duly issued thereunder.

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

13 Section 65.10 The cost of planning and acquiring, establishing,  
14 developing, constructing, enlarging, improving, or equipping, an  
15 airport, vertiport, or air navigation facility, or the site  
16 therefor, including buildings and other facilities incidental to the  
17 operation thereof, and the acquisition or elimination of airport  
18 hazards, may be paid for wholly or partly from the proceeds of the  
19 sale of bonds or notes of the municipality, as the governing body of  
20 the municipality shall determine. For such purposes a municipality  
21 may issue general or special obligation bonds, revenue bonds or  
22 other forms of bonds or notes, secured or unsecured, including  
23 refunding bonds, in the manner and within the limitations prescribed  
24 by the laws of this state or the charter of the municipality for the

1 authorization and issuance of bonds or notes thereof for public  
2 purposes generally. Any bonds or notes issued by a municipality  
3 pursuant to this act which are payable, as to principal and  
4 interest, solely from the revenues of an airport, vertiport, or air  
5 navigation facility (and such bonds or notes shall so state on their  
6 face) shall not constitute a debt of such municipality within the  
7 meaning of any constitutional or statutory debt limitation or  
8 restriction. In any suit, action or proceeding involving the  
9 security, or the validity or enforceability, of any bond or note  
10 issued by a municipality, which bond or note states on its face that  
11 it was issued pursuant to the provisions of this act and for a  
12 purpose or purposes authorized to be accomplished by this act, such  
13 bond or note shall be conclusively deemed to have been issued  
14 pursuant to this act for such purpose or purposes.

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

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

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

3 Section 65.15 (a) Authorization. For the purposes of this  
4 section, unless otherwise qualified, the term "public agency"  
5 includes municipality, as defined in this act, an agency of the  
6 state government and of the United States, and any municipality,  
7 political subdivision and agency of another state, but shall not  
8 include institutions of higher education constituting the Oklahoma  
9 State System of Higher Education under Section 1, Article 13A,  
10 Constitution of the State of Oklahoma; or other institutions  
11 coordinated with the State System of Higher Education under Section  
12 4, Article 13A, Constitution of the State of Oklahoma; and the term  
13 "governing body" means the governing body of a county or  
14 municipality, and the head of the agency if the public agency is  
15 other than a county or municipality. All powers, privileges and  
16 authority granted to any municipality by this act may be exercised  
17 and enjoyed jointly with any public agency of this state, and  
18 jointly with any public agency of any other state or of the United  
19 States to the extent that the laws of such other state or of the  
20 United States permit such joint exercise or enjoyment. If not  
21 otherwise authorized by law, any agency of the state government when  
22 acting jointly with any municipality, may exercise and enjoy all of  
23 the powers, privileges and authority conferred by this act upon a  
24 municipality.

1 (b) Agreement. Any two or more public agencies may enter into  
2 agreements with each other for joint action pursuant to the  
3 provisions of this section. Concurrent action by ordinance,  
4 resolution or otherwise or the governing bodies of the participating  
5 public agencies shall constitute joint action. Each such agreement  
6 shall specify its duration, the proportionate interest which each  
7 public agency shall have in the property, facilities and privileges  
8 involved, the proportion to be borne by each public agency of  
9 preliminary costs and costs of acquisition, establishment,  
10 construction, enlargement, improvement, and equipment of the  
11 airport, vertiport, or air navigation facility, the proportion of  
12 the expenses of maintenance, operation, regulation and protection  
13 thereof to be borne by each, and such other terms as are required by  
14 the provisions of this section. The agreement may also provide for;  
15 amendments thereof, and conditions and methods of termination of the  
16 agreement; the disposal of all or any of the property, facilities  
17 and privileges jointly owned upon said property, facilities and  
18 privileges, or any part thereof, ceasing to be used for the purposes  
19 provided by this act, or upon termination of the agreement; the  
20 distribution of the proceeds received upon any such disposal, and of  
21 any funds or other property jointly owned and undisposed of; the  
22 assumption or payment of any indebtedness arising from the joint  
23 venture which remains unpaid upon the disposal of all assets or upon  
24

1 a termination of the agreement; and such other provisions as may be  
2 necessary or convenient.

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

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

23 (2) Acquisitions Beyond Sums Allotted. No airport, vertiport,  
24 air navigation facility, airport hazard, or real or personal

1 property, the cost of which is in excess of sums therefor fixed by  
2 the joint agreement or allotted in the annual budget, may be  
3 acquired by the joint board without the approval of the governing  
4 bodies of its constituent public agencies.

5 (3) Eminent Domain. Eminent domain proceedings under this  
6 section may be instituted only by authority of the governing bodies  
7 of the constituent public agencies of the joint board. If so  
8 authorized, such proceedings shall be instituted in the names of the  
9 constituent public agencies jointly, and the property so acquired  
10 shall be held by said public agencies as tenants in common until  
11 conveyed by them to the joint board.

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

18 (5) Police Regulations. Any resolutions, rules, regulations or  
19 orders of the joint board dealing with subjects authorized by  
20 Section 8 of this act shall become effective only upon approval of  
21 the governing bodies of the constituent public agencies provided  
22 that upon such approval, the resolutions, rules, regulations or  
23 orders of the joint board shall have the same force and effect in  
24 the territories or jurisdictions involved as the ordinances,

1 resolutions, rules, regulations, or orders of each public agency  
2 would have in its own territory or jurisdiction.

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

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

20 Section 65.16 The acquisition of any land or interest therein  
21 pursuant to this act, the planning, acquisition, establishment,  
22 development, construction, improvement, maintenance, equipment,  
23 operation, regulation, protection and policing of airports,  
24 vertiports, and air navigation facilities, including the acquisition

1 or elimination of airport hazards, and the exercise of any other  
2 powers herein granted to municipalities and other public agencies,  
3 to be severally or jointly exercised, are hereby declared to be  
4 public and governmental functions, exercised for a public purpose,  
5 and matters of public necessity; and in the case of any county, are  
6 declared to be county functions and purposes as well as public and  
7 governmental; and in the case of any municipality other than a  
8 county, are declared to be municipal functions and purposes as well  
9 as public and governmental. All land and other property and  
10 privileges acquired and used by or on behalf of any municipality or  
11 other public agency in the manner and for the purposes enumerated in  
12 this act shall and are hereby declared to be acquired and used for  
13 public and governmental purposes and as a matter of public  
14 necessity, and, in the case of a county or municipality, for county  
15 or municipal purposes, respectively.

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

18 Section 65.17 Any property in this state acquired by a  
19 municipality for airport, vertiport, or air navigation purposes  
20 pursuant to the provisions of this act, and any income derived by  
21 such municipality from the ownership, operation or control thereof,  
22 shall be exempt from taxation to the same extent as other property  
23 used for public purposes. Any municipality is authorized to exempt  
24 from municipal taxation any property, acquired within its boundaries

1 by a public agency of another state, for airport, vertiport, or air  
2 navigation purposes, and any income derived from such property, to  
3 the extent that such other state authorizes similar exemptions from  
4 taxation to municipalities of this state.

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

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

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

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

23 3. "Air navigation facility" means any facility used in,  
24 available for use in, or designed for use in, aid of air navigation

1 including landing areas, any structures, mechanisms, lights,  
2 beacons, markers, communicating systems or other instrumentalities  
3 or devices used or useful as an aid, or constituting an advantage or  
4 convenience, to the safe taking off, navigation and landing of  
5 aircraft, or the safe and efficient operation or maintenance of an  
6 airport and any combination of any or all of such facilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

21 a. is flown solely for hobby or recreational purposes,  
22 and

23 b. is not used for payment, consideration, gratuity or  
24 benefit, directly or indirectly charged, demanded,

1 received or collected by any person for the use of the  
2 aircraft or any photographic or video image produced  
3 by the aircraft;

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

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

13 19. "Person" means any individual, firm, partnership,  
14 corporation, company, association, joint stock association or body  
15 politic and includes any trustee, receiver, assignee or other  
16 similar representative thereof;

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

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

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

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

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

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

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

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

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

21       Section 85.   A.   The Oklahoma Department of Aerospace and  
22 Aeronautics and its Executive Director acting under its authority is  
23 empowered and directed to encourage, foster, and assist in the  
24 development of aerospace and aeronautics in this state and to

1 encourage the establishment of airports, vertiports, and air  
2 navigation facilities. It shall cooperate with and assist the  
3 federal government, the municipalities of this state, and other  
4 persons in the development of aerospace and aeronautics, and shall  
5 seek to coordinate the aeronautical activities of these bodies and  
6 persons. Municipalities are authorized to cooperate with the  
7 Department in the development of aeronautics and aeronautical  
8 facilities in this state.

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

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

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

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

22 F. The Department shall:

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

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

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

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

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

21           3. The Department shall be designated as the agent of this  
22 state or any political subdivision of this state for the purpose of  
23 applying for, receiving, administering and disbursing federal funds  
24 and other public monies for the benefit of general aviation

1 airports, except reliever airports, as may be available under  
2 applicable federal law or other laws. If requested by a political  
3 subdivision, the Department may act as its or their agent in  
4 contracting for and supervising such planning, acquisition,  
5 construction, improvement, maintenance, or operation; and all  
6 political subdivisions are authorized to designate the Department as  
7 their agent for the foregoing purposes. The Department, as  
8 principal on behalf of the state, may enter into any contracts with  
9 the United States or with any person, which may be required in  
10 connection with a grant or loan of federal monies for municipal  
11 airport, vertiport, or air navigation facility purposes. All  
12 federal monies accepted under this section shall be accepted and  
13 transferred or expended by the Department upon such terms and  
14 conditions as are prescribed by the United States. All monies  
15 received by the Department pursuant to this section shall be  
16 deposited in the Oklahoma Department of Aerospace and Aeronautics  
17 Revolving Fund in the State Treasury and shall be paid out by the  
18 Department in accordance with the terms and conditions of any  
19 agreement entered into under the provisions of this section.

20 H. 1. The Department is authorized on behalf of and in the  
21 name of the state, out of appropriations and other monies made  
22 available for such purposes, to plan, zone, establish, construct,  
23 enlarge, improve, maintain, equip, operate, regulate, protect, and  
24 police airports, vertiports, and air navigation facilities, either

1 within or without the state, including the construction,  
2 installation, equipping, maintenance, and operation at such airports  
3 of buildings and other facilities for the servicing of aircraft or  
4 for the comfort and accommodation of air travelers. However, the  
5 regulatory authority shall not extend to any airman employed by, nor  
6 to any aeronautics facility or aircraft under the exclusive  
7 possession, operation, or control of, a person holding a certificate  
8 of public convenience and necessity issued by any agency of the  
9 United States to operate as a common carrier by air of persons  
10 and/or property in interstate commerce. For such purposes, the  
11 Department may, by purchase, gift, devise, or lease, acquire  
12 property, real or personal, or any interest therein, including  
13 easements in aeronautical hazards or land outside the boundaries of  
14 an airport or airport site, as are necessary to permit safe and  
15 efficient operation of the state airports or to permit the removal,  
16 elimination, obstruction-marking or obstruction-lighting of airport  
17 hazards, or to prevent the establishment of airport hazards. In  
18 like manner, the Department may acquire existing airports,  
19 vertiports, and air navigation facilities. However, the Department  
20 shall not acquire or take over any airport, vertiport, or air  
21 navigation facility owned or controlled by a municipality of this or  
22 any other state without the consent of such municipality. The  
23 Department may, by sale, lease, or otherwise, dispose of any such  
24 property, airport, vertiport, air navigation facility, or portion

1 thereof or interest therein. The disposal, by sale, lease, or  
2 otherwise, shall be in accordance with the laws of this state  
3 governing the disposition of other property of the state, except  
4 that, in the case of disposals to any municipality or state  
5 government or the United States for aeronautical purposes incident  
6 thereto, the sale, lease, or other disposal may be effected in such  
7 manner and upon such terms as the Department may deem in the best  
8 interest of the state.

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

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

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

24

1           5.    a.    In operating an airport, vertiport, or air navigation  
2                    facility owned or controlled by the state, the  
3                    Department may enter into contracts, leases, and other  
4                    arrangements for a term not exceeding twenty-five (25)  
5                    years with any persons granting the privilege of using  
6                    or improving such airport, vertiport, or air  
7                    navigation facility or any portion or facility thereof  
8                    or space therein for commercial purposes; conferring  
9                    the privilege of supplying goods, commodities, things,  
10                   services, or facilities at such airport or air  
11                   navigation facility; or making available services to  
12                   be furnished by the Department or its agents at such  
13                   airport, vertiport, or air navigation facility.  
14                   In each such case,   the Department may establish the  
15                   terms and conditions and fix the charges, rentals, or  
16                   fees for the privileges or services, which shall be  
17                   reasonable and uniform for the same class of  
18                   privileges or services and shall be established with  
19                   due regard to the property and improvements used and  
20                   the expenses of operation to the state; provided, that  
21                   in no case shall the public be deprived of its  
22                   rightful, equal, and uniform use of the airport,  
23                   vertiport, air navigation facility or portion or  
24                   facility thereof.

1           b.    The Department may by contract, lease, or other  
2                    arrangement, upon a consideration fixed by it, grant  
3                    to any qualified person for a term not to exceed  
4                    twenty-five (25) years the privilege of operating, as  
5                    an agent of the state or otherwise, any airport,  
6                    vertiport, or air navigation facility owned or  
7                    controlled by the state; provided, that no such person  
8                    shall be granted any authority to operate the airport,  
9                    vertiport, or air navigation facility other than as a  
10                   public airport, vertiport, or air navigation facility  
11                   or to enter into any contracts, leases, or other  
12                   arrangements in connection with the operation of the  
13                   airport, vertiport or air navigation facility which  
14                   the Department might not have undertaken under  
15                   subparagraph a of this paragraph.

16           c.    To enforce the payment of any charges for repairs to,  
17                    or improvements, storage, or care of, any personal  
18                    property made or furnished by the Department or its  
19                    agents in connection with the operation of an airport,  
20                    vertiport, or air navigation facility owned or  
21                    operated by the state, the state shall have liens on  
22                    such property, which shall be enforceable by the  
23                    Department as provided by law.

1           6. In accepting federal monies under this section, the  
2 Department shall have the same authority to enter into contracts on  
3 behalf of the state as is granted to the Department under paragraph  
4 3 of subsection G of this section with respect to federal monies  
5 accepted on behalf of municipalities. All monies received by the  
6 Department pursuant to this section shall be deposited in the  
7 Oklahoma Department of Aerospace and Aeronautics Revolving Fund in  
8 the State Treasury and shall be paid out of the Department Fund in  
9 accordance with the terms and conditions of any agreement entered  
10 into under the provisions of this section.

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

16           I. The Department may enter into any contracts necessary ~~to~~ for  
17 the execution of the powers granted it by the Oklahoma Department of  
18 Aerospace and Aeronautics Act. All contracts made by the  
19 Department, either as the agent of the state or as the agent of any  
20 municipality, shall be made pursuant to the laws of the state  
21 governing the making of like contracts. When the planning,  
22 acquisition, construction, improvement, maintenance, or operation of  
23 any airport, vertiport, or air navigation facility is financed  
24 wholly or partially with federal monies, the Department as agent of

1 the state or of any municipality may let contracts in the manner  
2 prescribed by the federal authorities acting under the laws of the  
3 United States and any rules or regulations made thereunder.

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

24

1 disobedience of the requirements of a subpoena issued from such  
2 court or a refusal to testify therein.

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

23       K. 1. The Department is authorized to confer with or to hold  
24 joint hearings with any agency of the United States in connection

1 with any matter arising under the Oklahoma Department of Aerospace  
2 and Aeronautics Act or relating to the sound development of  
3 aerospace and aeronautics.

4 2. The Department is authorized to avail itself of the  
5 cooperation, services, records, and facilities of the agencies of  
6 the United States as fully as may be practicable in the  
7 administration and enforcement of the Oklahoma Department of  
8 Aerospace and Aeronautics Act. The Department shall furnish to the  
9 agencies of the United States its cooperation, services, records,  
10 and facilities, insofar as may be practicable.

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

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

23 M. The Department shall administer an airport inspection  
24 program for all public-use airports within this state. The

1 inspection program shall occur on a three-year cycle and shall be  
2 administered by the Oklahoma Department of Aerospace and  
3 Aeronautics. Airport owners, including individuals and  
4 municipalities, shall provide access to airport facilities for  
5 conducting the inspections. The Department shall provide a written  
6 report to each public-use airport detailing the findings of such  
7 inspections.

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

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

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

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

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

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

23

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

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

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

12           C. The Department is authorized to enter into partnerships with  
13 any city or town of this state and any county or political  
14 subdivision or district of this state, or any public trust thereof,  
15 for the purpose of investing in and operating infrastructure and any  
16 other items necessary to safely and effectively integrate AAM and  
17 UAS into the existing air transportation system of the state as well  
18 as the testing and development of these new aeronautical  
19 technologies.

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

21  
22           COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/20/2024 -  
23           DO PASS, As Coauthored.