

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3672

By: Miller

AS INTRODUCED

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.

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:

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

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

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

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

20 (d) "Helipad" means a small designated area, usually with a
21 prepared surface, on a heliport, airport, landing or takeoff area,
22 apron or ramp, or movement area used for takeoff, landing or parking
23 of helicopters.
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1 (e) "Heliport" means an area of land, water or structure used
2 or intended to be used for the landing and takeoff of helicopters
3 and includes its buildings and facilities, if any.

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

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

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

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

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

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

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

20 (c) Establishment of Airports on Public Waters and Reclaimed
21 Lands. For the purposes of this act, a municipality may establish
22 or acquire and maintain, within or bordering upon the territorial
23 limits of the municipality, airports in, over and upon, any public
24 waters of this state, any submerged lands under such public waters,
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1 and any artificial or reclaimed lands which before the artificial
2 making or reclamation thereof constituted a portion of the submerged
3 lands under such public waters; and may construct and maintain
4 terminal building, landing floats, causeways, roadways and bridges
5 for approaches to or connecting with any such airport, and landing
6 floats and breakwaters for the protection thereof.

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

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

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

1 lease, or other disposal may be effected in such manner and upon
2 such terms as the governing body of the municipality may deem in the
3 best interest of the municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 Section 65.16 The acquisition of any land or interest therein
17 pursuant to this act, the planning, acquisition, establishment,
18 development, construction, improvement, maintenance, equipment,
19 operation, regulation, protection and policing of airports,
20 vertiports, and air navigation facilities, including the acquisition
21 or elimination of airport hazards, and the exercise of any other
22 powers herein granted to municipalities and other public agencies,
23 to be severally or jointly exercised, are hereby declared to be
24 public and governmental functions, exercised for a public purpose,
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1 and matters of public necessity; and in the case of any county, are
2 declared to be county functions and purposes as well as public and
3 governmental; and in the case of any municipality other than a
4 county, are declared to be municipal functions and purposes as well
5 as public and governmental. All land and other property and
6 privileges acquired and used by or on behalf of any municipality or
7 other public agency in the manner and for the purposes enumerated in
8 this act shall and are hereby declared to be acquired and used for
9 public and governmental purposes and as a matter of public
10 necessity, and, in the case of a county or municipality, for county
11 or municipal purposes, respectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 a. is flown solely for hobby or recreational purposes,
18 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 F. The Department shall:

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

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

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

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

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

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

16 H. 1. The Department is authorized on behalf of and in the
17 name of the state, out of appropriations and other monies made
18 available for such purposes, to plan, zone, establish, construct,
19 enlarge, improve, maintain, equip, operate, regulate, protect, and
20 police airports, vertiports, and air navigation facilities, either
21 within or without the state, including the construction,
22 installation, equipping, maintenance, and operation at such airports
23 of buildings and other facilities for the servicing of aircraft or
24 for the comfort and accommodation of air travelers. However, the
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1 regulatory authority shall not extend to any airman employed by, nor
2 to any aeronautics facility or aircraft under the exclusive
3 possession, operation, or control of, a person holding a certificate
4 of public convenience and necessity issued by any agency of the
5 United States to operate as a common carrier by air of persons
6 and/or property in interstate commerce. For such purposes, the
7 Department may, by purchase, gift, devise, or lease, acquire
8 property, real or personal, or any interest therein, including
9 easements in aeronautical hazards or land outside the boundaries of
10 an airport or airport site, as are necessary to permit safe and
11 efficient operation of the state airports or to permit the removal,
12 elimination, obstruction-marking or obstruction-lighting of airport
13 hazards, or to prevent the establishment of airport hazards. In
14 like manner, the Department may acquire existing airports,
15 vertiports, and air navigation facilities. However, the Department
16 shall not acquire or take over any airport, vertiport, or air
17 navigation facility owned or controlled by a municipality of this or
18 any other state without the consent of such municipality. The
19 Department may, by sale, lease, or otherwise, dispose of any such
20 property, airport, vertiport, air navigation facility, or portion
21 thereof or interest therein. The disposal, by sale, lease, or
22 otherwise, shall be in accordance with the laws of this state
23 governing the disposition of other property of the state, except
24 that, in the case of disposals to any municipality or state
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1 government or the United States for aeronautical purposes incident
2 thereto, the sale, lease, or other disposal may be effected in such
3 manner and upon such terms as the Department may deem in the best
4 interest of the state.

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

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

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

20 5. a. In operating an airport, vertiport, or air navigation
21 facility owned or controlled by the state, the
22 Department may enter into contracts, leases, and other
23 arrangements for a term not exceeding twenty-five (25)
24 years with any persons granting the privilege of using
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1 or improving such airport, vertiport, or air
2 navigation facility or any portion or facility thereof
3 or space therein for commercial purposes; conferring
4 the privilege of supplying goods, commodities, things,
5 services, or facilities at such airport or air
6 navigation facility; or making available services to
7 be furnished by the Department or its agents at such
8 airport, vertiport, or air navigation facility.

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

- 20 b. The Department may by contract, lease, or other
21 arrangement, upon a consideration fixed by it, grant
22 to any qualified person for a term not to exceed
23 twenty-five (25) years the privilege of operating, as
24 an agent of the state or otherwise, any airport,

1 vertiport, or air navigation facility owned or
2 controlled by the state; provided, that no such person
3 shall be granted any authority to operate the airport,
4 vertiport, or air navigation facility other than as a
5 public airport, vertiport, or air navigation facility
6 or to enter into any contracts, leases, or other
7 arrangements in connection with the operation of the
8 airport, vertiport or air navigation facility which
9 the Department might not have undertaken under
10 subparagraph a of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

4 Section 421. A. The Oklahoma Department of Aerospace and
5 Aeronautics is hereby established as the clearinghouse for unmanned
6 aircraft systems (UAS) and advanced air mobility (AAM) in this state
7 and shall be designated as the agency of this state for the
8 promotion, enhancement and development of UAS and AAM as well as any
9 associated infrastructure necessary to ensure the safe integration
10 and use of this new technology within the state. The purpose of
11 this clearinghouse is to create a partnership between those entities
12 that currently operate UAS, those that desire to use this technology
13 in the future and other entities that can support the research and
14 development of UAS to ensure that this state can more effectively
15 respond to the needs of this critical sector of the aviation and
16 aerospace industry. In the operation of this clearinghouse, the
17 Department shall cooperate, assist and coordinate with the federal
18 government, agencies of this state, tribal entities, municipalities
19 and other persons in the development of unmanned aircraft systems
20 throughout the state to ensure the acceptance of this technology and
21 the successful integration of UAS into the National Airspace System.
22 Contingent upon the availability of funds, the Oklahoma Department
23 of Aerospace and Aeronautics may use established program processes
24 or may contract with other qualified entities to carry out the
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1 duties and responsibilities of the Unmanned Aircraft Systems
2 Development Act of 2021.

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

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

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

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

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

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

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

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

13 59-2-9565 JBH 01/17/24