

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 730

By: Hines

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Department of
8 Aerospace and Aeronautics; amending 3 O.S. 2021,
9 Section 85, as last amended by Section 1, Chapter
10 452, O.S.L. 2024 (3 O.S. Supp. 2024, Section 85),
11 which relates to the Department and its Director's
12 powers and duties; requiring Department to develop
13 certain program; requiring Department to adopt
14 certain plan; modifying qualification for certain
15 financial assistance; updating statutory language;
16 updating statutory reference; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 3 O.S. 2021, Section 85, as last
20 amended by Section 1, Chapter 452, O.S.L. 2024 (3 O.S. Supp. 2024,
21 Section 85), is amended to read as follows:

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

1 aeronautics, and shall seek to coordinate the aeronautical
2 activities of these bodies and persons. Municipalities are
3 authorized to cooperate with the Department in the development of
4 aeronautics and aeronautical facilities in this state.

5 B. The Department may organize and administer an aerospace and
6 aviation education program 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. This program shall be known and
10 may be cited as the "AeroSPACE Program" or "Aero Student Pathways
11 for Aerospace Careers and Education". This program shall be a
12 partnership with primary, secondary, career technology, and higher
13 education providers to respond to the workforce needs of the
14 aviation and aerospace industry by promoting and organizing quality
15 curriculum, enhanced classroom instruction, and research-based
16 educational programs. The AeroSPACE Program shall collaborate with
17 industry and act as the facilitator for the collection and sharing
18 of information, development and implementation of activities, and
19 the dissemination of resources concerning aerospace education with
20 the primary goal being to establish a common statewide strategy for
21 implementing aerospace educational curriculum initiatives to better
22 prepare students for an aviation and aerospace career. The Oklahoma
23 Aeronautics Commission may employ established program processes or
24 contract with other qualified entities to operate the AeroSPACE

1 Program. The Oklahoma Aeronautics Commission may accept funding
2 that includes, but is not limited to, donations, contractual
3 arrangements, in-kind services, federal or state appropriations, and
4 grants.

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

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

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

13 F. The Department shall:

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

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

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

22 G. 1. The Department shall develop and adopt a five-year
23 Airport Construction Program on an annual basis which lists federal
24 and state funding that the Department has available for the

1 development of airport infrastructure. In addition, the Department
2 shall adopt a statewide airport system plan on a regular basis which
3 details the twenty-year planning horizon for publicly owned, public-
4 use airports and sets the service level, role, and functional
5 classification of airports within the Oklahoma Airport System. The
6 system plan will be made available to the public and shall serve as
7 the Department's official document which guides the programming of
8 public funds for airport infrastructure. An airport must be
9 included in the system plan to be eligible for funding.

10 2. The development of the five-year Airport Construction
11 Program shall begin with supporting and achieving the goals laid out
12 in the statewide airport system plan and will be guided by the air
13 transportation needs and priorities of airports within the system.
14 The basic goals within the system plan include, but are not limited
15 to, airport safety, security, infrastructure preservation and
16 sustainment, economic enhancement, capacity, meeting Federal
17 Aviation Administration (FAA) or Department standards, and pro-
18 growth development.

19 3. The Department shall involve public input during the
20 development of the five-year Airport Construction Program each year
21 and coordinate and receive input from the airports within the
22 statewide airport system plan.

23 4. The Department shall set realistic project delivery
24 schedules across the five-year window of the Airport Construction

1 Program to maintain the integrity of the Program and to minimize air
2 transportation disruptions.

3 H. 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 or 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 owned or controlled, or to be owned or
12 controlled, by such municipality or municipalities, out of
13 appropriations or other monies made available by the Legislature for
14 such purposes. Such financial assistance may be furnished in
15 connection with federal or other financial aid for the same
16 purposes. A project must have been included in the five-year
17 Airport Construction Program and be at an airport that is included
18 in the most current version of the statewide airport system plan to
19 receive financial assistance.

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

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

19 ~~H.~~ I. 1. The Department is authorized on behalf of and in the
20 name of the state, out of appropriations and other monies made
21 available for such purposes, to plan, zone, establish, construct,
22 enlarge, improve, maintain, equip, operate, regulate, protect, and
23 police airports and air navigation facilities, either within or
24 without the state, including the construction, installation,

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

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

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

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

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

22 5. a. In operating an airport or air navigation facility
23 owned or controlled by the state, the Department may
24 enter into contracts, leases, and other arrangements

1 for a term not exceeding twenty-five (25) years with
2 any persons granting the privilege of using or
3 improving such airport or air navigation facility or
4 any portion or facility thereof or space therein for
5 commercial purposes; conferring the privilege of
6 supplying goods, commodities, things, services, or
7 facilities at such airport or air navigation facility;
8 or making available services to be furnished by the
9 Department or its agents at such airport or air
10 navigation facility.

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

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

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

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

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

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

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

19 ~~F.~~ K. 1. The Commission, the Director, or any officer or
20 employee of the Department designated by it shall have the power to
21 hold investigations, inquiries, and hearings concerning matters
22 covered by the provisions of the Oklahoma Department of Aerospace
23 and Aeronautics Act and the rules, regulations, and orders of the
24 Department. Hearings shall be open to the public and shall be held

1 upon such call or notice as the Commission shall deem advisable.

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

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

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

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

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2025.
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