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**THE STATE SENATE**  
**Monday, February 21, 2005**

**Senate Bill No. 53**

SENATE BILL NO. 53 - By: CAPPS and COFFEE of the Senate and PIATT of the House.

An Act relating to the Oklahoma Aeronautics Commission; amending 3 O.S. 2001, Section 85, as amended by Section 56, Chapter 329, O.S.L. 2003 (3 O.S. Supp. 2004, Section 85), which relates to the powers and duties of the Commission; eliminating exemption for certain Commission responsibilities relating to certain funds and monies for reliever airports; exempting Oklahoma Space Industry Development Authority airports from jurisdiction of the Commission for certain activities; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 3 O.S. 2001, Section 85, as amended by Section 56, Chapter 329, O.S.L. 2003 (3 O.S. Supp. 2004, Section 85), is amended to read as follows:

Section 85. A. The Oklahoma Aeronautics Commission and its Director acting under its authority is empowered and directed to encourage, foster, and assist in the development of 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 aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the Commission in

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

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

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

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

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

16 F. The Commission shall:

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

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

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

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

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

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

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

15 H. 1. The Commission is authorized on behalf of and in the  
16 name of the state, out of appropriations and other monies made  
17 available for such purposes, to plan, zone, establish, construct,  
18 enlarge, improve, maintain, equip, operate, regulate, protect, and  
19 police airports and air navigation facilities, either within or  
20 without the state, including the construction, installation,  
21 equipping, maintenance, and operation at such airports of buildings  
22 and other facilities for the servicing of aircraft or for the  
23 comfort and accommodation of air travelers. However, the regulatory

1 authority shall not extend to any airman employed by, nor to any  
2 aeronautics facility or aircraft under the exclusive possession,  
3 operation, or control of, a person holding a certificate of public  
4 convenience and necessity issued by any agency of the United States  
5 to operate as a common carrier by air of persons and/or property in  
6 interstate commerce. For such purposes the Commission may, by  
7 purchase, gift, devise, or lease, acquire property, real or  
8 personal, or any interest therein including easements in  
9 aeronautical hazards or land outside the boundaries of an airport or  
10 airport site, as are necessary to permit safe and efficient  
11 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 Commission may acquire existing airports and air  
15 navigation facilities. However, the Commission shall not acquire or  
16 take over any airport or air navigation facility owned or controlled  
17 by a municipality of this or any other state without the consent of  
18 such municipality. The Commission may, by sale, lease, or  
19 otherwise, dispose of any such property, airport, air navigation  
20 facility, or portion thereof or interest therein. The disposal, by  
21 sale, lease, or otherwise, shall be in accordance with the laws of  
22 this state governing the disposition of other property of the state,  
23 except that, in the case of disposals to any municipality or state

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

14 3. Nothing contained in this act shall be construed to limit  
15 any right, power, or authority of the state or a municipality to  
16 regulate airport hazards by zoning.

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

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

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

9 In each such case the Commission 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, air  
18 navigation facility or portion or facility thereof.

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

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

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

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

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

3 7. The Commission 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 subsection (h) of this section.

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

18 J. 1. The Commission, the Director, or any officer or employee  
19 of the Commission designated by it shall have the power to hold  
20 investigations, inquiries, and hearings concerning matters covered  
21 by the provisions of this act and the rules, regulations, and orders  
22 of the Commission. Hearings shall be open to the public and shall  
23 be held upon such call or notice as the Commission shall deem

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

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

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

11 K. 1. The Commission is authorized to confer with or to hold  
12 joint hearings with any agency of the United States in connection  
13 with any matter arising under this act or relating to the sound  
14 development of aeronautics.

15 2. The Commission is authorized to avail itself of the  
16 cooperation, services, records, and facilities of the agencies of  
17 the United States as fully as may be practicable in the  
18 administration and enforcement of this act. The Commission shall  
19 furnish to the agencies of the United States its cooperation,  
20 services, records, and facilities, insofar as may be practicable.

21 3. The Commission shall report to the appropriate agency of the  
22 United States all accidents in aeronautics in this state of which it  
23 is informed and shall, insofar as is practicable, preserve, protect,

1 and prevent the removal of the component parts of any aircraft  
2 involved in an accident being investigated by it until the federal  
3 agency institutes an investigation.

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

10 SECTION 2. This act shall become effective July 1, 2005.

11 SECTION 3. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON AEROSPACE, COMMUNICATIONS &  
16 TECHNOLOGY, dated 2-14-05 - DO PASS, As Coauthored.