

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1681

 By: Wright of the House

5 and

6 Fields of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to aircraft and airports; amending 3
11 O.S. 2011, Section 85, which relates to the Oklahoma
12 Aeronautics Commission; mandating an airport
 inspection program; and providing an effective date.

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

15 SECTION 1. AMENDATORY 3 O.S. 2011, Section 85, is
16 amended to read as follows:

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

1 Municipalities are authorized to cooperate with the Commission in
2 the development of aeronautics and aeronautical facilities in this
3 state.

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

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

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

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

17 F. The Commission shall:

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

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

22 3. Participate as party plaintiff or defendant or as intervener
23 on behalf of the state or any municipality or citizen thereof in any
24 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
24 political subdivisions are authorized to designate the Commission as

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

14 H. 1. The Commission is authorized on behalf of and in the
15 name of the state, out of appropriations and other monies made
16 available for such purposes, to plan, zone, establish, construct,
17 enlarge, improve, maintain, equip, operate, regulate, protect, and
18 police airports and air navigation facilities, either within or
19 without the state, including the construction, installation,
20 equipping, maintenance, and operation at such airports of buildings
21 and other facilities for the servicing of aircraft or for the
22 comfort and accommodation of air travelers. However, the regulatory
23 authority shall not extend to any airman employed by, nor to any
24 aeronautics facility or aircraft under the exclusive possession,

1 operation, or control of, a person holding a certificate of public
2 convenience and necessity issued by any agency of the United States
3 to operate as a common carrier by air of persons and/or property in
4 interstate commerce. For such purposes the Commission may, by
5 purchase, gift, devise, or lease, acquire property, real or
6 personal, or any interest therein including easements in
7 aeronautical hazards or land outside the boundaries of an airport or
8 airport site, as are necessary to permit safe and efficient
9 operation of the state airports or to permit the removal,
10 elimination, obstruction-marking or obstruction-lighting of airport
11 hazards, or to prevent the establishment of airport hazards. In
12 like manner the Commission may acquire existing airports and air
13 navigation facilities. However, the Commission shall not acquire or
14 take over any airport or air navigation facility owned or controlled
15 by a municipality of this or any other state without the consent of
16 such municipality. The Commission may, by sale, lease, or
17 otherwise, dispose of any such property, airport, air navigation
18 facility, or portion thereof or interest therein. The disposal, by
19 sale, lease, or otherwise, shall be in accordance with the laws of
20 this state governing the disposition of other property of the state,
21 except that, in the case of disposals to any municipality or state
22 government or the United States for aeronautical purposes incident
23 thereto, the sale, lease, or other disposal may be effected in such

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1 manner and upon such terms as the Commission may deem in the best
2 interest of the state.

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

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

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

17 5. a. In operating an airport or air navigation facility
18 owned or controlled by the state, the Commission may
19 enter into contracts, leases, and other arrangements
20 for a term not exceeding twenty-five (25) years with
21 any persons granting the privilege of using or
22 improving such airport or air navigation facility or
23 any portion or facility thereof or space therein for
24 commercial purposes; conferring the privilege of

1 supplying goods, commodities, things, services, or
2 facilities at such airport or air navigation facility;
3 or making available services to be furnished by the
4 Commission or its agents at such airport or air
5 navigation facility.

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

- 16 b. The Commission may by contract, lease, or other
17 arrangement, upon a consideration fixed by it, grant
18 to any qualified person for a term not to exceed
19 twenty-five (25) years the privilege of operating, as
20 agent of the state or otherwise, any airport owned or
21 controlled by the state; provided, that no such person
22 shall be granted any authority to operate the airport
23 other than as a public airport or to enter into any
24 contracts, leases, or other arrangements in connection

1 with the operation of the airport which the Commission
2 might not have undertaken under subparagraph a of this
3 paragraph.

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

12 6. In accepting federal monies under this section, the
13 Commission shall have the same authority to enter into contracts on
14 behalf of the state as is granted to the Commission under paragraph
15 3 of subsection G of this section with respect to federal monies
16 accepted on behalf of municipalities. All monies received by the
17 Commission pursuant to this section shall be deposited in the
18 Oklahoma Aeronautics Commission Fund in the State Treasury and shall
19 be paid out of the Commission Fund in accordance with the terms and
20 conditions of any agreement entered into under the provisions of
21 this section.

22 7. The Commission shall grant no exclusive right for the use of
23 any airport or air navigation facility under its jurisdiction. This
24 shall not be construed to prevent the making of contracts, leases,

1 and other arrangements pursuant to paragraph 5 of subsection ~~(h)~~ H
2 of this section.

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

14 J. 1. The Commission, the Director, or any officer or employee
15 of the Commission designated by it shall have the power to hold
16 investigations, inquiries, and hearings concerning matters covered
17 by the provisions of this act and the rules, regulations, and orders
18 of the Commission. Hearings shall be open to the public and shall
19 be held upon such call or notice as the Commission shall deem
20 advisable. Each member of the Commission, the Director, and every
21 officer or employee of the Commission designated by it to hold any
22 inquiry, investigation, or hearing shall have the power to
23 administer oaths and affirmations, certify to all official acts,
24 issue subpoenas, and order the attendance and testimony of witnesses

1 and the production of papers, books, and documents. In case of the
2 failure of any person to comply with any subpoena or order issued
3 under the authority of this subsection, or on the refusal of any
4 witness to testify to any matters regarding which he may be lawfully
5 interrogated, it shall be the duty of the district court of any
6 county or of the judge thereof, on application of the Commission or
7 its authorized representative, to compel obedience by proceedings
8 for contempt, as in the case of disobedience of the requirements of
9 a subpoena issued from such court or a refusal to testify therein.

10 2. In order to facilitate the making of investigations by the
11 Commission in the interest of public safety and promotion of
12 aeronautics the public interest requires, and it is therefore
13 provided, that the reports of investigations or hearings, or any
14 part thereof, shall not be admitted in evidence or used for any
15 purpose in any suit, action, or proceeding growing out of any matter
16 referred to in the investigation, hearing, or report thereof, except
17 in case of any suit, action, or proceeding, civil or criminal,
18 instituted by or in behalf of the Commission or in the name of the
19 state under the provisions of this act or other laws of the state
20 relating to aeronautics; nor shall any member of the Commission, or
21 the Director, or any officer or employee of the Commission be
22 required to testify to any facts ascertained in, or information
23 gained by reason of, such person's official capacity, or be required
24 to testify as an expert witness in any suit, action, or proceeding

1 involving any aircraft. Subject to the foregoing provisions, the
2 Commission may in its discretion make available to appropriate
3 federal, state and municipal agencies information and material
4 developed in the course of its investigations and hearings.

5 K. 1. The Commission is authorized to confer with or to hold
6 joint hearings with any agency of the United States in connection
7 with any matter arising under this act or relating to the sound
8 development of aeronautics.

9 2. The Commission is authorized to avail itself of the
10 cooperation, services, records, and facilities of the agencies of
11 the United States as fully as may be practicable in the
12 administration and enforcement of this act. The Commission shall
13 furnish to the agencies of the United States its cooperation,
14 services, records, and facilities, insofar as may be practicable.

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

21 L. The Commission may organize and administer an aerospace
22 education program in cooperation with universities, colleges and
23 schools for the general public. The Commission may also plan and
24 act jointly in a cooperative aviation research or high technology

1 program. As part of these programs, the Commission may issue
2 aviation communication films and publications.

3 M. The Commission shall administer an airport inspection
4 program for all public-use airports within the state. Airport
5 owners, including individuals and municipalities, shall provide
6 access to airport facilities for conducting inspections. The
7 Commission shall provide a written report to each public-use airport
8 detailing the findings of such inspections.

9 SECTION 2. This act shall become effective November 1, 2017.

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11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
12 dated 02/08/2017 - DO PASS, As Coauthored.