

1 ENGROSSED SENATE
2 BILL NO. 1912

By: Haste of the Senate

3 and

4 Miller of the House
5

6 An Act relating to municipal vertiports; amending 3
7 O.S. 2021, Sections 65.1, 65.2, 65.4, 65.5, 65.6,
8 65.7, 65.8, 65.10, 65.12, 65.15, 65.16, and 65.17,
9 which relate to the Municipal Airports Act; defining
10 terms; adding certain references to vertiports;
11 amending 3 O.S. 2021, Sections 82 and 85, as amended
12 by Sections 2 and 5, Chapter 126, O.S.L. 2023 (3 O.S.
13 Supp. 2023, Sections 82 and 85), which relate to the
14 Oklahoma Department of Aerospace and Aeronautics;
15 defining terms; adding certain references to
16 vertiports; amending 3 O.S. 2021, Section 421, as
17 last amended by Section 15, Chapter 365, O.S.L. 2023
18 (3 O.S. Supp. 2023, Section 421), which relates to
19 unmanned aircraft systems; authorizing the Oklahoma
20 Department of Aerospace and Aeronautics to develop
21 certain plans to integrate vertiports; allowing the
22 Department to enter into partnerships with political
23 subdivisions to create certain infrastructure;
24 updating statutory references; 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:

Section 65.1. As used in ~~this act~~ the Municipal Airports Act,
unless the text otherwise requires:

1 ~~(a)~~ 1. "Airport" means an area on land or water that is used,
2 or intended to be used, for the landing and taking off of aircraft,
3 and includes its buildings and facilities, if any-i

4 ~~(b)~~ 2. "Air navigation facility" means any facility - other
5 than one owned and operated by the United States - used in,
6 available for use in, or designed for use in, aid of air navigation,
7 including any structures, mechanisms, lights, beacons, markers,
8 communicating systems, or other instrumentalities, or devices used
9 or useful as an aid, or constituting an advantage or convenience, to
10 the safe taking off, navigation, and landing of aircraft, or the
11 safe and efficient operation or maintenance of an airport, and any
12 combination of any or all of such facilities-i

13 ~~(c)~~ 3. "Airport hazard" means any structure, object of natural
14 growth, or use of land which obstructs the airspace required for the
15 flight of aircraft in landing or taking off at an airport or is
16 otherwise hazardous to such landing or taking off of aircraft-i

17 ~~(d)~~ 4. "Helipad" means a small designated area, usually with a
18 prepared surface, on a heliport, airport, landing or takeoff area,
19 apron or ramp, or movement area used for takeoff, landing or parking
20 of helicopters-i

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

1 ~~(f)~~ 6. "Municipality" means any county, city, or town of this
2 state. "Municipal" means pertaining to a municipality as herein
3 defined~~;~~;

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

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

11 9. "VTOL aircraft" means an aircraft which has vertical takeoff
12 and landing capability.

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

15 Section 65.2. ~~(a)~~ A. Establishment, Operation, Land
16 Acquisition. Every municipality is authorized, out of any
17 appropriations or other monies made available for such purpose, to
18 plan, establish, develop, construct, enlarge, improve, maintain,
19 equip, operate, regulate, protect and police airports, vertiports,
20 and air navigation facilities, either within ~~or without~~ the
21 territorial limits of such municipality ~~and or~~ within ~~or without~~ the
22 territorial boundaries of this state, including the construction,
23 installation, equipment, maintenance and operation at such airports
24 of buildings and other facilities for the servicing of aircraft or

1 for the comfort and accommodation of air travelers, and the purchase
2 and sale of supplies, goods and commodities as an incident to the
3 operation of its airport properties. For such purposes the
4 municipality may use any available property that it may now or
5 hereafter own or control and may, by purchase, gift, devise, lease,
6 eminent domain proceedings or otherwise, acquire property, real or
7 personal, or any interest therein including easements in airport
8 hazards or land outside the boundaries of an airport, vertiport, or
9 airport site as are necessary to permit safe and efficient operation
10 of the airport or vertiport or to permit the removal, elimination,
11 obstruction-marking, or obstruction-lighting of airport hazards or
12 to prevent the establishment of airport hazards.

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

18 ~~(c)~~ C. Establishment of Airports on Public Waters and Reclaimed
19 Lands. For the purposes of ~~this act~~ the Municipal Airports Act, a
20 municipality may establish or acquire and maintain, within or
21 bordering upon the territorial limits of the municipality, airports
22 in, over and upon, any public waters of this state, any submerged
23 lands under such public waters, and any artificial or reclaimed
24 lands which before the artificial making or reclamation thereof

1 constituted a portion of the submerged lands under such public
2 waters; and may construct and maintain terminal building, landing
3 floats, causeways, roadways and bridges for approaches to or
4 connecting with any such airport, and landing floats and breakwaters
5 for the protection thereof.

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

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

13 Section 65.4. Except as may be limited by the terms and
14 conditions of any grant, loan, or agreement pursuant to ~~Section 13~~
15 ~~of this act~~ Section 65.13 of this title, every municipality may by
16 sale, lease or otherwise, dispose of any airport, vertiport, air
17 navigation facility, or other property, or portion thereof or
18 interest therein, acquired pursuant to this act. Such disposal by
19 sale, lease, or otherwise, shall be in accordance with the laws of
20 this state, or provisions of the charter of the municipality,
21 governing the disposition of other property of the municipality,
22 except that in the case of the disposal of another municipality or
23 agency of the state or federal government for aeronautical purposes
24 incident thereto, the sale, lease, or other disposal may be effected

1 in such manner and upon such terms as the governing body of the
2 municipality may deem in the best interest of the municipality.

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

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

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

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

21 3. Making available services to be furnished by the
22 municipality or its agents at such airport, vertiport, air
23 navigation facility, or aircraft maintenance or manufacturing
24 facility. In each case the municipality may establish the terms and

1 conditions and fix the charges, rentals or fees for the privileges
2 or services, which shall be reasonable and uniform for the same
3 class of privilege or service and shall be established with due
4 regard to the property and improvements used and the expenses of
5 operation to the municipality.

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

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

21 Section 65.6. To enforce the payment of any charges for repairs
22 or improvements to or storage or care of, any personal property made
23 or furnished by the municipality or its agents in connection with
24 the operation of an airport, vertiport, or air navigation facility

owned or operated by the municipality, the municipality shall have a lien on such property, which shall be enforceable by the municipality as provided by law.

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

Section 65.7. Any authority vested by ~~this act~~ the Municipal Airports Act in a municipality or in the governing body thereof, for the planning, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of airports, vertiports, or other air navigation facilities established, owned or controlled, or to be established, owned or controlled by the municipality may be vested by resolution of the governing body of the municipality in an officer or board or other municipal agency whose powers and duties shall be prescribed in the resolution; provided, however, that the expense of such planning, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing shall be a responsibility of the municipality.

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

Section 65.8. ~~(a)~~ A. Scope. A municipality, which has established or acquired or which may hereafter establish or acquire an airport, vertiport, or air navigation facility, is authorized to

1 adopt, amend and repeal such reasonable ordinance, resolutions,
2 rules, 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, vertiport,
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)~~ 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,
11 establishing, developing, constructing, enlarging, improving, or
12 equipping, an airport, vertiport, or air navigation facility, or the
13 site therefor, including buildings and other facilities incidental
14 to the operation thereof, and the acquisition or elimination of
15 airport hazards, may be paid for wholly or partly from the proceeds
16 of the sale of bonds or notes of the municipality, as the governing
17 body of the municipality shall determine. For such purposes a
18 municipality may issue general or special obligation bonds, revenue
19 bonds or other forms of bonds or notes, secured or unsecured,
20 including refunding bonds, in the manner and within the limitations
21 prescribed by the laws of this state or the charter of the
22 municipality for the authorization and issuance of bonds or notes
23 thereof for public purposes generally. Any bonds or notes issued by
24 a municipality pursuant to ~~this act~~ the Municipal Airports Act which

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

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

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

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

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

23 ~~(b)~~ B. Agreement. Any two or more public agencies may enter
24 into agreements with each other for joint action pursuant to the

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

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

17 ~~(d)~~ D. Limitations on Joint Board.

18 ~~(1)~~ 1. Expenditures. The total expenditures to be made by the
19 joint board for any purpose in any fiscal year shall be determined
20 by a budget approved by the governing bodies of its constituent
21 public agencies.

22 ~~(2)~~ 2. Acquisitions Beyond Sums Allotted. No airport,
23 vertiport, air navigation facility, airport hazard, or real or
24 personal property, the cost of which is in excess of sums therefor

1 fixed by the joint agreement or allotted in the annual budget, may
2 be acquired by the joint board without the approval of the governing
3 bodies of its constituent public agencies.

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

11 ~~(4)~~ 4. Disposal of Real Property. The joint board shall not
12 dispose of any airport, vertiport, air navigation facility, or real
13 property under its jurisdiction except with the consent of the
14 governing bodies of its constituent public agencies, provided that
15 the joint board may, without such consent, enter into contracts,
16 leases, or other arrangements contemplated by ~~Section 5 of this act~~
17 Section 65.5 of this title.

18 ~~(5)~~ 5. Police Regulations. Any resolutions, rules, regulations
19 or orders of the joint board dealing with subjects authorized by
20 ~~Section 8~~ 65.8 of this ~~act~~ title shall become effective only upon
21 approval of the governing bodies of the constituent public agencies
22 provided that upon such approval, the resolutions, rules,
23 regulations or orders of the joint board shall have the same force
24 and effect in the territories or jurisdictions involved as the

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

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

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

Section 65.16. The acquisition of any land or interest therein pursuant to ~~this act~~ the Municipal Airports Act, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, protection and policing of airports, vertiports, and air navigation facilities,

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

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

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

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

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

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

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

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

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

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

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

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

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

1 8. "Commercial service airport" means an airport meeting the
2 current Federal Aviation Administration definition for commercial
3 service airport;

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

6 10. "Department" means the Oklahoma Department of Aerospace and
7 Aeronautics;

8 11. "Director" means the Director of the Oklahoma Department of
9 Aerospace and Aeronautics;

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

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

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

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

21 16. "Model aircraft" means an aircraft as defined in this
22 section that is mechanically driven or launched into flight and that
23 meets all of the following requirements:
24

1 a. is flown solely for hobby or recreational purposes,
2 and

3 b. is not used for payment, consideration, gratuity or
4 benefit, directly or indirectly charged, demanded,
5 received or collected by any person for the use of the
6 aircraft or any photographic or video image produced
7 by the aircraft;

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

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

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

21 20. "Primary commercial service airport" means an airport
22 meeting the current Federal Aviation Administration definition for
23 primary commercial service airport;

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

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

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

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

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

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

20 27. "VTOL aircraft" means an aircraft which has vertical
21 takeoff and landing capability.

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

1 Section 85. A. The Oklahoma Department of Aerospace and
2 Aeronautics and its Director acting under its authority is empowered
3 and directed to encourage, foster, and assist in the development of
4 aerospace and aeronautics in this state and to encourage the
5 establishment of airports, vertiports, and air navigation
6 facilities. It shall cooperate with and assist the federal
7 government, the municipalities of this state, and other persons in
8 the development of aerospace and aeronautics, and shall seek to
9 coordinate the aeronautical activities of these bodies and persons.
10 Municipalities are authorized to cooperate with the Department in
11 the development of aeronautics and aeronautical facilities in this
12 state.

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

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

21 D. The Department may establish air markers throughout the
22 state.

1 E. The Department may purchase and install roadside signs
2 directing highway traffic to airports, subject to approval of the
3 State Transportation Commission.

4 F. The Department shall:

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

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

9 3. Participate as party plaintiff or defendant or as intervener
10 on behalf of the state or any municipality or citizen thereof in any
11 proceeding which involves the interest of the state in aerospace or
12 aeronautics.

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

18 2. The Department may render financial assistance by grant or
19 loan or both to any municipality or municipalities acting jointly in
20 the planning, acquisition, construction, improvement, maintenance,
21 or operation of an airport, vertiport, or air navigation facility
22 owned or controlled, or to be owned or controlled, by such
23 municipality or municipalities, out of appropriations or other
24 monies made available by the Legislature for such purposes. Such

1 financial assistance may be furnished in connection with federal or
2 other financial aid for the same purposes.

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

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

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

1 like manner the Department may acquire existing airports,
2 vertiports, and air navigation facilities. However, the Department
3 shall not acquire or take over any airport, vertiport, or air
4 navigation facility owned or controlled by a municipality of this or
5 any other state without the consent of such municipality. The
6 Department may, by sale, lease, or otherwise, dispose of any such
7 property, airport, vertiport, air navigation facility, or portion
8 thereof or interest therein. The disposal, by sale, lease, or
9 otherwise, shall be in accordance with the laws of this state
10 governing the disposition of other property of the state, except
11 that, in the case of disposals to any municipality or state
12 government or the United States for aeronautical purposes incident
13 thereto, the sale, lease, or other disposal may be effected in such
14 manner and upon such terms as the Department may deem in the best
15 interest of the state.

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

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

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

7 5. a. In operating an airport, vertiport, or air navigation
8 facility owned or controlled by the state, the
9 Department may enter into contracts, leases, and other
10 arrangements for a term not exceeding twenty-five (25)
11 years with any persons granting the privilege of using
12 or improving such airport, vertiport, or air
13 navigation facility or any portion or facility thereof
14 or space therein for commercial purposes; conferring
15 the privilege of supplying goods, commodities, things,
16 services, or facilities at such airport, vertiport, or
17 air navigation facility; or making available services
18 to be furnished by the Department or its agents at
19 such airport, vertiport, or air navigation facility.
20 In each such case the Department may establish the
21 terms and conditions and fix the charges, rentals, or
22 fees for the privileges or services, which shall be
23 reasonable and uniform for the same class of
24 privileges or services and shall be established with

1 due regard to the property and improvements used and
2 the expenses of operation to the state; provided, that
3 in no case shall the public be deprived of its
4 rightful, equal, and uniform use of the airport,
5 vertiport, air navigation facility, or portion or
6 facility thereof.

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

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

1 such property, which shall be enforceable by the
2 Department as provided by law.

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

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

18 I. The Department may enter into any contracts necessary to the
19 execution of the powers granted it by the Oklahoma Department of
20 Aerospace and Aeronautics Act. All contracts made by the
21 Department, either as the agent of the state or as the agent of any
22 municipality, shall be made pursuant to the laws of the state
23 governing the making of like contracts. When the planning,
24 acquisition, construction, improvement, maintenance, or operation of

1 any airport, vertiport, or air navigation facility is financed
2 wholly or partially with federal monies, the Department as agent of
3 the state or of any municipality may let contracts in the manner
4 prescribed by the federal authorities acting under the laws of the
5 United States and any rules or regulations made thereunder.

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

1 for contempt, as in the case of disobedience of the requirements of
2 a subpoena issued from such court or a refusal to testify therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 16. This act shall become effective November 1, 2024.
21
22
23
24

1 Passed the Senate the 4th day of March, 2024.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

7
8 _____
9 Presiding Officer of the House
10 of Representatives