

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1912

By: Haste

4  
5  
6 AS INTRODUCED

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

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

30 SECTION 1. AMENDATORY 3 O.S. 2021, Section 65.1, is  
31 amended to read as follows:

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

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;i

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

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

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

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

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

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

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

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

20 Section 65.16. The acquisition of any land or interest therein  
21 pursuant to ~~this act~~ the Municipal Airports Act, the planning,  
22 acquisition, establishment, development, construction, improvement,  
23 maintenance, equipment, operation, regulation, protection and  
24 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:

- 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.

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