

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

February 17, 2025

SENATE BILL NO. 730

By: Hines of the Senate

and

Miller of the House

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

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

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

Section 85. A. The Oklahoma Department of Aerospace and Aeronautics and its Director acting under its authority is empowered and directed to encourage, foster, and assist in the development of aerospace and aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall

1 cooperate with and assist the federal government, the municipalities
2 of this state, and other persons in the development of aerospace and
3 aeronautics, and shall seek to coordinate the aeronautical
4 activities of these bodies and persons. Municipalities are
5 authorized to cooperate with the Department in the development of
6 aeronautics and aeronautical facilities in this state.

7 B. The Department may organize and administer an aerospace and
8 aviation education program in cooperation with the schools,
9 colleges, and for the general public, and may prepare and conduct
10 voluntary flight clinics for airmen and issue such bulletins and
11 publications as may be required. This program shall be known and
12 may be cited as the "AeroSPACE Program" or "Aero Student Pathways
13 for Aerospace Careers and Education". This program shall be a
14 partnership with primary, secondary, career technology, and higher
15 education providers to respond to the workforce needs of the
16 aviation and aerospace industry by promoting and organizing quality
17 curriculum, enhanced classroom instruction, and research-based
18 educational programs. The AeroSPACE Program shall collaborate with
19 industry and act as the facilitator for the collection and sharing
20 of information, development and implementation of activities, and
21 the dissemination of resources concerning aerospace education with
22 the primary goal being to establish a common statewide strategy for
23 implementing aerospace educational curriculum initiatives to better
24 prepare students for an aviation and aerospace career. The Oklahoma

1 Aeronautics Commission may employ established program processes or
2 contract with other qualified entities to operate the AeroSPACE
3 Program. The Oklahoma Aeronautics Commission may accept funding
4 that includes, but is not limited to, donations, contractual
5 arrangements, in-kind services, federal or state appropriations, and
6 grants.

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

10 D. The Department may establish air markers throughout the
11 state.

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

15 F. The Department shall:

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

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

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

24

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

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

22 3. The Department shall involve public input during the
23 development of the five-year Airport Construction Program each year
24

1 and coordinate and receive input from the airports within the
2 statewide airport system plan.

3 4. The Department shall set realistic project delivery
4 schedules across the five-year window of the Airport Construction
5 Program to maintain the integrity of the Program and to minimize air
6 transportation disruptions.

7 H. 1. The Department may, insofar as is reasonably possible,
8 make available its engineering and other technical services to any
9 municipality or person desiring them in connection with the
10 planning, acquisition, construction, improvement, maintenance, or
11 operation of airports or navigation facilities.

12 2. The Department may render financial assistance by grant or
13 loan or both to any municipality or municipalities acting jointly in
14 the planning, acquisition, construction, improvement, maintenance,
15 or operation of an airport owned or controlled, or to be owned or
16 controlled, by such municipality or municipalities, out of
17 appropriations or other monies made available by the Legislature for
18 such purposes. Such financial assistance may be furnished in
19 connection with federal or other financial aid for the same
20 purposes. A project must have been included in the five-year
21 Airport Construction Program and be at an airport that is included
22 in the most current version of the statewide airport system plan to
23 receive financial assistance.

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

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

1 take over any airport or air navigation facility owned or controlled
2 by a municipality of this or any other state without the consent of
3 such municipality. The Department may, by sale, lease, or
4 otherwise, dispose of any such property, airport, air navigation
5 facility, or portion thereof or interest therein. The disposal, by
6 sale, lease, or otherwise, shall be in accordance with the laws of
7 this state governing the disposition of other property of the state,
8 except that, in the case of disposals to any municipality or state
9 government or the United States for aeronautical purposes incident
10 thereto, the sale, lease, or other disposal may be effected in such
11 manner and upon such terms as the Department may deem in the best
12 interest of the state.

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

22 3. Nothing contained in the Oklahoma Department of Aerospace
23 and Aeronautics Act shall be construed to limit any right, power, or
24

1 authority of the state or a municipality to regulate airport hazards
2 by zoning.

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

5 5. a. In operating an airport or air navigation facility
6 owned or controlled by the state, the Department may
7 enter into contracts, leases, and other arrangements
8 for a term not exceeding twenty-five (25) years with
9 any persons granting the privilege of using or
10 improving such airport or air navigation facility or
11 any portion or facility thereof or space therein for
12 commercial purposes; conferring the privilege of
13 supplying goods, commodities, things, services, or
14 facilities at such airport or air navigation facility;
15 or making available services to be furnished by the
16 Department or its agents at such airport or air
17 navigation facility.

18 In each such case the Department may establish the
19 terms and conditions and fix the charges, rentals, or
20 fees for the privileges or services, which shall be
21 reasonable and uniform for the same class of
22 privileges or services and shall be established with
23 due regard to the property and improvements used and
24 the expenses of operation to the state; provided, that

1 in no case shall the public be deprived of its
2 rightful, equal, and uniform use of the airport, air
3 navigation facility or portion or facility thereof.

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

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

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

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

15 ~~I.~~ J. The Department may enter into any contracts necessary to
16 the execution of the powers granted it by the Oklahoma Department of
17 Aerospace and Aeronautics Act. All contracts made by the
18 Department, either as the agent of the state or as the agent of any
19 municipality, shall be made pursuant to the laws of the state
20 governing the making of like contracts. When the planning,
21 acquisition, construction, improvement, maintenance, or operation of
22 any airport or air navigation facility is financed wholly or
23 partially with federal monies, the Department as agent of the state
24 or of any municipality may let contracts in the manner prescribed by

1 the federal authorities acting under the laws of the United States
2 and any rules or regulations made thereunder.

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

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

21 ~~K.~~ L. 1. The Department is authorized to confer with or to
22 hold joint hearings with any agency of the United States in
23 connection with any matter arising under the Oklahoma Department of
24

1 Aerospace and Aeronautics Act or relating to the sound development
2 of aerospace and aeronautics.

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

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

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

22 ~~M.~~ N. The Department shall administer an airport inspection
23 program for all public-use airports within this state. The
24 inspection program shall occur on a three-year cycle and shall be

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION
9 February 17, 2025 - DO PASS
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24