

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 2877

By: Montgomery

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5
6 AS INTRODUCED

7 An Act relating to agency consolidation; creating the
8 Department of Transportation and Oklahoma Aeronautics
9 Commission Reform Act; consolidating the Oklahoma
10 Aeronautics Commission and the Department of
11 Transportation; providing for interpretation of
12 certain statutory references; transferring personnel,
13 funds, records, encumbrances, equipment, and other
14 items; providing requirements pertaining to transfer
15 of employees; providing for transition coordinators
16 and a transition team; providing duties of the
17 transition team; amending 3 O.S. 2011, Section 81,
18 Section 82, Section 84, as amended by Section 20,
19 Chapter 304, O.S.L. 2012, Section 85, as amended by
20 Section 1, Chapter 138, O.S.L. 2017, and Section 85.1
21 (3 O.S. Supp. 2017, Sections 84 and 85), which relate
22 to the Oklahoma Aeronautics Commission Act; modifying
23 name of act; eliminating references to the Oklahoma
24 Aeronautics Commission; modifying agency vested with
authority; modifying definitions; eliminating the
Oklahoma Aeronautics Commission, and related
appointments, powers, and salary; eliminating the
Director of Aeronautics and related appointment
process and duties; eliminating required provision of
office space by certain entity; vesting certain
powers and duties in the Transportation Commission;
authorizing the Transportation Commission to act
through the Department of Transportation as needed;
modifying fund reference; amending 3 O.S. 2011,
Section 85.3, as amended by Section 1, Chapter 343,
O.S.L. 2013 (3 O.S. Supp. 2017, Section 85.3), which
relates to the Aerospace and Defense Development Act
of 2013; modifying agency vested with authority;
amending 3 O.S. 2011, Section 90, which relates to
construction and repair of airports; modifying agency
vested with authority; amending 3 O.S. 2011, Section

1 91, as last amended by Section 4, Chapter 331, O.S.L.
2 2017 (3 O.S. Supp. 2017, Section 91), which relates
3 to the Oklahoma Aeronautics Commission Revolving
4 Fund; modifying fund name; modifying agency
5 authorized to access fund; amending 3 O.S. 2011,
6 Section 92, which relates to leasing certain of
7 state-owned lands; modifying agency vested with
8 authority; amending 3 O.S. 2011, Section 93, which
9 relates to disposition of certain funds; modifying
10 fund reference; amending 3 O.S. 2011, Section 102.1,
11 which relates to permitting construction of certain
12 structures; modifying agency vested with authority;
13 amending 3 O.S. 2011, Section 116, which relates to
14 airport zoning codes; modifying agency vested with
15 authority; amending 3 O.S. 2011, Sections 120.1 and
16 120.2, as amended by Sections 1 and 2, Chapter 32,
17 O.S.L. 2017 (3 O.S. Supp. 2017, Sections 120.1 and
18 210.2), which relate to the Aircraft Pilot and
19 passenger Protection Act; modifying agency vested
20 with authority; modifying definition; amending
21 Section 1, Chapter 354, O.S.L. 2014 (3 O.S. Supp.
22 2017, Section 121), which relates to anemometer
23 towers; modifying definition; amending 68 O.S. 2011,
24 Section 500.6a, which relates to the apportionment of
certain motor fuel taxes; modifying fund reference;
clarifying language; amending 68 O.S. 2011, Section
6005, as amended by Section 1, Chapter 347, O.S.L.
2015 (68 O.S. Supp. 2017, Section 6005), which
relates to the apportionment aircraft excise taxes;
modifying fund references; amending 69 O.S. 2011,
Section 302, which relates to the membership of the
Transportation Commission; providing for appointment
of two additional members; providing criteria for
eligibility for appointment; clarifying language;
amending 69 O.S. 2011, Section 4004, which relates to
Department of Transportation divisions; authorizing a
Division of Aeronautics; repealing 3 O.S. 2011,
Section 84.2, which relates to Oklahoma Aeronautics
Commission personnel, property, records and funding;
providing for codification; providing for
noncodification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Department of
4 Transportation and Oklahoma Aeronautics Commission Reform Act".

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 84.3 of Title 3, unless there is
7 created a duplication in numbering, reads as follows:

8 A. The Oklahoma Aeronautics Commission is hereby consolidated
9 with the Department of Transportation. Any reference in the
10 Oklahoma Statutes to the Oklahoma Aeronautics Commission shall be
11 deemed to be a reference to the Transportation Commission unless
12 otherwise required by the context of the reference.

13 B. All assets, funds, liabilities, allotments, purchase orders,
14 outstanding financial obligations, encumbrances, records, aircraft,
15 vehicles, equipment and other property of the Oklahoma Aeronautics
16 Commission are hereby transferred to the Department of
17 Transportation.

18 C. Personnel employed by the Oklahoma Aeronautics Commission on
19 November 1, 2018, shall be transferred to the Department of
20 Transportation pursuant to a transition plan implemented pursuant to
21 Section 3 of this act.

22 D. The classified and unclassified employees who are
23 transferred pursuant to this section shall be subject to the
24 following provisions:

1 1. Classified employees shall remain subject to the provisions
2 of the Merit System of Personnel Administration, as provided in the
3 Oklahoma Personnel Act;

4 2. Unclassified employees transferred to the Department of
5 Transportation shall remain in the unclassified service and shall
6 serve at the pleasure of the Director of the Department of
7 Transportation;

8 3. All employees who are transferred pursuant to this act shall
9 retain leave, sick and annual time earned and any retirement and
10 longevity benefits which have accrued during their employment with
11 the state. The salaries of employees who are transferred shall not
12 be reduced as a direct and immediate result of the transfer; and

13 4. If the Transportation Commission should implement a
14 reduction in force, all employees transferred pursuant to this act
15 shall be credited for the time they were employed by the Oklahoma
16 Aeronautics Commission.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 84.4 of Title 3, unless there is
19 created a duplication in numbering, reads as follows:

20 A. The Director of the Department of Transportation and the
21 Director of Aeronautics of Oklahoma shall serve as transition
22 coordinators and shall establish a transition team to coordinate the
23 orderly transfer of duties, personnel, property, funds, and
24 encumbrances from and consolidation of the Oklahoma Aeronautics

1 Commission to the Department of Transportation. Each Director may
2 assign personnel to the transition team from each Director's
3 respective agency as deemed necessary.

4 B. The transition team shall:

5 1. Oversee and administer the orderly transfer of
6 responsibilities, assets, funds, liabilities, allotments, purchase
7 orders, aircraft, vehicles and other property, records, personnel
8 and any outstanding financial obligations or encumbrances to the
9 Department of Transportation from the Oklahoma Aeronautics
10 Commission;

11 2. Review functions currently assigned to or managed by the
12 Oklahoma Aeronautics Commission and the Department of
13 Transportation;

14 3. Establish a plan for the transfer of employees from the
15 Oklahoma Aeronautics Commission to the Department of Transportation.
16 The plan shall include a list of positions to be transferred. The
17 plan also shall include a reduction-in-force plan and a severance
18 benefits plan that conform with the requirements of the State
19 Government Reduction-in-Force and Severance Benefits Act; and

20 4. Take such other action as may be reasonably necessary and
21 appropriate to effectuate the orderly transition of functions as
22 provided by this act.

23 SECTION 4. AMENDATORY 3 O.S. 2011, Section 81, is
24 amended to read as follows:

1 Section 81. This act may be cited as the "Oklahoma Aeronautics
2 ~~Commission~~ Act."

3 SECTION 5. AMENDATORY 3 O.S. 2011, Section 82, is
4 amended to read as follows:

5 Section 82. As used in the Oklahoma Aeronautics ~~Commission~~ Act,
6 unless the context otherwise requires:

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

16 (b) "Aircraft" means any contrivance now known, or hereafter
17 invented, used, or designed for navigation of or flight in the air
18 or airspace.

19 (c) "Airport" means an area of land or water that is used, or
20 intended to be used, for the landing and takeoff of aircraft, and
21 buildings and facilities, if any.

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

3 (e) "Commission" means the ~~Oklahoma Aeronautics~~ Transportation
4 Commission.

5 (f) "Director" means the Director of ~~Aeronautics of Oklahoma~~
6 the Department of Transportation.

7 (g) "State" or "this state" means the State of Oklahoma.

8 (h) "Air navigation facility" means any facility used in,
9 available for use in, or designed for use in, aid of air navigation,
10 including landing areas, any structures, mechanisms, lights,
11 beacons, markers, communicating systems, or other instrumentalities
12 or devices used or useful as an aid, or constituting an advantage or
13 convenience, to the safe taking off, navigation, and landing of
14 aircraft, or the safe and efficient operation or maintenance of an
15 airport, and any combination of any or all of such facilities.

16 (i) "Operation of aircraft" or "operate aircraft" means the
17 use, navigation, or piloting of aircraft in the airspace over this
18 state or upon any airport within this state.

19 (j) "Airman" means any individual who engages, as the person in
20 command, or as pilot, mechanic, or member of the crew, in the
21 navigation of aircraft while under way, and any individual who is
22 directly in charge of the inspection, maintenance, overhauling, or
23 repair of aircraft, aircraft engines, propellers, and appliances.

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1 (k) "Person" means any individual, firm, partnership,
2 corporation, company, association, joint stock association, or body
3 politic; and includes any trustee, receiver, assignee, or other
4 similar representative thereof.

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

11 (m) "Aeronautical hazard" means any structure, object of
12 natural growth, or use of land, which obstructs the airspace
13 required for the flight of aircraft in landing or taking off at an
14 airport that is otherwise hazardous to the operation and navigation
15 of aircraft.

16 (n) "Resources" means services, facilities, funds, equipment,
17 property, personnel, and such other activities as are customarily
18 included within the term.

19 (o) "Helipad" means a small, designated area, usually with a
20 prepared surface, on a heliport, airport, landing or takeoff area,
21 apron or ramp, or movement area used for takeoff, landing or parking
22 of helicopters.

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1 (p) "Helipport" means an area of land, water or structure used
2 or intended to be used for the landing and takeoff of helicopters
3 and includes its buildings and facilities, if any.

4 (q) "Commercial service airport" means an airport meeting the
5 current Federal Aviation Administration definition for commercial
6 service airport.

7 (r) "Primary commercial service airport" means an airport
8 meeting the current Federal Aviation Administration definition for
9 primary commercial service airport.

10 (s) "Reliever airport" means an airport designated by the
11 Federal Aviation Administration as a reliever airport and which
12 provides substantial capacity or instrument training relief to a
13 primary commercial service airport.

14 (t) "General aviation airport" means an airport not meeting the
15 criteria for definition as a commercial service or reliever airport.

16 SECTION 6. AMENDATORY 3 O.S. 2011, Section 84, as
17 amended by Section 20, Chapter 304, O.S.L. 2012 (3 O.S. Supp. 2017,
18 Section 84), is amended to read as follows:

19 Section 84. ~~A. There is hereby created the The Oklahoma~~
20 ~~Aeronautics Commission, which shall be the successor to the Oklahoma~~
21 ~~Aviation Commission created by Section 81 et seq. of this title.~~
22 ~~The Oklahoma Aeronautics Commission shall consist of seven (7)~~
23 ~~members, who shall be appointed by the Governor and who shall~~
24 ~~continue in office, as designated by the Governor at the time of~~

1 ~~appointment, through the last day of the second, third, fourth,~~
2 ~~fifth, sixth, and seventh calendar years, respectively, following~~
3 ~~the passage of this act, with the initial seventh member remaining~~
4 ~~in office until the end of the calendar year 1979. The successors~~
5 ~~of the members initially appointed shall be appointed for terms of~~
6 ~~six (6) years in the same manner as the members originally appointed~~
7 ~~under this act, except that any person appointed to fill a vacancy~~
8 ~~shall be appointed only for the remainder of such term. Each member~~
9 ~~shall serve until the appointment and qualification of a successor.~~
10 ~~One member shall be appointed from each congressional district and~~
11 ~~any remaining members shall be appointed from the state at large.~~
12 ~~However, when congressional districts are redrawn each member~~
13 ~~appointed prior to July 1 of the year in which such modification~~
14 ~~becomes effective shall complete the current term of office and~~
15 ~~appointments made after July 1 of the year in which such~~
16 ~~modification becomes effective shall be based on the redrawn~~
17 ~~districts. Appointments made after July 1 of the year in which such~~
18 ~~modification becomes effective shall be from any redrawn districts~~
19 ~~which are not represented by a board member until such time as each~~
20 ~~of the modified congressional districts are represented by a board~~
21 ~~member. No appointments may be made after July 1 of the year in~~
22 ~~which such modification becomes effective if such appointment would~~
23 ~~result in more than two members serving from the same modified~~

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1 ~~district. To qualify for appointment to the Commission, an~~
2 ~~appointee shall have the following minimum qualifications:~~

3 ~~1. A citizen and bona fide resident of the state;~~

4 ~~2. Three (3) years' experience in aeronautical activities, such~~
5 ~~as general aviation, agricultural aviation, airport management, or~~
6 ~~air carrier operation.~~

7 ~~Members of the Commission shall receive no salary but shall be~~
8 ~~entitled to be reimbursed for necessary travel expenses pursuant to~~
9 ~~the State Travel Reimbursement Act. The members of the Commission~~
10 ~~may be removed by the Governor for inefficiency, neglect of duty, or~~
11 ~~malfeasance in office in the manner provided by law for the removal~~
12 ~~of officers not subject to impeachment.~~

13 ~~B. 1. A Director of Aeronautics shall be appointed by the~~
14 ~~Commission, who shall serve at the pleasure of the Commission. The~~
15 ~~Director shall be appointed with due regard to such person's~~
16 ~~fitness, by aeronautical education and by knowledge of and recent~~
17 ~~practical experience in aeronautics for the efficient dispatch of~~
18 ~~the powers and duties duly vested in and imposed upon the Director.~~
19 ~~The Director shall devote full time to the duties of the office and~~
20 ~~shall not be actively engaged or employed in any other business,~~
21 ~~vocation, or employment, nor shall the Director have any pecuniary~~
22 ~~interest in or any stock in or bonds of any civil aeronautics~~
23 ~~enterprise. The Director shall be reimbursed for all traveling and~~
24 ~~other expenses incurred in the discharge of the official duties of~~

1 ~~the Director, subject to general statutory limitations on such~~
2 ~~expenses as contained in the State Travel Reimbursement Act.~~

3 ~~2. The Director shall be the executive officer of the~~
4 ~~Commission and under its supervision shall administer the provisions~~
5 ~~of this act and rules, regulations, and orders established~~
6 ~~thereunder and all other laws of the state relative to aeronautics.~~
7 ~~The Director shall attend all meetings of the Commission, but shall~~
8 ~~have no vote. The Director shall be in charge of the offices of the~~
9 ~~Commission and responsible to the Commission for the preparation of~~
10 ~~reports and the collection and dissemination of data and other~~
11 ~~public information relating to aeronautics. The Director is hereby~~
12 ~~empowered to execute all contracts entered into by the Commission.~~

13 ~~3. The Commission may, by written order filed in its office,~~
14 ~~delegate to the Director any of the powers or duties vested in or~~
15 ~~imposed upon it by this act. Such delegated powers and duties may~~
16 ~~be exercised by the Director in the name of the Commission.~~

17 ~~4. The Director shall appoint, subject to the approval of the~~
18 ~~Commission, such experts, field and office assistants, clerks, and~~
19 ~~other employees as may be required and authorized for the proper~~
20 ~~discharge of the functions of the Commission.~~

21 ~~C. The Commission shall, within thirty (30) days after its~~
22 ~~appointment, organize, adopt a seal, and make such rules and~~
23 ~~regulations for its administration, not inconsistent herewith, nor~~
24 ~~inconsistent with, or contrary to, any act of the Congress of the~~

1 ~~United States or regulations promulgated or standards established~~
2 ~~pursuant thereto, as it may deem expedient and from time to time~~
3 ~~amend such rules and regulations. At such organizational meeting it~~
4 ~~shall elect from among its members a chair, a vice chair, and a~~
5 ~~secretary, to serve for one (1) year, and annually thereafter shall~~
6 ~~elect such officers, all to serve until their successors are~~
7 ~~appointed and qualified. The Commission shall schedule meetings at~~
8 ~~a convenient time and place as they become necessary. Four (4)~~
9 ~~members shall constitute a quorum, and no action shall be taken by~~
10 ~~less than a majority of the Commission. Special meetings may be~~
11 ~~called as provided by the rules and regulations of the Commission.~~
12 ~~Regular meetings shall be held at the established offices of the~~
13 ~~Commission, but, whenever the convenience of the public or of the~~
14 ~~parties may be promoted, or delay or expense may be prevented, the~~
15 ~~Commission may hold meetings, hearings, or proceedings at any other~~
16 ~~place designated by it. The Commission shall report in writing to~~
17 ~~the Governor on or about January 31 of each year. The report shall~~
18 ~~contain a summary of the proceedings of the Commission during the~~
19 ~~preceding fiscal year, a detailed and itemized statement of all~~
20 ~~revenue and of all expenditures made by or in behalf of the~~
21 ~~Commission, such other information as it may deem necessary or~~
22 ~~useful, and any additional information which may be requested by the~~
23 ~~Governor.~~

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1 ~~D. Suitable office space shall be provided by the Office of~~
2 ~~Management and Enterprise Services for the Commission in the City of~~
3 ~~Oklahoma City, and the Commission may incur the necessary expense~~
4 ~~for office rent, furniture, stationery, printing, incidental~~
5 ~~expenses, and other necessary expenses needed for the administration~~
6 ~~of this act~~ is hereby consolidated with the Department of
7 Transportation. All references in the Oklahoma Statutes to the
8 Oklahoma Aeronautics Commission shall be deemed to be a reference to
9 the Transportation Commission unless otherwise required by the
10 context of the reference.

11 SECTION 7. AMENDATORY 3 O.S. 2011, Section 85, as
12 amended by Section 1, Chapter 138, O.S.L. 2017 (3 O.S. Supp. 2017,
13 Section 85), is amended to read as follows:

14 Section 85. A. The ~~Oklahoma Aeronautics~~ Transportation
15 Commission and its Director acting under its authority, and through
16 the Department of Transportation when necessary, is empowered and
17 directed to encourage, foster, and assist in the development of
18 aeronautics in this state and to encourage the establishment of
19 airports and air navigation facilities. It shall cooperate with and
20 assist the federal government, the municipalities of this state, and
21 other persons in the development of aeronautics, and shall seek to
22 coordinate the aeronautical activities of these bodies and persons.
23 Municipalities are authorized to cooperate with the Commission in
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1 the development of aeronautics and aeronautical facilities in this
2 state.

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

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

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

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

16 F. The Commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 7. The Commission shall grant no exclusive right for the use of
23 any airport or air navigation facility under its jurisdiction. This
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1 shall not be construed to prevent the making of contracts, leases,
2 and other arrangements pursuant to paragraph 5 of this subsection.

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

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

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

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

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

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

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

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

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

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

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

9 SECTION 8. AMENDATORY 3 O.S. 2011, Section 85.1, is
10 amended to read as follows:

11 Section 85.1 ~~The Oklahoma Aeronautics~~ Transportation Commission
12 acting through the Department of Transportation when necessary, is
13 hereby authorized on behalf of and in the name of the state, to
14 accept title to property, real or personal, or any interest therein
15 including easements from any authority, county, municipality or
16 political subdivision thereof. The Commission is further authorized
17 to construct, enlarge, improve, maintain, equip, operate, regulate,
18 protect, and police such property, including the construction,
19 installation, equipping, maintenance, and operation of airports,
20 buildings and other facilities for the servicing of aircraft or for
21 the comfort and accommodation of air travelers. Any property
22 accepted pursuant to this section shall be in accordance with and
23 subject to Section 82 et seq. of Title 3 of the Oklahoma Statutes.

24

1 SECTION 9. AMENDATORY 3 O.S. 2011, Section 85.3, as
2 amended by Section 1, Chapter 343, O.S.L. 2013 (3 O.S. Supp. 2017,
3 Section 85.3), is amended to read as follows:

4 Section 85.3 A. This act shall be known and may be cited as
5 the "Aerospace and Defense Development Act of 2013".

6 B. There is hereby created within the ~~Oklahoma Aeronautics~~
7 ~~Commission~~ Department of Transportation, the Center for Aerospace
8 and Defense Supplier Quality (CADSQ), and the Oklahoma Aerospace
9 Institute (OAI) whose purpose shall be to create a partnership of
10 service providers to more effectively respond to the needs of the
11 aviation, aerospace and defense industries in the areas of education
12 and training, research, and economic development. The CADSQ and OAI
13 will focus available resources to promote cooperation and
14 collaboration among businesses, manufacturers, military
15 installations, commercial aviation, educational institutions,
16 nonprofit research institutions, and state government for the
17 purpose of strengthening the economy of the State of Oklahoma.
18 Contingent upon the availability of funds, the ~~Oklahoma Aeronautics~~
19 ~~Commission~~ Department of Transportation may employ established
20 program processes or may contract with other qualified entities to
21 operate the CADSQ and the OAI.

22 C. The CADSQ is designed to serve as a conduit between the
23 aviation, aerospace and defense industries in Oklahoma, as well as
24

1 commercial and military aviation, to promote quick response to
2 opportunities that will:

3 1. Increase contracts between companies in the aviation,
4 aerospace and defense industries in Oklahoma and the Department of
5 Defense and its prime contractors;

6 2. Create and retain more high-wage, high-skill jobs;

7 3. Strengthen collaborations between businesses and aviation,
8 aerospace and defense interests;

9 4. Reduce the flow of federal defense contract dollars out-of-
10 state;

11 5. Expand the aviation, aerospace and defense industries in
12 Oklahoma;

13 6. Provide engineering and technical assistance;

14 7. Provide more suppliers for Oklahoma military installations
15 and the aviation, aerospace and defense industries; and

16 8. Reduce costs for the Department of Defense and Oklahoma
17 military installations, and increase the competitiveness of
18 aviation, aerospace and defense businesses in Oklahoma.

19 D. In order to streamline the use of resources with the goal of
20 eliminating duplication of efforts, the OAI shall act as a
21 clearinghouse of information and activities concerning the aviation,
22 aerospace and defense industries. The OAI will provide a focal
23 point to coordinate the plans and activities of state agencies, task
24 forces, departments, boards, commissions, and other entities that

1 have responsibilities or duties regarding the aviation, aerospace
2 and defense industries with the goal of eliminating duplication of
3 effort.

4 E. The OAI shall create a partnership of education and training
5 providers to meet the specific needs of the aviation, aerospace and
6 defense industries to build a credentialed work force for the
7 future. Participating educational institutions shall act
8 cooperatively to create complementary activities.

9 F. The OAI shall include a center for applied research and will
10 primarily undertake applied research, development and technology
11 transfer that have long-term potential for commercial development.
12 The center shall build upon institutional strengths and conduct
13 activity in areas of research in which the participating research
14 institutions and businesses have achieved or have true promise of
15 attaining a standard of excellence in applied research and
16 development.

17 G. The OAI shall support and foster the growth of the aviation,
18 aerospace and defense industries. The OAI shall acquire aerospace
19 executive expertise and provide consulting services to the aviation,
20 aerospace and defense industries, government agencies and
21 organizations across the State of Oklahoma in order to strengthen
22 the policy framework, economic development initiatives and
23 activities of the state.

24

1 H. The OAI may accept funding that includes, but is not limited
2 to:

- 3 1. Monetary contributions;
- 4 2. Contractual arrangements;
- 5 3. In-kind services;
- 6 4. Federal- and state-appropriated dollars;
- 7 5. Private and public foundation grants; and
- 8 6. Fee-for-service products.

9 SECTION 10. AMENDATORY 3 O.S. 2011, Section 89, is
10 amended to read as follows:

11 Section 89. The powers and duties of the Oklahoma Planning and
12 Resources Board relating to aviation as prescribed by 3 O.S. 1961,
13 Section 25, are hereby transferred to and vested in the ~~Oklahoma~~
14 ~~Aeronautics~~ Transportation Commission.

15 SECTION 11. AMENDATORY 3 O.S. 2011, Section 90, is
16 amended to read as follows:

17 Section 90. In order to assure a safe and adequate system of
18 airports within this state:

- 19 1. In every county wherein there is no active airport, the
20 ~~Oklahoma Aeronautics~~ Transportation Commission is authorized to
21 construct within such county or a municipality located therein or
22 upon land owned by the federal government but under the active
23 control of the state, county or a municipality located within such
24

1 county a runway of not less than two thousand six hundred (2,600)
2 feet in length and to repair, maintain and hardsurface such runway.

3 2. In each county wherein there already exists an active
4 airport owned by such county or a municipality located therein or
5 upon land owned by the federal government but under the active
6 control of the state, county or a municipality located within such
7 county, but there does not exist within such county a hardsurfaced
8 runway of at least two thousand six hundred (2,600) feet in length,
9 the ~~Oklahoma Aeronautics~~ Commission may construct upon such lands as
10 those described in paragraph 1 of this section a runway of not less
11 than two thousand six hundred (2,600) feet and may repair, maintain
12 and hardsurface such runway, or may, where sufficient land is
13 available for such purpose, expand such existing airport to a length
14 of two thousand six hundred (2,600) feet and may thereupon repair,
15 maintain and hardsurface the entire runway.

16 3. During the fiscal year in which federal funds are available
17 under the Federal Airport Program for development or improvement of
18 a state, county or city owned or controlled airport, the ~~Oklahoma~~
19 ~~Aeronautics~~ Commission shall be prohibited from performing any
20 construction or major repair work upon such airstrip unless and
21 until such federal funds have been available for such purpose.

22 4. The ~~Oklahoma Aeronautics~~ Commission, in any county where no
23 airport containing two thousand six hundred (2,600) feet or more
24

1 runway exists, is authorized to accept gifts of land to be used for
2 a county airport and of money to be used to acquire an airport.

3 5. The ~~Oklahoma Aeronautics~~ Commission is further authorized to
4 accept federal grants for construction, repair, maintenance and
5 other purposes not inconsistent with the provisions of this section
6 and to utilize machinery and material for the purpose of matching
7 available federal funds and grants.

8 SECTION 12. AMENDATORY 3 O.S. 2011, Section 91, as last
9 amended by Section 4, Chapter 331, O.S.L. 2017 (3 O.S. Supp. 2017,
10 Section 91), is amended to read as follows:

11 Section 91. There is hereby created in the State Treasury a
12 revolving fund for the ~~Oklahoma Aeronautics Commission~~ Department of
13 Transportation to be designated as the Oklahoma Aeronautics
14 ~~Commission~~ Revolving Fund. The fund shall be a continuing fund, not
15 subject to fiscal year limitations, and shall consist of a monthly
16 allocation by the Oklahoma Tax Commission of Three Thousand Dollars
17 (\$3,000.00) from the motor fuel excise tax levied and collected
18 pursuant to the provisions of Title 68 of the Oklahoma Statutes,
19 such amount being a part of the estimated amount of tax paid on
20 gasoline consumed by engines to propel aircraft in Oklahoma, sale of
21 surplus property, fees and receipts collected pursuant to the
22 Oklahoma Open Records Act, donations, gifts, bequests, contribution,
23 devices, interagency reimbursements, federal funds unless otherwise
24 provided by federal law or regulation, sale of leases and aircraft

1 registration fees and taxes, fees authorized by Section 1135.5 of
2 Title 47 of the Oklahoma Statutes or any other source. All monies
3 accruing to the fund are hereby appropriated and may be budgeted and
4 expended by the ~~Oklahoma Aeronautics Commission~~ Department of
5 Transportation for airport construction and rehabilitation programs,
6 general operations of the agency, for promoting the awareness of
7 aviation and aerospace, and providing financial support for aviation
8 education programs to address the need for a skilled and competent
9 aviation workforce. Expenditures from the fund shall be made upon
10 warrants issued by the State Treasurer against claims filed as
11 prescribed by law with the Director of the Office of Management and
12 Enterprise Services for approval and payment.

13 SECTION 13. AMENDATORY 3 O.S. 2011, Section 92, is
14 amended to read as follows:

15 Section 92. The ~~Oklahoma Aeronautics~~ Transportation Commission,
16 acting through the Department of Transportation when necessary, is
17 hereby authorized and empowered to offer for sale, sell and execute
18 oil and gas leases, and other mineral and mining leases, and
19 agricultural leases on any of the lands of the State of Oklahoma
20 under the control and supervision of said Commission, provided, the
21 development of said land for the purpose leased will not unduly
22 interfere with the aeronautical purpose for which said land is being
23 used by the state. Said Commission is hereby given authority to
24 adopt and promulgate such additional rules and regulations, not

1 inconsistent herewith, as it may deem necessary and for the best
2 interest of the state in facilitating the sale of said leases. It
3 shall be the duty of the Director of the ~~Oklahoma Aeronautics~~
4 ~~Commission~~ Department of Transportation to execute said leases for
5 and in behalf of said Commission, and said Director shall be liable
6 on his official bond for failure to faithfully discharge his duties
7 hereunder. The sales of all oil, gas and mineral leases shall be
8 made upon the basis of a retained royalty of not less than one-
9 eighth (1/8) of all oil, gas, casinghead gas, and other minerals
10 produced from the lands covered by said leases and such additional
11 cash bonus as may be procured. Provided, however, if the state owns
12 less than one hundred percent (100%) of the oil, gas, casinghead gas
13 and other minerals covered by any such lease, the royalty retained
14 shall not be less than one-eighth (1/8) of the mineral interest so
15 owned. All oil, gas, mineral and agricultural leases shall be sold
16 only after advertisement for a period of three (3) weeks in a legal
17 newspaper published and of general circulation in the county in
18 which said lands are located. Said sale shall be made to the
19 highest and best bidder and all bids shall be in sealed envelopes
20 and opened and considered at the same time.

21 SECTION 14. AMENDATORY 3 O.S. 2011, Section 93, is
22 amended to read as follows:

23 Section 93. All money derived from the sale of said leases, and
24 from any royalties subsequently accruing, shall be deposited in the

1 State Treasury and credited to the Oklahoma Aeronautics ~~Commission~~
2 Revolving Fund, and said money may be expended in the same manner
3 and for the purposes as other money in said fund is authorized to be
4 expended.

5 SECTION 15. AMENDATORY 3 O.S. 2011, Section 102.1, is
6 amended to read as follows:

7 Section 102.1 A. In order to prevent the erection of
8 structures dangerous to air navigation, subject to the provisions of
9 subsections B, C and D of this section, each person shall secure
10 from the local airport zoning authority, or in the absence of a
11 local airport zoning authority, the ~~Oklahoma Aeronautics~~
12 Transportation Commission, a permit for the erection, alteration, or
13 modification of any structure the result of which would exceed the
14 federal obstruction standards as contained in 14 CFR, Part 77.
15 Permits from the local airport zoning authority will be required
16 only within an airport hazard area where federal standards are
17 exceeded and if the proposed construction is within:

18 1. A 10-nautical mile radius of the geographical center of a
19 publicly owned or operated airport, a military airport, or an
20 airport open for public use which has a published instrument
21 approach procedure;

22 2. A 6-nautical mile radius of the geographical center of a
23 publicly owned or operated airport, a military airport, or an
24 airport open for public use which has no published instrument

1 approach procedure and has runways in excess of three thousand two
2 hundred (3,200) feet in length; or

3 3. A 2.5-nautical mile radius of the geographical center of a
4 publicly owned or operated airport, a military airport, or an
5 airport open for public use which has no published instrument
6 approach and has runways three thousand two hundred (3,200) feet or
7 less in length.

8 B. Affected airports will be considered as having those
9 facilities which are programmed in the Federal Aviation
10 Administration's Regional Aviation System Plan and will be so
11 protected.

12 C. Permit requirements of subsection A of this section shall
13 not apply to projects which received construction permits from the
14 Federal Communications Commission for structures exceeding federal
15 obstruction standards prior to May 20, 1975; nor shall it apply to
16 previously approved structures now existing, or any necessary
17 replacement or repairs to such existing structures, so long as the
18 height and location is unchanged.

19 D. In determining whether to issue or deny a permit, the local
20 airport zoning authority shall consider:

- 21 1. The nature of the terrain and height of existing structures;
- 22 2. Public and private interests and investments;
- 23 3. The character of flying operations and planned developments
24 of airports;

1 4. Federal airways as designated by the Federal Aviation
2 Administration that lie within the radii described in paragraphs 1
3 through 3 of subsection A of this section;

4 5. Whether the construction of the proposed structure would
5 cause an increase in the minimum descent altitude or the decision
6 height at the affected airport;

7 6. Technological advances;

8 7. The safety of persons on the ground and in the air; and

9 8. Land use density.

10 E. In order to promote the health, safety and welfare of the
11 public and to protect persons and property by promoting safety in
12 aeronautics, the ~~Oklahoma Aeronautics~~ Transportation Commission may
13 review any structure erected, altered, or modified since January 1,
14 1996, in which no permit was secured from the local airport zoning
15 authority because of the absence of a local airport authority. The
16 ~~Oklahoma Aeronautics~~ Commission shall determine whether such
17 structures meet the requirements set forth in this section. If the
18 structures do not meet the requirements as set forth in this
19 section, the ~~Oklahoma Aeronautics~~ Commission may request the owners
20 of such structure to make any necessary modifications to protect the
21 health, safety and welfare of the public, including, but not limited
22 to, altering, marking, mapping, or identifying such structure. The
23 ~~Oklahoma Aeronautics~~ Commission may assist the owner of such

24

1 structure in any manner deemed feasible by the ~~Oklahoma Aeronautics~~
2 Commission.

3 SECTION 16. AMENDATORY 3 O.S. 2011, Section 116, is
4 amended to read as follows:

5 Section 116. The ~~Oklahoma Aeronautics~~ Transportation
6 Commission, acting through the Department of Transportation when
7 necessary, may provide technical assistance to any political
8 subdivision requesting assistance in the preparation of an airport
9 zoning code. A copy of all local airport zoning codes, rules, and
10 regulations, and amendments and proposed and granted variances
11 thereto, shall be filed with the ~~Oklahoma Aeronautics Commission~~
12 Department of Transportation.

13 SECTION 17. AMENDATORY 3 O.S. 2011, Section 120.1, as
14 amended by Section 1, Chapter 32, O.S.L. 2017 (3 O.S. Supp. 2017,
15 Section 120.1), is amended to read as follows:

16 Section 120.1 A. This act shall be known and may be cited as
17 the "Aircraft Pilot and Passenger Protection Act".

18 B. It is the intent of this act to:

- 19 1. Regulate obstructions to air navigation that have the
20 potential of endangering the lives and property of aircraft pilots
21 and passengers and those that live or work in the vicinity of
22 public-use airports; that may affect existing and future instrument
23 approaches to a public-use airport; and that may reduce the size of
24 areas available for the landing, takeoff and maneuvering of aircraft

1 thus impairing the utility of a public-use airport and the public
2 investment therein;

3 2. Regulate the use of land in close proximity to a public-use
4 airport to ensure compatibility with aircraft operations; and

5 3. Provide specific powers and duties to the ~~Oklahoma~~
6 ~~Aeronautics~~ Transportation Commission in the interest of the health,
7 safety and welfare of the public so that the state may properly
8 fulfill its duty to ensure that land use around a public-use airport
9 is compatible with normal airport operations including the landing
10 and takeoff of aircraft.

11 C. All heights or surfaces set forth in this act are from the
12 standards set forth in Subpart C of Federal Aviation Regulations
13 (FAR) Part 77.

14 D. Depending upon the type of survey used, an adjustment will
15 be made in accordance with Federal Aviation Administration standards
16 to the horizontal and vertical measurements of the proposed
17 structure as follows:

18	Survey	Horizontal	Survey	Vertical
19	Type	Adjustment	Type	Adjustment
20	1	±20 ft (6 m)	A	+3 ft (1 m)
21	2	±50 ft (15 m)	B	+10 ft (3 m)
22	3	±100 ft (30 m)	C	+20 ft (6 m)
23	4	±250 ft (75 m)	D	+50 ft (15 m)
24	5	±500 ft (150 m)	E	+125 ft (38 m)

1 If the survey type (horizontal and vertical) is not certified by
2 a licensed engineer or a licensed surveyor, a horizontal adjustment
3 of plus or minus two hundred fifty (250) feet and a vertical
4 adjustment of fifty (50) feet will be applied to the structure
5 measurements.

6 E. This act shall neither prevent nor preempt a municipality
7 from having ordinances or regulations governing land use that may
8 affect public-use airports.

9 SECTION 18. AMENDATORY 3 O.S. 2011, Section 120.2, as
10 amended by Section 2, Chapter 32, O.S.L. 2017 (3 O.S. Supp. 2017,
11 Section 120.2), is amended to read as follows:

12 Section 120.2 As used in the Aircraft Pilot and Passenger
13 Protection Act:

14 1. "Airport reference point" is the geometrical center of all
15 usable runways;

16 2. "Airport elevation" is the highest point of an airport's
17 usable runways measured in feet from mean sea level;

18 3. "Approach surface" is an imaginary surface shaped like a
19 trapezoid:

- 20 a. longitudinally centered on the extended runway
21 centerline at a public-use airport,
- 22 b. beginning two hundred (200) feet beyond the end of
23 each runway pavement and at the runway end elevation,
24

1 c. having an inner-edge width of one thousand (1,000)
2 feet expanding outward uniformly to a width of sixteen
3 thousand (16,000) feet at the outer edge, and

4 d. sloping upward for a distance of ten thousand (10,000)
5 feet at a slope of fifty (50) to one (1), with an
6 additional forty thousand (40,000) feet at a slope of
7 forty (40) to one (1);

8 4. "Commission" means the ~~Oklahoma Aeronautics~~ Transportation
9 Commission ~~or a successor agency~~;

10 5. "Conical surface" is an imaginary surface extending outward
11 and upward from the periphery of the horizontal surface at a slope
12 of twenty (20) to one (1) for a horizontal distance of four thousand
13 (4,000) feet;

14 6. "FAA" means the Federal Aviation Administration or a
15 successor agency to the Federal Aviation Administration;

16 7. "Horizontal surface" is an imaginary horizontal plane one
17 hundred fifty (150) feet above the established airport elevation,
18 the perimeter of which is constructed by swinging arcs of ten
19 thousand (10,000) feet radii from a point located on the extended
20 runway centerline two hundred (200) feet beyond each end of runway
21 pavement and connecting the adjacent arcs by lines tangent to those
22 arcs;

23 8. "Incompatible purpose" means the use of a building,
24 structure or area as a residence, educational center (including all

1 types of primary and secondary schools, preschools, and child-care
2 facilities), place of worship, place of public assembly, hospital,
3 medical inpatient treatment facility, nursing/convalescent home,
4 retirement home, transportation facility, storage facility,
5 aboveground utility facility or similar use;

6 9. "Legal representative" means a person who is authorized to
7 legally bind an entity;

8 10. "Permit" means a permit issued by the Commission under this
9 act;

10 11. "Person" means an individual, firm, partnership,
11 corporation, association, or body politic and includes a trustee,
12 receiver, assignee, or other similarly authorized representative of
13 any of them;

14 12. "Primary surface" is a surface longitudinally centered on a
15 runway. When the runway has a specially prepared hard surface, the
16 primary surface extends two hundred (200) feet beyond each end of
17 that runway; but when the runway has no specially prepared hard
18 surface, or planned hard surface, the primary surface ends at each
19 end of that runway. The elevation of any point on the primary
20 surface is the same as the elevation of the nearest point on the
21 runway centerline. The width of the primary surface is one thousand
22 (1,000) feet;

23 13. "Public-use airport" means a structure or an area of land
24 or water that is designed and set aside for the landing and taking

1 off of aircraft, is utilized or to be utilized by and in the
2 interest of the public for the landing and taking off of aircraft
3 and is identified by the FAA as a public-use airport. Public-use
4 airport shall include any military airport operated by a branch of
5 the armed services of the United States government. Public-use
6 airport shall not include any privately owned airport for private
7 use as identified by the FAA, or any airport owned by a municipality
8 with a population exceeding five hundred thousand (500,000)
9 according to the most recent Federal Decennial Census;

10 14. "Runway" means the portion of an airport designated as the
11 area used for the landing or takeoff of aircraft;

12 15. "Runway protection zone" is a trapezoidal zone centered
13 along the extended runway centerline, beyond each end of the primary
14 surface, two thousand five hundred (2,500) feet long, with an inner
15 width of one thousand (1,000) feet and an outer width of one
16 thousand seven hundred fifty (1,750) feet. The function of the
17 runway protection zone is to enhance the protection of people and
18 property on the ground;

19 16. "Structure" means any constructed or installed object
20 including, but not limited to, buildings, towers, wind turbines,
21 smokestacks, electronic transmission or receiving towers, and
22 antennae and overhead transmission lines. The term does not
23 include:
24

- 1 a. any aviation navigational aids that are fixed by
2 function, or
3 b. any construction or installed object on property owned
4 by the federal government; and

5 17. "Total structure height" means the elevation of the ground
6 above mean sea level at the structure's location, plus the height of
7 the structure above ground level in feet, plus the applicable survey
8 type adjustment provided the survey adjustment is in accordance with
9 Federal Aviation Administration standards.

10 SECTION 19. AMENDATORY Section 1, Chapter 354, O.S.L.

11 2014 (3 O.S. Supp. 2017, Section 121), is amended to read as
12 follows:

13 Section 121. A. For purposes of this section:

14 1. "Anemometer" means an instrument for measuring and recording
15 wind speed;

16 2. "Anemometer tower" means a structure, including all guy
17 wires and accessory facilities, on which an anemometer is mounted,
18 that is fifty (50) feet in height above the ground or higher, is not
19 located within the boundaries of a municipality, and whose
20 appearance is not otherwise regulated by state or federal law; and

21 3. "Commission" means the ~~Oklahoma Aeronautics~~ Transportation
22 Commission.

23 B. In addition to any zoning requirements of the Airport Zoning
24 Act or the Aircraft Pilot and Passenger Protection Act, the

1 Commission shall promulgate rules regulating the appearance of
2 anemometer towers to ensure that anemometer towers are clearly
3 recognizable in clear air during daylight hours according to the
4 following guidelines:

5 1. The Commission shall consider the best method for making
6 anemometer towers visible, including but not limited to painting,
7 flagging, or marking the towers and guy wires; and

8 2. Any rule promulgated pursuant to this section may apply
9 immediately, upon adoption, to anemometer towers constructed after
10 the date of adoption; however, anemometer towers constructed prior
11 to the date of adoption of the rule shall be exempt from the rule
12 for one (1) year from the date of adoption.

13 C. The Commission shall establish and maintain a database
14 containing the location of all anemometer towers by November 1,
15 2015. The Commission may contract with a governmental entity or
16 private entity to create and maintain the database.

17 D. The Commission shall promulgate rules requiring an owner of
18 an anemometer tower to provide the Commission with information
19 specifying the location and height of the tower, and any other
20 information the Commission may require to ensure aviation safety.

21 E. The Commission shall promulgate rules requiring any person
22 proposing to construct an anemometer tower to notify the Commission
23 of such proposal. The Commission shall require the owner of the
24 proposed tower to provide the Commission with information specifying

1 the location and height of the tower, and any other information the
2 Commission may require to ensure aviation safety.

3 F. The Commission shall promulgate rules by requiring the owner
4 of an anemometer tower to notify the Commission upon removal or
5 destruction of an anemometer tower.

6 G. The Commission shall have the authority to promulgate rules
7 and implement administrative penalties to enforce the provisions of
8 this act.

9 H. Violations of this act are prohibited.

10 SECTION 20. AMENDATORY 68 O.S. 2011, Section 500.6a, is
11 amended to read as follows:

12 Section 500.6a All revenue from the tax of eight one-hundredths
13 of one cent (\$0.0008) per gallon imposed pursuant to the provisions
14 of subsection B of Section 500.4 of Title 68 of the Oklahoma
15 Statutes, and penalties and interest thereon, collected by the
16 Oklahoma Tax Commission shall be apportioned and distributed monthly
17 ~~as follows:~~

18 ~~1. For the fiscal year beginning July 1, 1999, one-third shall~~
19 ~~be paid to the State Treasurer and placed to the credit of the~~
20 ~~Oklahoma Aeronautics Commission Revolving Fund and two-thirds shall~~
21 ~~be apportioned pursuant to the provisions of Section 500.6 of Title~~
22 ~~68 of the Oklahoma Statutes;~~

23 ~~2. For the fiscal year beginning July 1, 2000, two-thirds shall~~
24 ~~be paid to the State Treasurer and placed to the credit of the~~

1 ~~Oklahoma Aeronautics Commission Revolving Fund and one-third shall~~
2 ~~be apportioned pursuant to the provisions of Section 500.6 of Title~~
3 ~~68 of the Oklahoma Statutes; and~~

4 3. ~~For~~ for the fiscal year beginning July 1, 2001, and for each
5 fiscal year thereafter, all such revenue shall be paid to the State
6 Treasurer and placed to the credit of the Oklahoma Aeronautics
7 ~~Commission~~ Revolving Fund.

8 SECTION 21. AMENDATORY 68 O.S. 2011, Section 6005, as
9 amended by Section 1, Chapter 347, O.S.L. 2015 (68 O.S. Supp. 2017,
10 Section 6005), is amended to read as follows:

11 Section 6005. A. For fiscal years beginning prior to July 1,
12 1999, all revenues derived pursuant to the provisions of Sections
13 6001 through 6007 of this title shall be paid monthly by the
14 Oklahoma Tax Commission to the State Treasurer and placed to the
15 credit of the General Revenue Fund to be paid out pursuant to direct
16 appropriation by the Legislature.

17 B. 1. For the fiscal year beginning July 1, 1999, fifty
18 percent (50%) of all revenues derived pursuant to the provisions of
19 Sections 6001 through 6007 of this title shall be paid monthly by
20 the Tax Commission to the State Treasurer and placed to the credit
21 of the General Revenue Fund to be paid out pursuant to direct
22 appropriation by the Legislature, and fifty percent (50%) of the
23 revenues shall be placed to the credit of the Oklahoma Aeronautics
24 ~~Commission~~ Revolving Fund.

1 2. For fiscal year 2001 through fiscal year 2015, one hundred
2 percent (100%) of the revenues derived pursuant to the provisions of
3 Sections 6001 through 6007 of this title shall be paid monthly by
4 the Tax Commission to the State Treasurer and shall be placed to the
5 credit of the Oklahoma Aeronautics ~~Commission~~ Revolving Fund.

6 3. For the fiscal year beginning July 1, 2015, and for each
7 fiscal year thereafter, the first Four Million Five Hundred Thousand
8 Dollars (\$4,500,000.00) of the revenues each fiscal year derived
9 pursuant to the provisions of Sections 6001 through 6007 of this
10 title shall be paid by the Tax Commission to the State Treasurer and
11 placed to the credit of the Oklahoma Aeronautics ~~Commission~~
12 Revolving Fund, and all such revenues derived each fiscal year in
13 excess of Four Million Five Hundred Thousand Dollars (\$4,500,000.00)
14 shall be paid by the Tax Commission to the State Treasurer and
15 placed to the credit of the General Revenue Fund to be paid out
16 pursuant to direct appropriation by the Legislature.

17 SECTION 22. AMENDATORY 69 O.S. 2011, Section 302, is
18 amended to read as follows:

19 Section 302.

20 ~~(a)~~ A. The ~~State~~ Transportation Commission shall consist of:
21 ~~one~~

22 1. One member from each of eight districts of the state, such
23 districts to serve as the maintenance districts and to include the
24 area as follows:

1 District 1. Wagoner, Cherokee, Adair, Sequoyah, Muskogee,
2 Okmulgee, McIntosh and Haskell Counties.

3 District 2. Pittsburg, Latimer, LeFlore, McCurtain, Pushmataha,
4 Atoka, Choctaw, Bryan and Marshall Counties.

5 District 3. Lincoln, Cleveland, McClain, Garvin, Pottawatomie,
6 Okfuskee, Seminole, Hughes, Pontotoc, Coal and Johnston Counties.

7 District 4. Payne, Logan, Canadian, Kingfisher, Garfield,
8 Grant, Kay, Noble and Oklahoma Counties.

9 District 5. Roger Mills, Dewey, Custer, Washita, Beckham,
10 Greer, Kiowa, Harmon, Jackson, Blaine, and Tillman Counties.

11 District 6. Cimarron, Texas, Beaver, Harper, Woods, Alfalfa,
12 Ellis, Major and Woodward Counties.

13 District 7. Carter, Love, Murray, Grady, Comanche, Stephens,
14 Cotton, Caddo and Jefferson Counties.

15 District 8. Osage, Pawnee, Nowata, Creek, Craig, Ottawa,
16 Rogers, Mayes, Delaware, Washington and Tulsa Counties; and

17 2. Two members from the state at large, provided such members
18 shall possess three (3) years of experience in aeronautical
19 activities, such as general aviation, agricultural aviation, airport
20 management, or air carrier operation.

21 ~~(b)~~ B. The members of the Commission shall be appointed by the
22 Governor, by and with the consent of the Senate, such appointment to
23 have full force and effect and to be submitted to the Senate for its
24 confirmation at the first session of the Senate after such

1 appointment is made. No Commissioner shall be entitled to the
2 payment of salary, or to perform any service, until his appointment
3 is confirmed by the Senate, if the Senate then be in session; if the
4 Senate be not in session, then such Commissioner may serve and draw
5 his salary until a special or regular session convenes; and if his
6 appointment is not then confirmed within twenty (20) days, he shall
7 cease to perform such services and cease to draw his salary. Each
8 of the Commissioners thus appointed, unless the appointment was made
9 pursuant to paragraph 2 of subsection A of this section, shall, at
10 the time of his appointment, be a citizen and resident of the
11 district for which he shall have been appointed for at least three
12 (3) years prior to the date of his appointment. Not more than one
13 Commissioner, appointed pursuant to paragraph 1 of subsection A of
14 this section, shall reside in any one district, as defined herein,
15 at any time while serving on the Commission. Each Commissioner thus
16 appointed and confirmed shall, after the first term of office as
17 herein provided, serve for a term of eight (8) years, and unless he
18 is reappointed by the Governor and confirmed by the Senate within
19 twenty (20) legislative days his services are automatically
20 terminated and he shall cease to draw his salary, or any perquisites
21 or emoluments as a Commissioner; provided, that in the event the
22 Governor's appointee is not confirmed by the Senate within ten (10)
23 days from the date his name is submitted, then the Governor shall
24 submit a further appointee for confirmation; and during his term of

1 office may be removed by the Governor at his pleasure. The terms of
2 office shall be as follows: Two Commissioners shall serve until the
3 15th day of February, 1969; two Commissioners shall serve until the
4 15th day of February, 1971; two Commissioners shall serve until the
5 15th day of February, 1973; and two Commissioners shall serve until
6 the 15th day of February, 1975; and the Governor, at the time of
7 making the first appointment, shall, in his order of appointment,
8 designate the term each Commissioner so appointed shall serve.
9 Thereafter the term of each Commissioner appointed and confirmed
10 shall expire the 15th day of February in the eighth year after his
11 appointment, and in case of death, resignation, or removal, the
12 place shall be filled by appointment by the Governor for the
13 remainder of the term. Such appointments also shall be confirmed by
14 the Senate. The members of the Commission each shall receive an
15 annual salary of Four Thousand Eight Hundred Dollars (\$4,800.00),
16 payable monthly, and each shall be entitled to receive travel
17 expenses pursuant to the State Travel Reimbursement Act, Section
18 500.1 et seq. of Title 74 of the Oklahoma Statutes. The Governor
19 shall be an ex officio member of the Commission, but shall be
20 entitled to vote only in case of a tie vote.

21 ~~(e)~~ C. Provided, that persons serving as members of the State
22 Highway Commission created by Section 301 of this title, when this
23 Code becomes effective shall serve as members of the State
24 Transportation Commission created by this Code for the remainder of

1 the terms for which they were appointed, in the positions on the
2 latter Commission having corresponding terms of office, or until
3 such positions are filled as herein provided. Future Gubernatorial
4 appointments shall be made from districts as directed by this act.

5 SECTION 23. AMENDATORY 69 O.S. 2011, Section 4004, is
6 amended to read as follows:

7 Section 4004. The Department of Transportation may be divided
8 into divisions which may include the following:

- 9 1. The Division of Planning and Research.
- 10 2. The Division of Design.
- 11 3. The Division of Administration.
- 12 4. The Division of Contract Administration.
- 13 5. The Division of Construction and Maintenance.
- 14 6. The Division of Land Acquisition.
- 15 7. The Division of Traffic Services.
- 16 8. The Division of Highway Safety.
- 17 9. The Division of Aeronautics.

18 SECTION 24. REPEALER 3 O.S. 2011, Section 84.2, is
19 hereby repealed.

20 SECTION 25. This act shall become effective November 1, 2018.

21
22 56-2-8636 JM 01/11/18

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