

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 ENGROSSED SENATE  
5 BILL NO. 1912

By: Haste of the Senate

and

6 Miller and **Archer** of the  
7 House

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

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

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

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

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

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

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

19 ~~(d)~~ 4. "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-i

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1       ~~(e)~~ 5. "Helicopter" means an area of land, water or structure  
2 used or intended to be used for the landing and takeoff of  
3 helicopters and includes its buildings and facilities, if any~~;~~;

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

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

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

14       9. "VTOL aircraft" means an aircraft which has vertical takeoff  
15 and landing capability.

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

18       Section 65.2. ~~(a)~~ A. Establishment, Operation, Land  
19 Acquisition. Every municipality is authorized, out of any  
20 appropriations or other monies made available for such purpose, to  
21 plan, establish, develop, construct, enlarge, improve, maintain,  
22 equip, operate, regulate, protect and police airports, vertiports,  
23 and air navigation facilities, either within ~~or without~~ the  
24 territorial limits of such municipality ~~and~~ or within ~~or without~~ the

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

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

21 ~~(c)~~ C. Establishment of Airports on Public Waters and Reclaimed  
22 Lands. For the purposes of ~~this act~~ the Municipal Airports Act, a  
23 municipality may establish or acquire and maintain, within or  
24 bordering upon the territorial limits of the municipality, airports

1 in, over and upon, any public waters of this state, any submerged  
2 lands under such public waters, and any artificial or reclaimed  
3 lands which before the artificial making or reclamation thereof  
4 constituted a portion of the submerged lands under such public  
5 waters; and may construct and maintain terminal building, landing  
6 floats, causeways, roadways and bridges for approaches to or  
7 connecting with any such airport, and landing floats and breakwaters  
8 for the protection thereof.

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

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

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

1 except that in the case of the disposal of another municipality or  
2 agency of the state or federal government for aeronautical purposes  
3 incident thereto, the sale, lease, or other disposal may be effected  
4 in such manner and upon such terms as the governing body of the  
5 municipality may deem in the best interest of the municipality.

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

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

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

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

24

1           3. Making available services to be furnished by the  
2 municipality or its agents at such airport, vertiport, air  
3 navigation facility, or aircraft maintenance or manufacturing  
4 facility. In each case the municipality may establish the terms and  
5 conditions and fix the charges, rentals or fees for the privileges  
6 or services, which shall be reasonable and uniform for the same  
7 class of privilege or service and shall be established with due  
8 regard to the property and improvements used and the expenses of  
9 operation to the municipality.

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

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

1 Section 65.6. To enforce the payment of any charges for repairs  
2 or improvements to or storage or care of, any personal property made  
3 or furnished by the municipality or its agents in connection with  
4 the operation of an airport, vertiport, or air navigation facility  
5 owned or operated by the municipality, the municipality shall have a  
6 lien on such property, which shall be enforceable by the  
7 municipality as provided by law.

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

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

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1 SECTION 7. AMENDATORY 3 O.S. 2021, Section 65.8, is  
2 amended to read as follows:  
3 Section 65.8. ~~(a)~~ A. Scope. A municipality, which has  
4 established or acquired or which may hereafter establish or acquire  
5 an airport, vertiport, or air navigation facility, is authorized to  
6 adopt, amend and repeal such reasonable ordinance, resolutions,  
7 rules, regulations and orders as it shall deem necessary for the  
8 management, government and use of such airport, vertiport, or air  
9 navigation facility under its control, whether situated within or  
10 without the territorial limits of the municipality. For the  
11 enforcement thereof, the municipality, may, by ordinance or  
12 resolution, as may by law be appropriate, appoint airport guards or  
13 police, with full police powers, and fix penalties, within the  
14 limits prescribed by law, for the violation of the aforesaid  
15 ordinances, resolutions, rules, regulations and orders. Enforcement  
16 may also be conducted by airport officers holding a commission from  
17 and employed by an airport trust as defined in, and pursuant to and  
18 in accordance with, the provisions and requirements of the Oklahoma  
19 Campus Security Act, and who, as a result of which, hold full police  
20 powers. Said penalties shall be enforced in the same manner in  
21 which penalties prescribed by other ordinances, or resolutions of  
22 the municipality are enforced. To the extent that an airport,  
23 vertiport, or other air navigation facility controlled and operated  
24 by a municipality is located outside the territorial limits of the

1 municipality, it shall, subject to federal and state laws, rules and  
2 regulations, be under the jurisdiction and control of the  
3 municipality controlling or operating it, and no other municipality  
4 shall have any authority to charge or exact a license fee or  
5 occupation tax for operations thereon.

6 ~~(b)~~ B. Conformity to Federal and State Law. All ordinances,  
7 resolutions, rules, regulations or orders which are issued by the  
8 municipality shall be kept in substantial conformity with the laws  
9 of this state or any regulations promulgated or standards  
10 established pursuant thereto, and, as nearly as may be, with the  
11 federal laws governing aerospace and aeronautics and the rules,  
12 regulations and standards duly issued thereunder.

13 SECTION 8. AMENDATORY 3 O.S. 2021, Section 65.10, is  
14 amended to read as follows:

15 Section 65.10. The cost of planning and acquiring,  
16 establishing, developing, constructing, enlarging, improving, or  
17 equipping, an airport, vertiport, or air navigation facility, or the  
18 site therefor, including buildings and other facilities incidental  
19 to the operation thereof, and the acquisition or elimination of  
20 airport hazards, may be paid for wholly or partly from the proceeds  
21 of the sale of bonds or notes of the municipality, as the governing  
22 body of the municipality shall determine. For such purposes a  
23 municipality may issue general or special obligation bonds, revenue  
24 bonds or other forms of bonds or notes, secured or unsecured,

1 including refunding bonds, in the manner and within the limitations  
2 prescribed by the laws of this state or the charter of the  
3 municipality for the authorization and issuance of bonds or notes  
4 thereof for public purposes generally. Any bonds or notes issued by  
5 a municipality pursuant to ~~this act~~ the Municipal Airports Act which  
6 are payable, as to principal and interest, solely from the revenues  
7 of an airport, vertiport, or air navigation facility (and such bonds  
8 or notes shall so state on their face) shall not constitute a debt  
9 of such municipality within the meaning of any constitutional or  
10 statutory debt limitation or restriction. In any suit, action or  
11 proceeding involving the security, or the validity or  
12 enforceability, of any bond or note issued by a municipality, which  
13 bond or note states on its face that it was issued pursuant to the  
14 provisions of this act and for a purpose or purposes authorized to  
15 be accomplished by this act, such bond or note shall be conclusively  
16 deemed to have been issued pursuant to this act for such purpose or  
17 purposes.

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

20 Section 65.12. The revenues obtained by a municipality from the  
21 ownership, control or operation of any airport, vertiport, or air  
22 navigation facility, including proceeds from the sale of any  
23 airport, vertiport, or portion thereof of air navigation facility  
24 property, shall be deposited in a special fund to be designated the

1 "Airport Fund", which revenues shall be appropriated solely to, and  
2 used by the municipality for, the purposes authorized by ~~this act~~  
3 the Municipal Airports Act.

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

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

1 acting jointly with any municipality, may exercise and enjoy all of  
2 the powers, privileges and authority conferred by this act upon a  
3 municipality.

4 ~~(b)~~ B. Agreement. Any two or more public agencies may enter  
5 into agreements with each other for joint action pursuant to the  
6 provisions of this section. Concurrent action by ordinance,  
7 resolution or otherwise or the governing bodies of the participating  
8 public agencies shall constitute joint action. Each such agreement  
9 shall specify its duration, the proportionate interest which each  
10 public agency shall have in the property, facilities and privileges  
11 involved, the proportion to be borne by each public agency of  
12 preliminary costs and costs of acquisition, establishment,  
13 construction, enlargement, improvement, and equipment of the  
14 airport, vertiport, or air navigation facility, the proportion of  
15 the expenses of maintenance, operation, regulation and protection  
16 thereof to be borne by each, and such other terms as are required by  
17 the provisions of this section. The agreement may also provide for;  
18 amendments thereof, and conditions and methods of termination of the  
19 agreement; the disposal of all or any of the property, facilities  
20 and privileges jointly owned upon said property, facilities and  
21 privileges, or any part thereof, ceasing to be used for the purposes  
22 provided by this act, or upon termination of the agreement; the  
23 distribution of the proceeds received upon any such disposal, and of  
24 any funds or other property jointly owned and undisposed of; the

1 assumption or payment of any indebtedness arising from the joint  
2 venture which remains unpaid upon the disposal of all assets or upon  
3 a termination of the agreement; and such other provisions as may be  
4 necessary or convenient.

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

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

22 ~~(1)~~ 1. Expenditures. The total expenditures to be made by the  
23 joint board for any purpose in any fiscal year shall be determined  
24

1 by a budget approved by the governing bodies of its constituent  
2 public agencies.

3 ~~(2)~~ 2. Acquisitions Beyond Sums Allotted. No airport,  
4 vertiport, air navigation facility, airport hazard, or real or  
5 personal property, the cost of which is in excess of sums therefor  
6 fixed by the joint agreement or allotted in the annual budget, may  
7 be acquired by the joint board without the approval of the governing  
8 bodies of its constituent public agencies.

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

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

23 ~~(5)~~ 5. Police Regulations. Any resolutions, rules, regulations  
24 or orders of the joint board dealing with subjects authorized by

1 Section ~~8~~ 65.8 of this ~~act~~ title shall become effective only upon  
2 approval of the governing bodies of the constituent public agencies  
3 provided that upon such approval, the resolutions, rules,  
4 regulations or orders of the joint board shall have the same force  
5 and effect in the territories or jurisdictions involved as the  
6 ordinances, resolutions, rules, regulations, or orders of each  
7 public agency would have in its own territory or jurisdiction.

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

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



1 Section 65.16. The acquisition of any land or interest therein  
2 pursuant to ~~this act~~ the Municipal Airports Act, the planning,  
3 acquisition, establishment, development, construction, improvement,  
4 maintenance, equipment, operation, regulation, protection and  
5 policing of airports, vertiports, and air navigation facilities,  
6 including the acquisition or elimination of airport hazards, and the  
7 exercise of any other powers herein granted to municipalities and  
8 other public agencies, to be severally or jointly exercised, are  
9 hereby declared to be public and governmental functions, exercised  
10 for a public purpose, and matters of public necessity; and in the  
11 case of any county, are declared to be county functions and purposes  
12 as well as public and governmental; and in the case of any  
13 municipality other than a county, are declared to be municipal  
14 functions and purposes as well as public and governmental. All land  
15 and other property and privileges acquired and used by or on behalf  
16 of any municipality or other public agency in the manner and for the  
17 purposes enumerated in this act shall and are hereby declared to be  
18 acquired and used for public and governmental purposes and as a  
19 matter of public necessity, and, in the case of a county or  
20 municipality, for county or municipal purposes, respectively.

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

23 Section 65.17. Any property in this state acquired by  
24 municipality for airport, vertiport, or air navigation purposes

1 pursuant to the provisions of ~~this act~~ the Municipal Airports Act,  
2 and any income derived by such municipality from the ownership,  
3 operation or control thereof, shall be exempt from taxation to the  
4 same extent as other property used for public purposes. Any  
5 municipality is authorized to exempt from municipal taxation any  
6 property, acquired within its boundaries by a public agency of  
7 another state for airport, vertiport, or air navigation purposes,  
8 and any income derived from such property, to the extent that such  
9 other state authorizes similar exemptions from taxation to  
10 municipalities of this state.

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

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

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

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

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

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

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

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

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

5       8. "Commercial service airport" means an airport meeting the  
6 current Federal Aviation Administration definition for commercial  
7 service airport;

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

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

12      11. "Director" means the Director of the Oklahoma Department of  
13 Aerospace and Aeronautics;

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

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

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

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

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

4 a. is flown solely for hobby or recreational purposes,  
5 and

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

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

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

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

1 20. "Primary commercial service airport" means an airport  
2 meeting the current Federal Aviation Administration definition for  
3 primary commercial service airport;

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

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

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

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

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

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

23 27. "VTOL aircraft" means an aircraft which has vertical  
24 takeoff and landing capability.

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

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

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

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

24

1 D. The Department may establish air markers throughout the  
2 state.

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

6 F. The Department shall:

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

9 2. Represent the state in aeronautical matters before federal  
10 agencies and other state agencies; and

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

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

20 2. The Department may render financial assistance by grant or  
21 loan or both to any municipality or municipalities acting jointly in  
22 the planning, acquisition, construction, improvement, maintenance,  
23 or operation of an airport, vertiport, or air navigation facility  
24 owned or controlled, or to be owned or controlled, by such



1 municipality or municipalities, out of appropriations or other  
2 monies made available by the Legislature for such purposes. Such  
3 financial assistance may be furnished in connection with federal or  
4 other financial aid for the same purposes.

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

1 Revolving Fund in the State Treasury and shall be paid out by the  
2 Department in accordance with the terms and conditions of any  
3 agreement entered into under the provisions of this section.

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

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

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

1 airport owned by the state may be leased by the Department to a  
2 public or private agency, as it may deem fit.

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

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

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

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

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

21 c. To enforce the payment of any charges for repairs to,  
22 or improvements, storage, or care of, any personal  
23 property made or furnished by the Department or its  
24 agents in connection with the operation of an airport,

1           vertiport, or air navigation facility owned or  
2           operated by the state, the state shall have liens on  
3           such property, which shall be enforceable by the  
4           Department as provided by law.

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

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

20           I. The Department may enter into any contracts necessary to the  
21 execution of the powers granted it by the Oklahoma Department of  
22 Aerospace and Aeronautics Act. All contracts made by the  
23 Department, either as the agent of the state or as the agent of any  
24 municipality, shall be made pursuant to the laws of the state

1 governing the making of like contracts. When the planning,  
2 acquisition, construction, improvement, maintenance, or operation of  
3 any airport, vertiport, or air navigation facility is financed  
4 wholly or partially with federal monies, the Department as agent of  
5 the state or of any municipality may let contracts in the manner  
6 prescribed by the federal authorities acting under the laws of the  
7 United States and any rules or regulations made thereunder.

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

1 county or of the judge thereof, on application of the Department or  
2 its authorized representative, to compel obedience by proceedings  
3 for contempt, as in the case of disobedience of the requirements of  
4 a subpoena issued from such court or a refusal to testify therein.

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



1 K. 1. The Department is authorized to confer with or to hold  
2 joint hearings with any agency of the United States in connection  
3 with any matter arising under the Oklahoma Department of Aerospace  
4 and Aeronautics Act or relating to the sound development of  
5 aerospace and aeronautics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 16. This act shall become effective November 1, 2024.

21  
22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/15/2024 - DO PASS,  
23 As Coauthored.  
24