

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 894

By: Loveless

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Space Industry
8 Development Authority; amending 74 O.S 2011, Sections
9 5202, 5203, 5204, 5205, 5207, 5208, 5208.1, as
10 amended by Section 1044, Chapter 304, O.S.L. 2012,
11 5208.2, 5209, 5210, 5211, 5213, 5214, 5215, 5216,
12 5217, 5218, 5219, 5220, 5221, 5222, 5223, 5224, 5225,
13 5226, 5227, 5228, 5229, 5230, 5231, 5232, 5233, 5234
14 and 5235 (74 O.S. Supp. 2015, Section 5208.1), which
15 relates to the Oklahoma Space Industry Development
16 Act; modifying definitions; consolidating the
17 Oklahoma Space Industry Development Authority and the
18 Oklahoma Center for the Advancement of Science and
19 Technology; providing for transfer of powers, duties,
20 funds, documents, personnel, rules and other actions;
21 modifying statutory references to Authority; deleting
22 obsolete language; clarifying powers of Board of
23 Directors; repealing 74 O.S. 2011, Section 5206,
24 which relates to activation of the Authority;
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 5202, is
amended to read as follows:

Section 5202. As used in ~~this act~~ the Oklahoma Space Industry
Development Act:

1 1. ~~"Authority" means the Oklahoma Space Industry Development~~
2 ~~Authority as authorized to be created by this act;~~

3 2. "Board" or "Board of Directors" means the governing body of
4 the ~~Authority~~ Center for purposes of the Oklahoma Space Industry
5 Development Act as authorized to be created in Section 7 5207 of
6 this ~~act~~ title;

7 3. ~~2.~~ "Bonds" means revenue bonds or other obligations issued
8 by the ~~Authority~~ Center for the purpose of financing its projects;

9 3. "Center" means the Oklahoma Center for the Advancement of
10 Science and Technology;

11 4. "Complementary activity" means any space business incubator,
12 space tourism activity, or space-related research and development;

13 5. "Cost" means all costs, fees, charges, expenses and amounts
14 associated with the development of projects under the Oklahoma Space
15 Industry Development Act by the ~~Authority~~ Center;

16 6. "Federal aid" means any funding or other financial
17 assistance provided by the federal government to the ~~Authority~~
18 Center for its projects;

19 7. "Financing agreement" means a lease, lease-purchase
20 agreement, lease with option to purchase, sale or installment sale
21 agreement, whether title passes in whole or in part at any time
22 prior to, at, or after completion of the project, loan agreement, or
23 other agreement forming the basis for the financing under ~~this act~~
24 the Oklahoma Space Industry Development Act, including any

1 agreements, guarantees, or security instruments forming part of or
2 related to providing assurance of payment of the obligations under
3 such financing agreement;

4 8. "Landing area" means the geographical area designated by the
5 Authority Center within or outside any spaceport territory for or
6 intended for the landing and surface maneuvering of any launch or
7 other space vehicles;

8 9. "Launch pad" means the launch pad or pads or spacecraft
9 launch structure used by the spaceport or spaceport user for
10 launching of space vehicles;

11 10. "Payload" means all property and cargo to be transported
12 aboard any vehicle launched or flown, by or from any spaceport;

13 11. "Person" means individuals, children, firms, associations,
14 joint ventures, partnerships, estates, trusts, business trusts,
15 syndicates, fiduciaries, corporations, nations, federal, state or
16 local governments, government or other agencies, subdivisions of the
17 state, municipalities, counties, business entities, and all other
18 groups or combinations;

19 12. "Project" means any development, improvement, property,
20 launch, utility, facility, system, works, road, sidewalk,
21 enterprise, service or convenience sponsored or promoted by the
22 Authority Center and conducted or performed from any spaceport
23 territory;

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1 13. "Range" means the geographical area designated by the
2 Authority Center or other appropriate body as the area for the
3 launching of space vehicles, rockets, missiles, launch vehicles,
4 shuttles, satellites and other vehicles designed to reach high
5 altitudes, suborbital and orbital, or possessing space flight
6 capacity;

7 14. "Recovery" means the recovery of space vehicles and payload
8 or payloads which have been launched from or by any spaceport;

9 15. "Spaceport" means any area of land or water, or any man-
10 made object or facility located therein, developed by the ~~Authority~~
11 Center under ~~this act~~ the Oklahoma Space Industry Development Act
12 and located within spaceport territory, which area is intended for
13 public use, or for the launching, takeoff and landing of spacecraft
14 and aircraft; such areas may include appurtenant areas which are
15 used or intended for public use, for spaceport buildings or other
16 spaceport facilities or for rights-of-way, or any space facility,
17 space propulsion system, or station of any kind possessing space
18 flight capacity;

19 16. "Spaceport system" means the organizations and
20 infrastructure developed by the ~~Authority~~ Center for the development
21 of spaceports and the commercialization of the space industry;

22 17. "Spaceport territory" means the site of any launch pad and
23 the geographic area contiguous thereto as determined by the
24 ~~Authority~~ Center to be necessary to protect the area from health and

1 safety hazards from the operation of the spaceport, but not to
2 exceed the geographic areas designated in Section ~~43~~ 5213 of this
3 ~~act~~ title and as amended or changed in accordance with Section ~~20~~
4 5220 of this ~~act~~ title; and

5 18. "Spaceport user" means any person that uses the facilities
6 or services of any spaceport. For the purposes of any exemptions or
7 rights granted hereafter, the spaceport user shall be deemed a
8 spaceport user only during the time period in which the person
9 actually uses any spaceport, and such rights and exemptions shall be
10 granted with respect to transactions relating to spaceport projects
11 only.

12 SECTION 2. AMENDATORY 74 O.S. 2011, Section 5203, is
13 amended to read as follows:

14 Section 5203. A. ~~Subject to the requirements of Section 6 of~~
15 ~~this act, there is hereby created for the purpose of establishing~~
16 ~~commercial and public-use spaceports a body corporate and politic,~~
17 ~~to be known as the "Oklahoma Space Industry Development Authority",~~
18 ~~and by that name the Authority may sue and be sued, and plead and be~~
19 ~~impleaded. The Authority is hereby constituted an agency of this~~
20 ~~state, and the exercise by the Authority of the powers conferred by~~
21 ~~this act shall be deemed to be essential governmental functions of~~
22 ~~this state with all the attributes thereof~~ 1. Effective July 1,
23 2016, the Oklahoma Space Industry Development Authority is hereby
24 consolidated with the Oklahoma Center for the Advancement of Science

1 and Technology. Whenever the term "Oklahoma Space Industry
2 Development Authority" is used in the Oklahoma Statutes, it shall be
3 construed to refer to the Center.

4 2. Any funds appropriated to, in the possession of or allocated
5 to the Authority shall be transferred to the Center.

6 3. All books, papers, records, property, functions, powers,
7 duties and obligations of the Authority are hereby transferred to
8 the Center.

9 4. All personnel of the Authority are hereby transferred to the
10 Center.

11 5. All rules, regulations, acts, orders, determinations and
12 decisions of the Authority to the functions and powers herein
13 transferred and assigned to the Center, in force at the time of such
14 transfer or assignment, shall continue in force and effect as rules,
15 regulations, acts, orders, determinations and decisions of the
16 Center until duly modified or abrogated by the Center or until
17 otherwise provided by law.

18 B. It shall be the purpose, function, and responsibility of the
19 Authority Center to plan spaceport systems and projects in this
20 state, to promote the development and improvement of space
21 exploration and spaceport facilities, to stimulate the development
22 of space commerce and education, including, but not limited to, the
23 commercialization of the space industry and the development of
24 space-related industries, to promote research and development

1 related to space and space-related industry, and to promote tourism
2 in connection with the foregoing. In carrying out this duty and
3 responsibility, the Authority Center may advise and cooperate with
4 municipalities, counties, regional authorities, state agencies and
5 organizations, appropriate federal agencies and organizations, and
6 other interested persons and groups.

7 SECTION 3. AMENDATORY 74 O.S. 2011, Section 5204, is
8 amended to read as follows:

9 Section 5204. ~~Subject to the requirements of Section 5206 of~~
10 ~~this title, the Oklahoma Space Industry Development Authority~~ The
11 Oklahoma Center for the Advancement of Science and Technology is
12 hereby granted, has and may exercise all powers necessary to carry
13 out and effectuate its purpose, including, but not limited to, the
14 following:

15 1. Sue and be sued by its name in any court of competent
16 jurisdiction;

17 2. Adopt and use an official seal and alter the same at
18 pleasure;

19 3. Make and execute any and all contracts and other instruments
20 necessary or convenient to the exercise of its powers;

21 4. Issue revenue bonds or other obligations as authorized by
22 the provisions of ~~this act~~ the Oklahoma Space Industry Development
23 Act or any other law, or any combination of the foregoing, to pay
24 all or part of the cost of the acquisition, construction,

1 reconstruction, extension, repair, improvement, maintenance or
2 operation of any project or combination of projects, to provide for
3 any facility, service or other activity of the Authority Center and
4 to provide for the retirement or refunding of any bonds or
5 obligations of the Authority Center, or for any combination of the
6 foregoing purposes;

7 5. Acquire property, real, personal, intangible, tangible, or
8 mixed, in fee simple or any lesser interest or estate, by purchase,
9 gift, devise, or lease, on such terms and conditions as the
10 Authority Center may deem necessary or desirable, and sell or
11 otherwise dispose of the same and of any of the assets and
12 properties of the Authority Center;

13 6. Lease as lessor or lessee to or from any person, public or
14 private, any facilities or property of any nature for the use of the
15 Authority Center and to carry out any of the purposes of the
16 Authority Center;

17 7. Subject to the limitations prescribed by Section 5210 of
18 this title, acquire by condemnation land and such interest therein
19 as may be necessary in its determination for the purpose of
20 establishing, constructing, maintaining, or operating a spaceport;

21 8. Own, acquire, construct, develop, create, reconstruct,
22 equip, operate, maintain, extend and improve launch pads, landing
23 areas, ranges, payload assembly buildings, payload processing
24 facilities, laboratories, space business incubators, launch

1 vehicles, payloads, space flight hardware, facilities and equipment
2 for the construction of payloads, space flight hardware, rockets,
3 and other launch vehicles, and spaceport facilities and systems,
4 including educational, recreational, cultural, and other space-
5 related initiatives;

6 9. Undertake a program of advertising to the public and
7 promoting the businesses, facilities and attractions within any
8 spaceport territory or at any spaceport and the projects of the
9 Authority Center, and expend monies and undertake such activities to
10 carry out such advertising and promotional programs as the Board
11 from time to time may determine;

12 10. Own, acquire, construct, reconstruct, equip, operate,
13 maintain, extend and improve transportation facilities appropriate
14 to meet the transportation requirements of the Authority Center and
15 activities conducted within a spaceport territory;

16 11. Own, acquire, construct, reconstruct, equip, operate,
17 maintain, collect fees for services provided, extend and improve
18 public utilities within a spaceport territory, including the
19 following: electric power plants, transmission lines and related
20 facilities, gas mains and facilities of any nature for the
21 production or distribution of natural gas or hydrogen, telephone
22 lines and related plants and systems, other communication systems of
23 any nature including closed-circuit, cable television and computer
24 systems, transmission lines and related facilities and plants, and

1 facilities for the generation and transmission of power; and
2 purchase electric power, natural gas and other sources of power for
3 distribution within any spaceport territory;

4 12. Own, acquire, construct, reconstruct, equip, operate,
5 maintain, collect fees for services provided, extend and improve
6 within any spaceport territory water systems and sewer systems or
7 combined water and sewer systems; regulate the use of sewers, septic
8 tanks and other sanitary structures and appliances, and the supply
9 of water within any spaceport; and regulate the pretreatment of
10 waste and sell or otherwise dispose of the effluent, sludge, or
11 other by-products as a result of sewage treatment;

12 13. Own, acquire, construct, reconstruct, equip, operate,
13 maintain, collect fees for services provided, extend and improve
14 waste collection, recycling and disposal systems, and to sell,
15 recycle or otherwise dispose of any effluent, residue or other by-
16 products of such systems consistent with the laws of the state;

17 14. Adopt a plan of reclamation, and own, acquire, construct,
18 reconstruct, equip, operate, maintain, extend and improve canals,
19 ditches, drains, dikes, levees, pumps, plants and pumping systems
20 and other works for drainage purposes, and irrigation works,
21 machinery and plants;

22 15. Own, acquire, construct, reconstruct, equip, operate,
23 maintain, extend and improve water and flood control facilities and
24 regulate the supply and level of water within any spaceport

1 territory which may include diverting waters from one area or body
2 of water to another, regulating, controlling or restricting the
3 development and use of natural and artificial streams or bodies of
4 water, lakes or ponds, and taking all measures determined by the
5 ~~Authority~~ Center to be necessary or desirable to prevent or
6 alleviate land erosion; provided, in exercising any of its powers
7 pertaining to the use, control, or diversion of water, the ~~Authority~~
8 Center is subject to all permitting requirements and procedures of
9 the Oklahoma Water Resources Board as set forth by law or by rule of
10 the Board; and

11 16. Own, acquire, construct, reconstruct, equip, operate,
12 maintain, collect fees for services provided, extend and improve
13 public safety facilities for any spaceport, including police ~~station~~
14 stations, police vehicles, medical facilities, fire stations, water
15 mains and plugs, fire trucks and other vehicles and equipment; hire
16 employees, police officers and fire fighters; and undertake such
17 works and construct such facilities determined by the Board to be
18 necessary or desirable to promote and ensure public safety within
19 any spaceport territory.

20 SECTION 4. AMENDATORY 74 O.S. 2011, Section 5205, is
21 amended to read as follows:

22 Section 5205. A. ~~The Oklahoma Space Industry Development~~
23 Authority Oklahoma Center for the Advancement of Science and
24 Technology, for purposes of the Oklahoma Space Industry Development

1 Act, shall be subject to the Administrative Procedures Act, the
2 Oklahoma Open Meeting Act, and the Oklahoma Open Records Act, except
3 as provided in subsection B of this section.

4 B. Any information held by the Authority Center which is a
5 trade secret, as defined in the Uniform Trade Secrets Act, including
6 trade secrets of the Authority Center, any spaceport user, or the
7 space industry, is confidential and may not be disclosed. If the
8 Authority Center determines that any information requested by the
9 public will reveal a trade secret, it shall, in writing, inform the
10 person making the request of that determination. The Authority
11 Center may hold executive sessions, as authorized by the Oklahoma
12 Open Meeting Act, when trade secrets are discussed, and any minutes,
13 recordings, or notes from such sessions are deemed confidential.

14 C. The Authority Center shall be granted sovereign immunity in
15 the same manner as this state, and the liability of the Authority
16 Center and its members, officers, and employees shall be governed by
17 the provisions of the Governmental Tort Claims Act. Provided,
18 however, the Authority Center is authorized to carry liability
19 insurance to the extent authorized by the Authority Center.

20 D. The Authority Center shall be exempt from the provisions of
21 the Public Competitive Bidding Act of 1974 and the competitive
22 bidding provisions set forth in Section 85.7 of Title 74 of the
23 Oklahoma Statutes.

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1 SECTION 5. AMENDATORY 74 O.S. 2011, Section 5207, is
2 amended to read as follows:

3 Section 5207. A. ~~Subject to the provisions of Section 5206 of~~
4 ~~this title, there~~ There is created within the ~~Oklahoma Space~~
5 ~~Industry Development Authority~~ Oklahoma Center for the Advancement
6 of Science and Technology, the Board of Directors consisting of
7 seven (7) members who shall be appointed by the Governor with advice
8 and consent of the Senate. All but one Board member shall be a
9 resident of this state. Each member appointed to serve on the Board
10 shall have experience in the aerospace or commercial space industry
11 or finance, or have other significant relevant experience. The
12 Board of Directors shall exercise its powers independently of the
13 Oklahoma Science and Technology Research and Development Board.

14 B. 1. Initially, the Governor shall appoint four members for
15 terms of three (3) years and three members for terms of four (4)
16 years. Thereafter, each member shall serve a term of four (4) years
17 or until a successor is appointed and qualified. ~~Initial~~
18 ~~appointments shall be made no later than sixty (60) days after the~~
19 ~~motion to activate the Authority is memorialized pursuant to Section~~
20 ~~5206 of this title.~~ The term of the members shall commence on the
21 date of appointment and terminate on June 30 of the year of the end
22 of the term. No member shall serve on the Board for more than two
23 full four-year terms. Except as prohibited by the Oklahoma
24

1 Constitution, appointment to the Board shall not preclude any member
2 from holding any other private or public position.

3 2. An appointment to fill a vacancy in a member's office shall
4 be made by the Governor for the unexpired portion of the term of the
5 member who vacated that office.

6 C. The Governor has the authority to remove from the Board any
7 member in the manner and for cause as defined by the laws of this
8 state and applicable to situations which may arise before the Board.
9 Unless excused by the chair of the Board, a member's absence from
10 two or more consecutive Board meetings creates a vacancy in the
11 office to which the member was appointed.

12 D. The Governor shall designate a member to serve as chair of
13 the Board who, if such person remains a member of the Board, shall
14 serve as chair until the expiration of the three-year terms of those
15 members of the Board appointed initially for three-year terms. Each
16 subsequent chair shall be selected by the Board members and shall
17 serve a two-year term.

18 E. 1. The Board shall hold its initial meeting no later than
19 twenty (20) days after the members have been appointed. Meetings
20 shall be held quarterly or more frequently at the call of the chair.
21 A majority of the members on the Board shall constitute a quorum,
22 and a majority vote of the members present is necessary for any
23 action taken by the Board.

24

1 2. At its initial meeting, or as soon thereafter as is
2 practicable, the Board shall appoint a chief executive officer who
3 shall serve at the pleasure of the Board. A member of the Board may
4 be appointed as chief executive officer; provided, if a member of
5 the Board is so appointed, the member shall resign as a member of
6 the Board and the vacancy shall be filled as provided in paragraph 2
7 of subsection B of this section. The Board shall determine the
8 annual salary of the chief executive officer.

9 F. Each member shall be reimbursed for expenses incurred in the
10 performance of duties on behalf of the ~~Authority~~ Center as provided
11 for in the State Travel Reimbursement Act.

12 G. Before the issuance of any revenue bonds under the
13 provisions of the Oklahoma Space Industry Development Act, each
14 member of the Board shall execute a surety bond in the penal sum of
15 Twenty-five Thousand Dollars (\$25,000.00). Each such surety bond
16 shall be conditioned upon the faithful performance of the duties of
17 the member's office, shall be executed by a surety company
18 authorized to transact business in the State of Oklahoma as surety,
19 and shall be filed in the office of the Secretary of State.

20 SECTION 6. AMENDATORY 74 O.S. 2011, Section 5208, is
21 amended to read as follows:

22 Section 5208. A. 1. The Board of Directors shall employ a
23 person who is a resident of this state or may appoint a member of
24 the Board to serve as treasurer of the ~~Oklahoma Space Industry~~

1 ~~Development Authority~~ Oklahoma Center for the Advancement of Science
2 and Technology, for purposes set forth in the Oklahoma Space
3 Industry Development Act, who shall have charge of the funds of the
4 Authority Center. Such funds shall be disbursed only upon the order
5 of or pursuant to the resolution of the Board by warrant, check,
6 authorization or automatic deposit signed or authorized by the
7 treasurer or the treasurer's representative or by such other persons
8 as may be authorized by the Board. The Board may give the treasurer
9 such other powers and duties as the Board may deem appropriate, and
10 shall establish the treasurer's compensation.

11 2. The Board shall require the treasurer to give a bond in a
12 minimum amount of One Hundred Thousand Dollars (\$100,000.00) and on
13 such terms and with such sureties as may be deemed satisfactory to
14 the Board to secure the performance by the treasurer of the powers
15 and duties of the treasurer. Provided, if the treasurer is a member
16 of the Board, such bond shall be in lieu of the bond required under
17 Section 5207 of this title.

18 3. The Board shall audit or have audited the books of the
19 treasurer at least once a year.

20 B. The Board is authorized to select as depositories in which
21 the funds of the Board and of the ~~Authority~~ Center shall be
22 deposited any bank or other financial institution organized under
23 the laws of this state or under the laws of the United States, doing
24 business in this state, upon such terms and conditions as to the

1 payment of interest by such depository upon the funds so deposited
2 as the Board may deem just and reasonable.

3 C. The Board of Directors may in its discretion invest funds of
4 the Authority Center in the following:

5 1. Direct obligations of or obligations guaranteed by the
6 United States of America or for the payment of the principal and
7 interest of which the faith and credit of the United States is
8 pledged;

9 2. Bonds or notes issued by any of the following federal
10 agencies: Bank for Cooperatives; Federal Intermediate Credit Banks;
11 Federal Home Loan Bank System; Federal Land Banks; or the Federal
12 National Mortgage Association, including debentures or participating
13 certificates issued by such Association;

14 3. Public housing bonds issued by public housing authorities
15 and secured by a pledge or annual contributions under an annual
16 contribution contract or contracts with the United States of
17 America;

18 4. Bonds or other interest-bearing obligations of any county,
19 district, city or town located in this state for which the full
20 faith and credit of such political subdivision is pledged; or

21 5. Any investment authorized for insurers under the Oklahoma
22 Insurance Code.

23

24

1 SECTION 7. AMENDATORY 74 O.S. 2011, Section 5208.1, as
2 amended by Section 1044, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2015, Section 5208.1), is amended to read as follows:

4 Section 5208.1. There is hereby created in the State Treasury a
5 revolving fund for the ~~Oklahoma Space Industry Development Authority~~
6 Oklahoma Center for the Advancement of Science and Technology to be
7 designated the "Oklahoma Space Industry ~~Development Authority~~
8 Revolving Fund". The fund shall be a continuing fund, not subject
9 to fiscal year limitations, and shall consist of all monies received
10 by the ~~Authority Center~~ Center from private and public donations,
11 contributions, gifts, and any monies appropriated or directed by law
12 to be deposited thereto. All monies accruing to the credit of the
13 fund are hereby appropriated and may be budgeted and expended by the
14 ~~Authority Center~~ Center for the purpose of creating, operating, staffing
15 and maintaining an ~~Oklahoma Space Industry Development Authority~~ the
16 Center, and any legitimate expenses of the ~~Authority Center~~.
17 Expenditures from the fund shall be made upon warrants issued by the
18 State Treasurer against claims filed as prescribed by law with the
19 Director of the Office of Management and Enterprise Services for
20 approval and payment.

21 SECTION 8. AMENDATORY 74 O.S. 2011, Section 5208.2, is
22 amended to read as follows:

23 Section 5208.2. There is hereby created in the State Treasury a
24 revolving fund for the ~~Oklahoma Space Industry Development Authority~~

1 Oklahoma Center for the Advancement of Science and Technology to be
2 designated as the "Oklahoma Spaceport Management Fund". The fund
3 shall be a continuing fund, not subject to fiscal year limitations,
4 and shall consist of all monies received from any lease agreement or
5 contract for management services of such facilities as may be owned
6 by or occupied by the ~~Oklahoma Space Industry Development Authority~~
7 Center. All monies accruing to the fund are hereby appropriated and
8 shall be budgeted and expended by the ~~Oklahoma Space Industry~~
9 ~~Development Authority~~ Center to pay the expenses incurred as a
10 result of the lease agreement or contract and for the purpose of
11 making lease payments on bond indebtedness or any other outstanding
12 obligation on spaceport facilities.

13 SECTION 9. AMENDATORY 74 O.S. 2011, Section 5209, is
14 amended to read as follows:

15 Section 5209. The powers and duties of the ~~Oklahoma Space~~
16 ~~Industry Development Authority~~ Oklahoma Center for the Advancement
17 of Science and Technology with respect to the Oklahoma Space
18 Industry Development Act shall be exercised by and through the Board
19 of Directors. Without limiting the generality of the foregoing, the
20 Board shall have the power and authority to:

- 21 1. Adopt, amend, and repeal rules to carry out the purposes of
22 ~~this act~~ the Oklahoma Space Industry Development Act;
- 23 2. Maintain an office at such place or places as it may
24 designate;

1 3. Execute all contracts and other documents necessary or
2 desirable to carry out the purposes of ~~this act~~ the Oklahoma Space
3 Industry Development Act; provided, the Board may authorize one or
4 more members of the Board to execute contracts and other documents
5 on behalf of the Board or the Authority Center;

6 4. Hire employees, including a person to act as ~~the chief~~
7 ~~executive~~ an officer of the Authority Center with such duties and
8 power as the Board may prescribe and designate up to five positions
9 as being in the unclassified service;

10 5. Contract for the services of attorneys, underwriters or
11 other financial professionals for the purpose of issuing and
12 marketing the obligations of the Authority Center, notwithstanding
13 the provisions of Section 18c of Title 74 of the Oklahoma Statutes;

14 6. Engage in the planning for spaceports and the spaceport
15 system;

16 7. Execute intergovernmental agreements as provided by law;

17 8. Establish reserve funds for future Board operations;

18 9. Enter into agreements for the joint development of
19 properties necessary or convenient for, the operation of spaceports
20 and the spaceport system; and

21 10. Prepare an annual report of operations.

22 SECTION 10. AMENDATORY 74 O.S. 2011, Section 5210, is
23 amended to read as follows:

1 Section 5210. A. ~~The Oklahoma Space Industry Development~~
2 ~~Authority~~ Oklahoma Center for the Advancement of Science and
3 Technology is hereby authorized and empowered to acquire by
4 purchase, or condemnation, real property and such interest therein
5 as may be necessary in its determination for the purpose of
6 establishing, constructing, maintaining, or operating a spaceport
7 and spaceport facilities, upon such terms and at such price as may
8 be considered by the ~~Authority~~ Center to be reasonable and can be
9 agreed upon between the ~~Authority~~ Center and the owner of the land.
10 The ~~Authority~~ Center shall take title to the property in its name;
11 provided, however, such right and title shall be limited to the
12 surface rights only and shall not include oil or other mineral
13 rights.

14 B. 1. The ~~Authority~~ Center shall not acquire through the power
15 of condemnation a total area of real property for purposes of
16 establishing a spaceport in excess of twenty-five (25) acres. The
17 total acreage acquired by the ~~Authority~~ Center pursuant to the power
18 of condemnation shall be specifically identified in the records of
19 the ~~Authority~~ Center and the ~~Authority~~ Center shall maintain a
20 separate record of such acreage open to public inspection. If the
21 ~~Authority~~ Center attempts to acquire an area through the power of
22 condemnation that would exceed the acreage limit provided by this
23 subsection, the proceeding for such acquisition shall be subject to
24 an order for a temporary injunction which may be issued ex parte.

1 Upon an adequate showing of proof, the ~~Authority~~ Center shall be
2 permanently enjoined from acquiring real property pursuant to its
3 powers of condemnation if the acquisition would exceed the maximum
4 acreage authorized by this subsection.

5 2. Except in instances where there are nonresident owners,
6 unknown heirs, imperfect titles, and owners whose whereabouts cannot
7 be ascertained with reasonable diligence, the ~~Oklahoma Space~~
8 ~~Industry Development Authority~~ Center shall give the owner an
9 opportunity to sell the necessary real property or interests therein
10 to the ~~Authority~~ Center before exercising the power of condemnation.

11 3. In cases where the ~~Authority~~ Center exercises the power of
12 condemnation, the ~~Authority~~ Center shall be governed by the
13 provisions of Section 1708 of Title 69 of the Oklahoma Statutes.

14 C. The ~~Authority~~ Center shall pay compensation to the owners of
15 any and all real property located wholly or partially within the
16 area required to be evacuated for the launch of any vehicle from
17 spaceport territory for the economic value of the lost value of the
18 beneficial use of such property as a result of requirements imposed
19 by the ~~Authority~~ Center pursuant to its powers for the
20 establishment, maintenance and safe operation of a spaceport or
21 spaceport facility. Compensation for such economic value shall be
22 made according to the requirements of Section 24 of Article 2 of the
23 Constitution of the State of Oklahoma.

24

1 SECTION 11. AMENDATORY 74 O.S. 2011, Section 5211, is
2 amended to read as follows:

3 Section 5211. ~~This act~~ The Oklahoma Space Industry Development
4 Act specifically provides that the ~~Oklahoma Space Industry~~
5 ~~Development Authority~~ Oklahoma Center for the Advancement of Science
6 and Technology shall have exclusive power and authority to regulate
7 the operation, maintenance, and safety of spaceports and space
8 launches in this state. No other person shall participate in or
9 exercise control in the management and operation of any spaceport
10 and space launch, except when officially requested by the ~~Authority~~
11 Center.

12 SECTION 12. AMENDATORY 74 O.S. 2011, Section 5213, is
13 amended to read as follows:

14 Section 5213. Without limiting the ability of the ~~Oklahoma~~
15 ~~Space Industry Development Authority~~ Oklahoma Center for the
16 Advancement of Science and Technology to establish other space
17 industry facilities, the following property shall constitute the
18 geographic area within which the spaceport territory is to be
19 established:

20 Certain real property located in Washita County within and above
21 all of the following areas:

22 Sections 1 through 36 inclusive, Township 10 North, Range
23 19 West, I.M.

24

1 Sections 1 through 36 inclusive, Township 10 North, Range
2 20 West, I.M.

3 Sections 1 through 18 inclusive, Township 9 North, Range 19
4 West, I.M.

5 Sections 1 through 18 inclusive, Township 9 North, Range 20
6 West, I.M.

7 Sections 7 through 36 inclusive, Township 11 North, Range
8 19 West, I.M.

9 Sections 7 through 36 inclusive, Township 11 North, Range
10 20 West, I.M.

11 SECTION 13. AMENDATORY 74 O.S. 2011, Section 5214, is
12 amended to read as follows:

13 Section 5214. A. ~~The Oklahoma Space Industry Development~~
14 ~~Authority~~ Oklahoma Center for the Advancement of Science and
15 Technology shall have the power to construct, develop, create,
16 maintain and operate its projects within the geographic limits of
17 any spaceport territory, including any portions of any spaceport
18 territory located inside the boundaries of any municipality or other
19 political subdivision, and to offer, supply and furnish the
20 facilities and services provided for in ~~this act~~ the Oklahoma Space
21 Industry Development Act to, and to collect fees, rentals and other
22 charges from persons, public or private, within the geographic
23 limits of any spaceport territory and for the use of the ~~Authority~~
24 Center itself. Provided, the ~~Authority~~ Center may not exercise any

1 of the powers authorized under paragraphs 11 through 16 of Section
2 5204 of this title within any portion of a spaceport territory
3 located within the boundaries of a municipality unless the ~~Authority~~
4 Center has entered into a cooperative agreement with the governing
5 body of the municipality regarding the terms and conditions under
6 which services or facilities may be offered or provided.

7 B. The ~~Authority~~ Center shall have the power to construct,
8 maintain, and operate space industry facilities outside the
9 boundaries of the geographic limits of any spaceport territory, and
10 to offer, supply and furnish the facilities and services provided
11 for in ~~this act~~ the Oklahoma Space Industry Development Act that are
12 necessary to the construction, maintenance, or operation of such
13 space industry facilities, and to collect fees, rental and other
14 charges from, persons, firms, corporations, municipalities,
15 counties, political subdivisions and other public or private
16 agencies or bodies for the use of such space industry facilities or
17 services located or provided outside of the geographic limits of any
18 spaceport territory; provided, however, the ~~Authority~~ Center shall
19 not construct any space industry facility or offer, furnish or
20 supply facilities and services outside of the territorial limits of
21 any spaceport territory except upon the consent, approval, or
22 certification of any regulatory agency or governing body of this
23 state or of any municipality or other political subdivision thereof
24 whose consent, approval, or certification may be required by law.

1 C. The ~~Authority~~ Center shall have the power to negotiate with
2 governing bodies of political subdivisions located outside of the
3 geographic limits of any spaceport territory agreements for the
4 overflight or recovery of space vehicles or payloads and related
5 materials, debris or parts.

6 SECTION 14. AMENDATORY 74 O.S. 2011, Section 5215, is
7 amended to read as follows:

8 Section 5215. A. Within the geographic limits of any spaceport
9 territory, the ~~Oklahoma Space Industry Development Authority~~
10 Oklahoma Center for the Advancement of Science and Technology has
11 the right to acquire, through purchase or interagency agreement, or
12 as otherwise provided in law, and to construct, control, and
13 maintain roads deemed necessary by the ~~Authority~~ Center and
14 connections thereto and extensions thereof now or hereafter
15 acquired, constructed, or maintained in accordance with established
16 highway safety standards; provided that, in the event a road being
17 addressed by the ~~Authority~~ Center is owned by another agency or
18 jurisdiction, the ~~Authority~~ Center, prior to proceeding with the
19 proposed project or work activity, shall have either coordinated the
20 desired work with the owning agency or jurisdiction or shall have
21 successfully executed an interagency agreement with the owning
22 agency or jurisdiction.

23 B. The Board shall have the authority to sell or lease any road
24 to the Department of Transportation, enter into lease-purchase

1 agreements with respect thereto with the Department of
2 Transportation, and contract with the same for the construction or
3 maintenance of any road, on such terms and conditions as the Board
4 and the Department of Transportation may agree. The Department of
5 Transportation is hereby authorized to purchase or lease any road
6 from the ~~Authority~~ Center, enter lease-purchase agreements with
7 respect to the same and construct or maintain any road within any
8 spaceport territory pursuant to such agreement with the Board.

9 SECTION 15. AMENDATORY 74 O.S. 2011, Section 5216, is
10 amended to read as follows:

11 Section 5216. A. The departments, agencies, and political
12 subdivisions of this state are authorized to aid and cooperate with
13 the ~~Oklahoma Space Industry Development Authority~~ Oklahoma Center
14 for the Advancement of Science and Technology in carrying out any of
15 the purposes and projects of the ~~Authority~~ Center and to enter into
16 cooperative agreements with the ~~Authority~~ Center for such purposes.
17 These agreements may include the furnishing by the ~~Authority~~ Center
18 to the departments, agencies, or political subdivisions of this
19 state of any of the facilities and services of the ~~Authority~~ Center.
20 These agreements also may include the furnishing by the departments,
21 agencies, or political subdivisions of this state to the ~~Authority~~
22 Center and to persons within a spaceport territory of facilities and
23 services of the type that the ~~Authority~~ Center is authorized to
24 furnish or undertake. Such cooperative agreements may provide for

1 the furnishing by any county, municipality, or other political
2 subdivision of this state of fire and police protection for the
3 ~~Authority Center~~ and persons and property within the Authority.

4 B. Without limitation of the foregoing, the ~~Authority Center~~
5 may undertake and finance any of the projects of the ~~Authority~~
6 Center, in whole or in part, jointly with any municipality or
7 municipalities, or in any other manner combine the projects of the
8 ~~Authority Center~~ with the projects of such municipality or
9 municipalities.

10 SECTION 16. AMENDATORY 74 O.S. 2011, Section 5217, is
11 amended to read as follows:

12 Section 5217. A. 1. Except as provided in subsection B of
13 this section, consistent with the laws of this state, and any other
14 laws of this state to the contrary notwithstanding, the jurisdiction
15 and powers of the Board of Directors of the ~~Oklahoma Space Industry~~
16 ~~Development Authority~~ Oklahoma Center for the Advancement of Science
17 and Technology within the spaceport territory with respect to the
18 matters provided for in ~~this act~~ the Oklahoma Space Industry
19 Development Act pertaining to the operation, maintenance, and safety
20 of the spaceport shall be exclusive of any and all codes,
21 ordinances, requirements, plans or other regulations of the boards
22 of county commissioners or of any other agency or authority of any
23 county or municipality in this state. All land, properties and
24 activities within any spaceport territory pertaining to the

1 operation, maintenance, and safety of the spaceport, shall be exempt
2 from any and all such codes, ordinances, requirements, plans and
3 regulations, and any and all requirements for building and
4 construction permits and licenses pertaining to the same,
5 promulgated by the boards of county commissioners of any county or
6 city councils of any municipality in the state; provided, however,
7 nothing herein shall exempt any general contractor, electrical
8 contractor, builder, owner-builder or specialty contractor from the
9 provisions and requirements of any laws of this state, with respect
10 to examination and licensing, or from any of the fees and bonds
11 required of such contractors or builders by law.

12 2. The Board may by appropriate rule provide that any spaceport
13 territory, or such areas or parts thereof pertaining to the
14 operation, maintenance, and safety of the spaceport, as the Board
15 may designate from time to time, shall, for such time or times as
16 the Board may determine, remain or become subject to such county or
17 municipal zoning, building and safety codes and regulations, and
18 regulations and controls with respect to subdivisions and plats and
19 the vacating thereof, or any of them, as the Board may determine.

20 3. The jurisdiction and powers of the Board provided for herein
21 shall within the spaceport territory also be exclusive of any law
22 now or hereafter enacted providing for land use regulation, zoning
23 or building codes by this state or any agency or authority of the
24

1 state, and the provisions of any such law shall not be applicable
2 within the territorial limits of any spaceport territory.

3 4. The Board may exercise the powers granted to it in this
4 subsection within the city limits of any municipality now or
5 hereafter organized or existing within the limits of any spaceport
6 territory.

7 B. The Authority Center may not exercise any of its powers as
8 provided for in this section in a manner that prohibits:

9 1. The agricultural use of land that is located within a
10 spaceport territory and is not acquired by the Authority Center
11 under the provisions of Section 5210 of this title;

12 2. Continued access to water for such land for agricultural
13 purposes; and

14 3. The erection of outbuildings and personal residences on such
15 land, subject to population density restrictions prescribed by the
16 Authority Center to comply with federal requirements for licensure
17 as a spaceport; provided, erection of personal residences shall not
18 include subdivision of land for the purpose of constructing and
19 selling houses.

20 SECTION 17. AMENDATORY 74 O.S. 2011, Section 5218, is
21 amended to read as follows:

22 Section 5218. A. Except as provided in subsection B of this
23 section, for the purposes of operating, maintaining, and providing
24 for the safety of a spaceport the Board of Directors of the ~~Oklahoma~~

1 ~~Space Industry Development Authority~~ Oklahoma Center for the
2 Advancement of Science and Technology shall have the power within
3 any spaceport territory to:

4 1. Adopt, and from time to time review, amend, supplement or
5 repeal, a comprehensive general plan for the physical development of
6 the area within any spaceport territory in accordance with the
7 objectives and purposes of ~~this act~~ the Oklahoma Space Industry
8 Development Act;

9 2. Adopt, and from time to time review, amend, supplement or
10 repeal, codes regulating the following matter within any spaceport
11 territory: building safety, elevators, escalators and similar
12 devices, the prevention of fire hazards, plumbing and electrical
13 installations, the operation and development of missile ranges,
14 launch pads, payload procession and assembly facilities, the
15 operation of amusement and recreation installations, parks and
16 facilities, water supply wells and drainage wells, and such other
17 safety or sanitary codes as the Board may determine to be necessary
18 or desirable;

19 3. Prohibit within any spaceport territory the construction,
20 alteration, repair, removal or demolition, or the commencement of
21 the construction, alteration, repair except for emergency repairs,
22 removal or demolition, of any building or structure, including but
23 not limited to, public utility poles, lines, pipes and facilities,
24 without first obtaining a permit from the Board or such other

1 officer or agency as the Board may designate, and to prescribe the
2 procedure with respect to the obtaining of such permit; and

3 4. Provide for the manner in which such comprehensive general
4 plans, codes, regulations and restrictions shall be determined,
5 established and enforced, and from time to time amended,
6 supplemented, changed or repealed within the spaceport territory, as
7 the Board may determine.

8 B. The ~~Authority~~ Center may not exercise any of its powers as
9 provided for in this section in a manner that prohibits:

10 1. The agricultural use of land that is located within a
11 spaceport territory and is not acquired by the ~~Authority~~ Center
12 under the provisions of Section 5210 of this title;

13 2. Continued access to water for such land for agricultural
14 purposes; and

15 3. The erection of outbuildings and personal residences on such
16 land, subject to population density restrictions prescribed by the
17 ~~Authority~~ Center to comply with federal requirements for licensure
18 as a spaceport; provided, erection of personal residences shall not
19 include subdivision of land for the purpose of constructing and
20 selling houses.

21 SECTION 18. AMENDATORY 74 O.S. 2011, Section 5219, is
22 amended to read as follows:

23 Section 5219. A. Except as provided in subsection B of this
24 section, in addition to other powers granted by ~~this act~~ the

1 Oklahoma Space Industry Development Act, for the purposes of
2 operating, maintaining, and providing for the safety of a spaceport
3 the Board of Directors shall have the power within any spaceport
4 territory to:

5 1. Regulate, restrict and determine the location, height,
6 number of stories, size, cubic contents, area and design, and the
7 erection, construction, reconstruction, alteration and repair of
8 buildings and other structures for space industry development,
9 trade, industry, commerce, residence and other purposes, and the
10 materials used in the construction thereof; the number, location,
11 height, size, appearance and use of billboards and all other
12 advertising signs, banners, handbills and devices; the percentage
13 and portion of lots and land that may be occupied or built on;
14 setback lines; the density of population; the use of buildings,
15 structures, land and water for trade, industries, commerce, and
16 residences and any and all other purposes; the location, size and
17 plan of spaceport facilities, launch pads, ranges, payload assembly
18 and processing facilities, parks and recreational areas, commercial
19 and industrial facilities, public and private utilities, traffic,
20 parking facilities and drainage and water control facilities; and to
21 appoint inspectors;

22 2. Adopt rules to prohibit or control the pollution of air and
23 water, and to require certain location and placement of electrical
24

1 power, telephone and other utility lines, cables, pipes and ducts;
2 and

3 3. Divide any spaceport territory into zones or districts of
4 such number, shape and area as the Board may deem best suited to
5 carry out the purposes of ~~this act~~ the Oklahoma Space Industry
6 Development Act, and within and for each such district adopt rules
7 and restrictions as provided for in this section.

8 B. The Authority Center may not exercise any of its powers as
9 provided for in this section in a manner that prohibits:

10 1. The agricultural use of land that is located within a
11 spaceport territory and is not acquired by the Authority Center
12 under the provisions of Section 5210 of this title;

13 2. Continued access to water for such land for agricultural
14 purposes; and

15 3. The erection of outbuildings and personal residences on such
16 land, subject to population density restrictions prescribed by the
17 Authority Center to comply with federal requirements for licensure
18 as a spaceport; provided, erection of personal residences shall not
19 include subdivision of land for the purpose of constructing and
20 selling houses.

21 SECTION 19. AMENDATORY 74 O.S. 2011, Section 5220, is
22 amended to read as follows:

23 Section 5220. A. The Board of Directors may at any time strike
24 out or correct the description of any land within or claimed to be

1 within the boundary lines of any spaceport territory upon the
2 consent and writing of the owners of all the land that would be
3 included or excluded from the boundary lines of any spaceport
4 territory or otherwise affected by the taking of such action, and of
5 the owners of not less than the majority in acreage of all lands
6 within any spaceport territory. The Board may enlarge the
7 geographical limits of any spaceport territory to include lands not
8 then within any spaceport territory as follows:

9 1. Upon the written consent of the simple majority of owners of
10 all the land to be included in any spaceport territory and of not
11 less than a majority in acreage of all the land then within any
12 spaceport territory; or

13 2. By resolution of the Board approved at a special election
14 called for such purpose, by vote of a majority of landowners
15 residing within the area to be annexed and a majority of landowners
16 residing within any spaceport territory.

17 B. The Board may contract the geographical limits of any
18 spaceport territory so as to exclude from any spaceport territory
19 any land then within any spaceport territory as follows:

20 1. Upon the written consent of the owners of all of the land to
21 be so excluded and of the owners of not less than a majority in
22 acreage of all the land within any spaceport territory;

23 2. By resolution of the Board approved at a special election
24 called for any purposes, by vote of a majority of landowners

1 residing within the area to be excluded and a majority of the
2 landowners residing within any spaceport territory; or

3 3. By resolution of the Board approved by the owners of not
4 less than a majority in acreage of the land within the spaceport
5 territory.

6 C. Any owner of land located within the geographic limits of
7 the spaceport territory may within ninety (90) days following the
8 initial meeting of the Board, held pursuant to Section 7 5207 of
9 this ~~act~~ title, make written application to the Board to have the
10 land of such owner excluded from the boundaries of the spaceport
11 territory. In the event such written application is made within the
12 ninety-day period, the Board shall exclude the land of such owner
13 from the spaceport territory and revise the boundaries thereof
14 accordingly. No application under this subsection shall be granted
15 if made later than the ninety-day period.

16 D. Nothing in this section shall permit the annexation or
17 exclusion of lands contrary to the terms, covenants or conditions of
18 any of the bonds or obligations of the ~~Oklahoma Space Industry~~
19 ~~Development Authority~~ Oklahoma Center for the Advancement of Science
20 and Technology, or in any manner that would impair the security of
21 the holders of any bonds or other obligations of the ~~Authority~~
22 Center.

23 E. No town, city or other municipality having any of the powers
24 of the ~~Authority~~ Center, or any like powers, shall hereafter be

1 organized or established by any proceedings under the general laws
2 of this state if upon such organization or establishment the
3 territorial limits of such municipality would lie wholly or partly
4 within the geographic boundaries of any spaceport territory, except
5 upon the consent in writing given by the owners of a majority in
6 acreage of the lands within such spaceport territory proposed to be
7 so incorporated within such municipality. No land within the
8 geographic boundaries of any spaceport territory shall be annexed to
9 or incorporated by any proceeding under any general or special law,
10 now or hereafter enacted into any town, city or other municipality,
11 now existing or hereafter created, except upon the consent in
12 writing given by the owners of a majority in acreage of the lands
13 within such spaceport territory to be so annexed or incorporated.

14 F. In the event that the geographic boundaries of the spaceport
15 territory, as set forth in Section ~~13~~ 5213 of this ~~act~~ title, are
16 revised so as to include within the spaceport territory any areas
17 not presently contained within the spaceport territory, the
18 ~~Authority Center~~ shall not engage in the business of furnishing
19 telephone service in such annexed area unless the ~~Authority Center~~
20 offers to purchase from any telephone company that is at the time
21 engaged in the business of furnishing telephone service within such
22 annexed area such portion of its plant and property suitable and
23 used for such business in connection therewith as lies within the
24 limits of such annexed area.

1 G. In the event that the geographic limits of the spaceport
2 territory, as set forth in Section ~~13~~ 5213 of this ~~act~~ title, are
3 revised so as to include within any spaceport territory any areas
4 not presently contained within any spaceport territory, the
5 ~~Authority~~ Center shall not engage in the business of furnishing
6 electric power for sale in such annexed area, unless the ~~Authority~~
7 Center offers to purchase from any person who is at the time engaged
8 in the business of making, generating or distributing electricity
9 for sale within such annexed area, such portion of its electric
10 plant and property suitable and used for business in connection
11 therewith as lies within the limits of such annexed area.

12 SECTION 20. AMENDATORY 74 O.S. 2011, Section 5221, is
13 amended to read as follows:

14 Section 5221. A. 1. To recover the costs of a spaceport
15 facility or system, the ~~Oklahoma Space Industry Development~~
16 ~~Authority~~ Oklahoma Center for the Advancement of Science and
17 Technology shall have the power to prescribe, fix, establish, and
18 collect rates, fees, rentals, tolls, fares, or other charges,
19 hereinafter referred to as "revenues", and to revise the same from
20 time to time, for the facilities and service furnished or to be
21 furnished by the ~~Authority~~ Center and a spaceport, including, but
22 not limited to, launch pads, ranges, payload assembly and processing
23 facilities, visitor and tourist facilities, transportation
24 facilities, and parking and other related facilities, and shall have

1 the power to provide for reasonable penalties against any user or
2 property for any such rates, fees, rentals, tolls, fares, or other
3 charges that are delinquent.

4 2. The Authority Center shall have the power to enter into
5 contracts for the use of the projects of the Authority Center and
6 for the services and facilities furnished or to be furnished by the
7 Authority Center, including, but not limited to, launch services,
8 payload assembly and processing, and other space-related services,
9 for such consideration and on such other terms and conditions as the
10 Authority Center may approve. Such contracts, and revenues or
11 service charges received or to be received by the Authority Center
12 thereunder, may be pledged as security for any of the bonds of the
13 Authority Center.

14 B. In the event that the rates, fees, rentals, tolls, fares, or
15 other charges, or delinquent penalties shall not be paid as and when
16 due and shall be in default for thirty (30) days or more, the unpaid
17 balance thereof and all interest accrued thereon, together with
18 attorney fees and costs, may be recovered by the Authority Center in
19 a civil action.

20 C. In the event that the rates, fees, rentals, tolls, fares, or
21 other charges for the services and facilities of any project are not
22 paid when due, the Authority Center shall have the power to
23 discontinue and shut off the same until such rates, fees, rentals,
24 tolls, fares, or other charges, including interest, penalties, and

1 charges for the shutting off and discontinuance and the restoration
2 of such services and facilities, are fully paid. Such delinquent
3 rates, fees, rentals, tolls, fares, or other charges, together with
4 interest, penalties, and charges for the shutting off and
5 discontinuance and the restoration of such services and facilities,
6 and reasonable attorney fees and other expenses, may be recovered by
7 the ~~Authority~~ Center by suit in any court of competent jurisdiction.
8 The ~~Authority~~ Center may also enforce payment of such delinquent
9 rates, fees, rentals, tolls, fares, or other charges by any other
10 lawful method of enforcement.

11 SECTION 21. AMENDATORY 74 O.S. 2011, Section 5222, is
12 amended to read as follows:

13 Section 5222. A. Except as provided in subsection B of this
14 section, the ~~Oklahoma Space Industry Development Authority~~ Oklahoma
15 Center for the Advancement of Science and Technology is authorized
16 to accept and receive federal monies, and other monies, either
17 public or private, for the acquisition, development, construction,
18 enlargement, improvement, maintenance, equipment, or operation of
19 spaceports and other facilities, and sites therefor, and to comply
20 with the provisions of the laws of the United States and any rules
21 and regulations made thereunder for the expenditure of federal
22 monies upon such spaceports and other facilities.

23 B. The ~~Authority~~ Center is not authorized to accept or receive
24 from any source whatsoever any monies under any terms or conditions

1 which limit, curtail, or preempt the power or prerogatives of the
2 state or its political subdivisions.

3 SECTION 22. AMENDATORY 74 O.S. 2011, Section 5223, is
4 amended to read as follows:

5 Section 5223. A. 1. The ~~Oklahoma Space Industry Development~~
6 ~~Authority~~ Oklahoma Center for the Advancement of Science and
7 Technology may provide by resolution, at one time or from time to
8 time, for the issuance of revenue bonds of the ~~Authority~~ Center for
9 the purpose of paying all or any part of the cost of any one or more
10 projects. The ~~Authority~~ Center, when it finds that it would be
11 economical and beneficial to do so, may combine two or more, or any
12 part thereof, or all of its proposed projects into one unit and
13 consider the same as one project to the same extent and with like
14 effect as if the same were a single project.

15 2. The principal of and the interest on the bonds shall be
16 payable solely from the funds provided for such payment. The bonds
17 of each issue shall be dated, shall bear interest at such rate or
18 rates not exceeding the limitations pertaining to public trust
19 indebtedness from time to time expressed in subsection F of Section
20 176 of Title 60 of the Oklahoma Statutes, shall mature at such time
21 or times not exceeding forty (40) years from their date or dates, as
22 may be determined by the ~~Authority~~ Center, and may be made
23 redeemable before maturity at the option of the ~~Authority~~ Center at
24 such price or prices and pursuant to such terms and conditions as

1 may be fixed by the Authority Center prior to the issuance of the
2 bonds.

3 3. The Authority Center shall determine the form of the bonds,
4 including any interest coupons to be attached thereto, and the
5 manner of execution of the bonds, and shall fix the denomination or
6 denominations of the bonds and the place or places of payment of
7 principal and interest, which may be at any bank or trust company
8 within or without the state.

9 4. If any officer whose signature or facsimile of whose
10 signature appears on any bonds or coupons shall cease to be the
11 officer before the delivery of the bonds, the signature or the
12 facsimile shall nevertheless be valid and sufficient for all
13 purposes the same as if the person had remained in office until such
14 delivery.

15 5. All bonds issued pursuant to the provisions of ~~this act~~ the
16 Oklahoma Space Industry Development Act shall have all the qualities
17 and incidents of negotiable instruments subject to the negotiable
18 instruments law of this state. The bonds may be issued in coupon or
19 in registered form, or both, as the Authority Center may determine,
20 and provisions may be made for the registration of any coupon bonds
21 as to principal alone and also as to both principal and interest,
22 and for the reconversion into coupon bonds of any bonds registered
23 as to both principal and interest. The Authority Center may sell
24 the bonds in such amounts and in such manner, either at public or

1 private sale, and for such price, as it may determine to be in the
2 best interest of this state, but in no event at a discount in excess
3 of that from time to time expressed in subsection F of Section 176
4 of Title 60 of the Oklahoma Statutes.

5 B. The proceeds of the bonds of each issue shall be used solely
6 for the payment of the cost of the project for which the bonds have
7 been issued, and shall be disbursed in such manner and pursuant to
8 such restrictions, if any, as the ~~Authority~~ Center may provide in
9 the resolution authorizing the issuance of the bonds or in the trust
10 agreement securing the same. If the proceeds of the bonds of any
11 issue, by error of estimates or otherwise, shall be less than such
12 cost, additional bonds may in like manner be issued to provide the
13 amount of such deficit, and, unless otherwise provided for in the
14 resolution authorizing the issuance of such bonds or in the trust
15 agreement securing the same, shall be deemed to be of the same issue
16 and shall be entitled to payment from the same fund without
17 preference or priority of the bonds first issued. If the proceeds
18 of the bonds of any issue shall exceed such cost, the surplus shall
19 be deposited to the credit of the sinking fund for such bonds, or
20 shall be used by the ~~Authority~~ Center in implementing any other
21 power expressly granted to the ~~Authority~~ Center in ~~this act~~ the
22 Oklahoma Space Industry Development Act.

23 C. Prior to the preparation of definitive bonds, the ~~Authority~~
24 Center, subject to like restrictions, may issue interim receipts or

1 temporary bonds, with or without coupons, exchangeable for
2 definitive bonds when such bonds have been executed and are
3 available for delivery. The ~~Authority~~ Center may also provide for
4 the replacement of any bonds which have become mutilated or were
5 destroyed or lost. Bonds may be issued pursuant to the provisions
6 of ~~this act~~ the Oklahoma Space Industry Development Act without
7 obtaining the consent of any department, division, commission,
8 board, bureau, or agency of this state, and without any other
9 proceedings or the occurrence of any other conditions or things
10 other than those proceedings, conditions, or things that are
11 specifically required by ~~this act~~ the Oklahoma Space Industry
12 Development Act; provided, however, bonds and other obligations of
13 the ~~Authority~~ Center shall be subject to the provisions of Section
14 695.1 et seq. of Title 62 of the Oklahoma Statutes.

15 D. The ~~Authority~~ Center is hereby authorized to provide that
16 the bonds:

17 1. Be made payable from time to time on demand or tender for
18 purchase by the owner provided a credit facility supports such
19 bonds, unless the ~~Authority~~ Center specifically determines that a
20 credit facility is not required;

21 2. Be additionally supported by a credit facility;

22 3. Be made subject to redemption prior to maturity, with or
23 without premium, on such notice and at such time or times and with
24 such redemption provisions as may be determined by the ~~Authority~~

1 Center or with such variations as may be permitted in connection
2 with a par formula;

3 4. Bear interest at a rate or rates that may vary as permitted
4 pursuant to a par formula and for such period or periods of time,
5 all as may be determined by the ~~Authority~~ Center; and

6 5. Be made the subject of a remarketing agreement whereby an
7 attempt is made to remarket the bonds to new purchasers prior to
8 their presentment for payment to the provider of the credit facility
9 or to the ~~Authority~~ Center.

10 No credit facility, repayment agreement, par formula or
11 remarketing agreement shall become effective without the approval of
12 the ~~Authority~~ Center.

13 E. As used in this section, the following terms shall have the
14 following meanings:

15 1. "Credit facility" means an agreement entered into by the
16 ~~Authority~~ Center with any bank, savings and loan association or
17 other banking institution; an insurance company, reinsurance
18 company, surety company, or other insurance institution; a
19 corporation, investment banker or other investment institution; or
20 any other financial institution providing for prompt payment of all
21 or any part of the principal, whether at maturity, presentment for
22 purchase, redemption or acceleration, redemption premium, if any,
23 and interest on any bonds payable on demand or tender by the owner
24 issued in accordance with this section, in consideration of the

1 ~~Authority's~~ Center's agreeing to repay the provider of such credit
2 facility in accordance with the terms and provisions of such
3 repayment agreement, provided, that any such repayment agreement
4 shall provide that the obligation of the ~~Authority~~ Center thereunder
5 shall have only such sources of payment as are permitted for the
6 payment of the bonds issued under ~~this act~~ the Oklahoma Space
7 Industry Development Act; and

8 2. "Par formula" means any provision or formula adopted by the
9 ~~Authority~~ Center to provide for the adjustment, from time to time,
10 of the interest rate or rates borne by any such bonds so that the
11 purchase price of such bonds in the open market would be as close to
12 par as possible.

13 F. Any other provision of law notwithstanding, the ~~Authority~~
14 Center shall have the right to issue bonds or other obligations the
15 interest income, in whole or in part, on which is subject, directly
16 or indirectly, to federal income taxation.

17 SECTION 23. AMENDATORY 74 O.S. 2011, Section 5224, is
18 amended to read as follows:

19 Section 5224. In the discretion of the ~~Oklahoma Space Industry~~
20 ~~Development Authority~~ Oklahoma Center for the Advancement of Science
21 and Technology, any bonds issued under the provisions of ~~this act~~
22 the Oklahoma Space Industry Development Act may be secured by a
23 trust agreement by and between the ~~Authority~~ Center and a corporate
24 trustee, which may be any trust company or bank having the powers of

1 a trust company within or without this state. The trust agreement
2 may pledge or assign the revenues to be received from the project
3 constructed by the use of the proceeds of the bonds, but shall not
4 convey or mortgage any project or any part thereof. The trust
5 agreement or resolution providing for the issuance of the bonds may
6 contain such provisions for protecting and enforcing the rights and
7 remedies of the bondholders as may be reasonable and proper and not
8 in violation of law, including covenants setting forth the duties of
9 the ~~Authority~~ Center in relation to the acquisition of property and
10 the construction, improvement, maintenance, repair, operation and
11 insurance of the project in connection with which the bonds shall
12 have been authorized, and the custody, safeguarding and application
13 of all monies, and provisions for the employment of consulting
14 engineers in connection with the construction or operation of such
15 project or projects. It shall be lawful for any bank or trust
16 company incorporated under the laws of the state which may act as
17 depository of the proceeds of bonds or of revenues to furnish such
18 indemnifying bonds or to pledge such securities as may be required
19 by the ~~Authority~~ Center. Any such trust agreement may set forth the
20 rights and remedies of the bondholders and of the trustee, and may
21 restrict the individual right of action by bondholders as is
22 customary in trust agreements or trust indentures securing bonds and
23 debentures of corporations. In addition to the foregoing, any such
24 trust agreement may contain such other provisions as the ~~Authority~~

1 Center may deem reasonable and proper for the security of the
2 bondholders. All expenses incurred in carrying out the provisions
3 of the trust agreement may be treated as a part of the cost of the
4 operation of the project or projects.

5 SECTION 24. AMENDATORY 74 O.S. 2011, Section 5225, is
6 amended to read as follows:

7 Section 5225. All monies received pursuant to the authority of
8 ~~this act~~ the Oklahoma Space Industry Development Act, whether as
9 proceeds from the sale of bonds or as revenues, shall be deemed to
10 be trust funds, to be held and applied solely as provided in ~~this~~
11 ~~act~~ the Oklahoma Space Industry Development Act. The resolution
12 authorizing the bonds of any issue or the trust agreement securing
13 such bonds shall provide that any officer to whom, or any bank or
14 trust company to which, such money shall be paid shall act as
15 trustee of the monies and shall hold and apply the same for the
16 purposes hereof, subject to such regulations as ~~this act~~ the
17 Oklahoma Space Industry Development Act and such resolution or trust
18 agreement may provide.

19 SECTION 25. AMENDATORY 74 O.S. 2011, Section 5226, is
20 amended to read as follows:

21 Section 5226. Any holder of bonds issued under the provisions
22 of ~~this act~~ the Oklahoma Space Industry Development Act or any of
23 the coupons appertaining thereto, and the trustee under the trust
24 agreement, except to the extent the rights herein given may be

1 restricted by such trust agreement, may, either at law or in equity,
2 by suit, action, mandamus, or other proceeding protect and enforce
3 any and all rights under the laws of this state or granted hereunder
4 or under such trust agreement or the resolution authorizing the
5 issuance of such bonds, and may enforce and compel the performance
6 of all duties required by ~~this act~~ the Oklahoma Space Industry
7 Development Act or by such trust agreement or resolution to be
8 performed by the ~~Oklahoma Space Industry Development Authority~~
9 Oklahoma Center for the Advancement of Science and Technology or by
10 any officer thereof.

11 SECTION 26. AMENDATORY 74 O.S. 2011, Section 5227, is
12 amended to read as follows:

13 Section 5227. Bonds issued under the provisions of ~~this act~~ the
14 Oklahoma Space Industry Development Act are hereby made securities
15 in which all public officers and public bodies, agencies, and
16 instrumentalities of the state and its political subdivisions, all
17 banks, trust companies, trust and loan associations, investment
18 companies, and others carrying on a banking business, and all
19 insurance companies and insurance associations, and others carrying
20 on an insurance business, may legally and properly invest funds
21 including capital in their control or belonging to them.

22 SECTION 27. AMENDATORY 74 O.S. 2011, Section 5228, is
23 amended to read as follows:

24

1 Section 5228. The ~~Oklahoma Space Industry Development Authority~~
2 Oklahoma Center for the Advancement of Science and Technology is
3 authorized in its discretion to file an application with the Supreme
4 Court of Oklahoma for the approval of any bonds to be issued
5 hereunder, and exclusive original jurisdiction is hereby conferred
6 upon the Supreme Court to hear and determine each such application.
7 It shall be the duty of the Court to give such applications
8 precedence over the other business of the Court and to consider and
9 pass upon the applications and any protests which may be filed
10 thereto as speedily as possible. Notice of the hearing on each
11 application shall be given by a notice published in a newspaper of
12 general circulation in this state that on a day named the ~~Authority~~
13 Center will ask the Court to hear its application and approve the
14 bonds. Such notice shall inform all persons interested that they
15 may file protests against the issuance of the bonds and be present
16 at the hearing and contest the legality thereof. Such notice shall
17 be published one time not less than ten (10) days prior to the date
18 named for the hearing and the hearing may be adjourned from time to
19 time in the discretion of the Court. If the Court shall be
20 satisfied that the bonds have been properly authorized in accordance
21 with ~~this act~~ the Oklahoma Space Industry Development Act and that
22 when issued, they will constitute valid obligations in accordance
23 with their terms, the Court shall render its written opinion
24 approving the bonds and shall fix the time within which a petition

1 for rehearing may be filed. The decision of the Court shall be a
2 judicial determination of the validity of the bonds, shall be
3 conclusive as to the ~~Authority Center~~, its officers and agents, and
4 thereafter the bonds so approved and the revenues pledged to their
5 payment shall be incontestable in any court in this state.

6 SECTION 28. AMENDATORY 74 O.S. 2011, Section 5229, is
7 amended to read as follows:

8 Section 5229. A. The ~~Oklahoma Space Industry Development~~
9 ~~Authority~~ Oklahoma Center for the Advancement of Science and
10 Technology is hereby authorized to provide by resolution for the
11 issuance of revenue refunding bonds of the ~~Authority Center~~ for the
12 purpose of refunding any bonds then outstanding which shall have
13 been issued under the provisions of ~~this act~~ the Oklahoma Space
14 Industry Development Act including the payment of any redemption
15 premium thereon and any interest accrued or to accrue to the date of
16 redemption of such bonds, and, if the ~~Authority Center~~ shall so
17 determine, for the additional purpose of constructing improvements,
18 extensions, or enlargements of the project or projects in connection
19 with which the bonds to be refunded shall have been issued. The
20 ~~Authority Center~~ is further authorized to provide for the issuance
21 of its revenue bonds for the combined purpose of:

- 22 1. Refunding any bonds then outstanding which shall have been
23 issued under the provisions of ~~this act~~ the Oklahoma Space Industry
24 Development Act, including the payment of any redemption premium

1 thereon and any interest accrued, or to accrue to the date of
2 redemption of such bonds; and

3 2. Paying all or any part of the cost of any additional project
4 or projects as authorized by ~~this act~~ the Oklahoma Space Industry
5 Development Act. The issuance of such bonds, the maturities and
6 other details thereof, the rights of the holders thereof, and the
7 rights, duties, and obligations of the ~~Authority~~ Center in respect
8 of the same, shall be governed by the provisions of ~~this act~~ the
9 Oklahoma Space Industry Development Act insofar as the same may be
10 applicable.

11 B. Bonds may be issued by the ~~Authority~~ Center under the
12 provisions of this section at any time prior to the maturity or
13 maturities or the date selected for the redemption of the bonds
14 being refunded thereby. Pending the application of the proceeds of
15 such refunding bonds, with any other available funds, to the payment
16 of the principal, accrued interest, and any redemption premium of
17 the bonds being refunded, and if so provided or permitted in the
18 resolution authorizing the issuance of such refunding bonds or in
19 the trust agreement securing the same, to the payment of any
20 interest on such refunding bonds, and any expenses in connection
21 with such refunding, such proceeds may be invested in direct
22 obligations of, or obligations the principal of and the interest on
23 which are unconditionally guaranteed by, the United States of
24 America which shall mature or which shall be subject to redemption

1 by the holder thereof at the option of such holder, not later than
2 the respective dates when the proceeds, together with the interest
3 accruing thereon, will be required for the purposes intended. In
4 lieu of such investments, all or any part of such proceeds may be
5 placed in interest bearing time deposits or other similar
6 arrangements may be made with regard thereto which will assure that
7 such proceeds, together with the interest accruing thereon, will be
8 available when required for the purposes intended.

9 SECTION 29. AMENDATORY 74 O.S. 2011, Section 5230, is
10 amended to read as follows:

11 Section 5230. ~~The Oklahoma Space Industry Development Authority~~
12 Oklahoma Center for the Advancement of Science and Technology shall
13 make and submit to the Governor, within ninety (90) days of the
14 close of the ~~Authority's~~ Center's fiscal year, a full report showing
15 anticipated projects, projects under construction and projects in
16 operation, and the financial condition of the ~~Authority~~ Center and
17 the sinking fund of each separate project, and such other
18 information as the Governor shall require. The annual financial
19 statements must be audited and filed in accordance with the
20 requirements set forth for financial statement audits in Section
21 212A of Title 74 of the Oklahoma Statutes.

22 SECTION 30. AMENDATORY 74 O.S. 2011, Section 5231, is
23 amended to read as follows:

24

1 Section 5231. The exercise of the powers granted by ~~this act~~
2 the Oklahoma Space Industry Development Act to the ~~Oklahoma Space~~
3 ~~Industry Development Authority~~ Oklahoma Center for the Advancement
4 of Science and Technology will be in all respects for the benefit of
5 the people of the state. The operation and maintenance of projects
6 by the ~~Authority~~ Center will constitute the performance of essential
7 governmental functions, and the ~~Authority~~ Center shall not be
8 required to pay any taxes or assessments upon any project or any
9 property acquired or used by the ~~Authority~~ Center under the
10 provisions of ~~this act~~ the Oklahoma Space Industry Development Act
11 or upon the income therefrom, and the bonds issued under the
12 provisions of ~~this act~~ the Oklahoma Space Industry Development Act,
13 their transfer and the income therefrom, including any profit made
14 on the sale thereof, shall at all times be free from taxation within
15 the state.

16 SECTION 31. AMENDATORY 74 O.S. 2011, Section 5232, is
17 amended to read as follows:

18 Section 5232. The ~~Oklahoma Space Industry Development Authority~~
19 Oklahoma Center for the Advancement of Science and Technology shall
20 have the power to apply to the federal government for a grant
21 allowing the designation of any spaceport territory as a foreign
22 trade zone.

23 SECTION 32. AMENDATORY 74 O.S. 2011, Section 5233, is
24 amended to read as follows:

1 Section 5233. No member of the Board of Directors shall be
2 deemed to have an interest in any contract of the ~~Oklahoma Space~~
3 ~~Industry Development Authority~~ Oklahoma Center for the Advancement
4 of Science and Technology with any person by reason of the fact that
5 such Board member is related to such person or is a director,
6 officer, employee, stockholder, partner or agent of such person.
7 Contracts of the ~~Authority~~ Center with any such person shall not be
8 invalid or unenforceable by reason of such interest, provided that
9 each member of the Board shall have submitted to the Board a
10 statement of the member's interest in or relationship to such person
11 prior to the approval or authorization of the contract by the
12 ~~Authority~~ Center. The statement shall be maintained as part of the
13 permanent record book of the ~~Authority~~ Center for as long as the
14 contract continues in effect and for not less than one (1) year
15 thereafter.

16 SECTION 33. AMENDATORY 74 O.S. 2011, Section 5234, is
17 amended to read as follows:

18 Section 5234. The Board of Directors or any aggrieved person
19 may have recourse to such remedies in law and equity as may be
20 necessary to ensure compliance with the provisions of ~~this act~~ the
21 Oklahoma Space Industry Development Act, including injunctive relief
22 to enjoin or restrain any person from violating the provisions of
23 ~~this act~~ the Oklahoma Space Industry Development Act, and any rules,
24 resolutions, procedures, and orders adopted under ~~this act~~ the

1 Oklahoma Space Industry Development Act. The court shall, upon
2 proof of any such violation, have the duty to issue temporary and
3 permanent injunctions as are necessary to prevent further violation
4 thereof. In case any building or structure is erected, constructed,
5 reconstructed, altered, repaired, converted or maintained, or any
6 building, structure, land or water is used, in violation of ~~this act~~
7 the Oklahoma Space Industry Development Act, or of any rules,
8 resolutions, procedures, or orders adopted under authority conferred
9 by ~~this act~~ the Oklahoma Space Industry Development Act or under
10 law, the Board may institute any appropriate action or proceeding to
11 prevent such unlawful erection, construction, reconstruction,
12 alteration, repair, conversion, maintenance or use, to restrain,
13 correct or avoid such violations, to prevent the occupancy of such
14 building, structure, land or water, and to prevent any illegal act,
15 conduct, business or use in or about such premises, land or water.

16 SECTION 34. AMENDATORY 74 O.S. 2011, Section 5235, is
17 amended to read as follows:

18 Section 5235. It is the intent of the Legislature and the
19 public policy of this state that women, minorities, and socially,
20 physically and economically disadvantaged business enterprises be
21 encouraged to participate fully in all phases of economic and
22 community development. Accordingly, to achieve such purpose, the
23 ~~Oklahoma Space Industry Development Authority~~ Oklahoma Center for
24 the Advancement of Science and Technology shall, in accordance with

1 applicable state and federal law, involve and utilize women,
2 minorities, and socially, physically and economically disadvantaged
3 business enterprises in all phases of the design, development,
4 construction, maintenance, and operation of spaceports developed
5 under ~~this act~~ the Oklahoma Space Industry Development Act.

6 SECTION 35. REPEALER 74 O.S. 2011, Section 5206, is
7 hereby repealed.

8 SECTION 36. This act shall become effective July 1, 2016.

9 SECTION 37. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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