

ENROLLED HOUSE
BILL NO. 1938

By: Bonny and Beutler of the
House

and

Capps of the Senate

An Act relating to state government; amending Sections 4, 7, 17, 18 and 19, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Sections 5204, 5207, 5217, 5218 and 5219), which relate to the Oklahoma Space Industry Development Authority; making Authority subject to certain requirements and procedures; deleting provisions for stipend; clarifying powers of Authority outside boundaries of spaceport territory; prohibiting the exercise of power in manner that prohibits certain activities; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 4, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Section 5204), is amended to read as follows:

Section 5204. Subject to the requirements of Section ~~6~~ 5206 of this ~~act~~ title, the Oklahoma Space Industry Development Authority is hereby granted, has and may exercise all powers necessary to carry out and effectuate its purpose, including, but not limited to, the following:

1. Sue and be sued by its name in any court of competent jurisdiction;
2. Adopt and use an official seal and alter the same at pleasure;
3. Make and execute any and all contracts and other instruments necessary or convenient to the exercise of its powers;
4. Issue revenue bonds or other obligations as authorized by the provisions of this act or any other law, or any combination of the foregoing, to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, maintenance or operation of any project or combination of projects, to provide for any facility, service or other activity of the Authority and to provide for the retirement or refunding of any bonds or obligations of the Authority, or for any combination of the foregoing purposes;
5. Acquire property, real, personal, intangible, tangible, or mixed, in fee simple or any lesser interest or estate, by purchase,

gift, devise, or lease, on such terms and conditions as the Authority may deem necessary or desirable, and sell or otherwise dispose of the same and of any of the assets and properties of the Authority;

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

7. Subject to the limitations prescribed by Section ~~40~~ 5210 of this ~~act~~ title, acquire by condemnation land and such interest therein as may be necessary in its determination for the purpose of establishing, constructing, maintaining, or operating a spaceport;

8. Own, acquire, construct, develop, create, reconstruct, equip, operate, maintain, extend and improve launch pads, landing areas, ranges, payload assembly buildings, payload processing facilities, laboratories, space business incubators, launch vehicles, payloads, space flight hardware, facilities and equipment for the construction of payloads, space flight hardware, rockets, and other launch vehicles, and spaceport facilities and systems, including educational, recreational, cultural, and other space-related initiatives;

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

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

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

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

13. Own, acquire, construct, reconstruct, equip, operate, maintain, collect fees for services provided, extend and improve

waste collection, recycling and disposal systems, and to sell, recycle or otherwise dispose of any effluent, residue or other by-products of such systems consistent with the laws of the state;

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

15. Own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve water and flood control facilities and regulate the supply and level of water within any spaceport territory which may include diverting waters from one area or body of water to another, regulating, controlling or restricting the development and use of natural and artificial streams or bodies of water, lakes or ponds, and taking all measures determined by the Authority to be necessary or desirable to prevent or alleviate land erosion; provided, in exercising any of its powers pertaining to the use, control, or diversion of water, the Authority is subject to all permitting requirements and procedures of the Oklahoma Water Resources Board as set forth by law or by rule of the Board; and

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

SECTION 2. AMENDATORY Section 7, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Section 5207), is amended to read as follows:

Section 5207. A. Subject to the provisions of Section ~~6~~ 5206 of this ~~act~~ title, there is created within the Oklahoma Space Industry Development Authority, the Board of Directors consisting of seven (7) members who shall be appointed by the Governor with advice and consent of the Senate. All but one Board member shall be a resident of this state. Each member appointed to serve on the Board shall have experience in the aerospace or commercial space industry or finance, or have other significant relevant experience.

B. 1. Initially, the Governor shall appoint four members for terms of three (3) years and three members for terms of four (4) years. Thereafter, each member shall serve a term of four (4) years or until a successor is appointed and qualified. Initial appointments shall be made no later than sixty (60) days after the motion to activate the Authority is memorialized pursuant to Section ~~6~~ 5206 of this ~~act~~ title. The term of the members shall commence on the date of appointment and terminate on June 30 of the year of the end of the term. No member shall serve on the Board for more than two full four-year terms. Except as prohibited by the Oklahoma Constitution, appointment to the Board shall not preclude any member from holding any other private or public position.

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

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

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

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

2. At its initial meeting, or as soon thereafter as is practicable, the Board shall appoint a chief executive officer. The Board shall determine the annual salary of the chief executive officer.

F. ~~The members of the Board shall receive a stipend of Three Hundred Dollars (\$300.00) for each official Board meeting attended for which a quorum was present.~~ Each member shall be reimbursed for expenses incurred in the performance of duties on behalf of the Authority as provided for in the State Travel Reimbursement Act.

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

SECTION 3. AMENDATORY Section 14, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Section 5214), is amended to read as follows:

Section 5214. A. The Oklahoma Space Industry Development Authority shall have the power to construct, develop, create, maintain and operate its projects within the geographic limits of any spaceport territory, including any portions of any spaceport territory located inside the boundaries of any municipality or other political subdivision, and to offer, supply and furnish the facilities and services provided for in this act to, and to collect fees, rentals and other charges from persons, public or private, within the geographic limits of any spaceport territory and for the use of the Authority itself. Provided, the Authority may not exercise any of the powers authorized under paragraphs 11 through 16

of Section 4 5204 of this ~~act~~ title within any portion of a spaceport territory located within the boundaries of a municipality unless the Authority has entered into a cooperative agreement with the governing body of the municipality regarding the terms and conditions under which services or facilities may be offered or provided.

B. The Authority shall have the power to construct, maintain, and operate ~~its projects~~ space industry facilities outside the boundaries of the geographic limits of any spaceport territory, and to offer, supply and furnish the facilities and services provided for in this act ~~to~~ that are necessary to the construction, maintenance, or operation of such space industry facilities, and to collect fees, rental and other charges from, persons, firms, corporations, municipalities, counties, political subdivisions and other public or private agencies or bodies for the use of such space industry facilities or services located or provided outside of the geographic limits of any spaceport territory; provided, however, the Authority shall not construct any ~~project~~ space industry facility or offer, furnish or supply facilities and services outside of the territorial limits of any spaceport territory except upon the consent, approval, ~~and~~ or certification of any regulatory agency or governing body of this state or of any municipality or other political subdivision thereof whose consent, approval, or certification may be required by law.

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

SECTION 4. AMENDATORY Section 17, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Section 5217), is amended to read as follows:

Section 5217. ~~Consistent~~ A. 1. Except as provided in subsection B of this section, consistent with the laws of this state, and any other laws of this state to the contrary notwithstanding, the jurisdiction and powers of the Board of Directors of the Oklahoma Space Industry Development Authority within the spaceport territory with respect to the matters provided for in this act pertaining to the operation, maintenance, and safety of the spaceport shall be exclusive of any and all codes, ordinances, requirements, plans or other regulations of the boards of county commissioners or of any other agency or authority of any county or municipality in this state. All land, properties and activities within any spaceport territory pertaining to the operation, maintenance, and safety of the spaceport, shall be exempt from any and all such codes, ordinances, requirements, plans and regulations, and any and all requirements for building and construction permits and licenses pertaining to the same, promulgated by the boards of county commissioners of any county or city councils of any municipality in the state; provided, however, nothing herein shall exempt any general contractor, electrical contractor, builder, owner-builder or specialty contractor from the provisions and requirements of any laws of this state, with respect to examination and licensing, or from any of the fees and bonds required of such contractors or builders by law.

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

3. The jurisdiction and powers of the Board provided for herein shall within the spaceport territory also be exclusive of any law now or hereafter enacted ~~provided~~ providing for land use regulation, zoning or building codes by this state or any agency or authority of the state, and the provisions of any such law shall not be applicable within the territorial limits of any spaceport territory.

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

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

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

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

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

SECTION 5. AMENDATORY Section 18, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Section 5218), is amended to read as follows:

Section 5218. ~~For~~ A. Except as provided in subsection B of this section, for the purposes of operating, maintaining, and providing for the safety of a spaceport the Board of Directors of the Oklahoma Space Industry Development Authority shall have the power within any spaceport territory to:

1. Adopt, and from time to time review, amend, supplement or repeal, a comprehensive general plan for the physical development of the area within any spaceport territory in accordance with the objectives and purposes of this act;

2. Adopt, and from time to time review, amend, supplement or repeal, codes regulating the following matter within any spaceport territory: building safety, elevators, escalators and similar devices, the prevention of fire hazards, plumbing and electrical installations, the operation and development of missile ranges, launch pads, payload procession and assembly facilities, the

operation of amusement and recreation installations, parks and facilities, water supply wells and drainage wells, and such other safety or sanitary codes as the Board may determine to be necessary or desirable;

3. Prohibit within any spaceport territory the construction, alteration, repair, removal or demolition, or the commencement of the construction, alteration, repair except for emergency repairs, removal or demolition, of any building or structure, including but not limited to, public utility poles, lines, pipes and facilities, without first obtaining a permit from the Board or such other officer or agency as the Board may designate, and to prescribe the procedure with respect to the obtaining of such permit; and

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

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

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

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

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

SECTION 6. AMENDATORY Section 19, Chapter 164, O.S.L. 1999 (74 O.S. Supp. 1999, Section 5219), is amended to read as follows:

Section 5219. ~~In~~ A. Except as provided in subsection B of this section, in addition to other powers granted by this act, for the purposes of operating, maintaining, and providing for the safety of a spaceport the Board of Directors shall have the power within any spaceport territory to:

1. Regulate, restrict and determine the location, height, number of stories, size, cubic contents, area and design, and the erection, construction, reconstruction, alteration and repair of buildings and other structures for space industry development, trade, industry, commerce, residence and other purposes, and the materials used in the construction thereof; the number, location, height, size, appearance and use of billboards and all other advertising signs, banners, handbills and devices; the percentage and portion of lots and land that may be occupied or built on; setback lines; the density of population; the use of buildings, structures, land and water for trade, industries, commerce, and residences and any and all other purposes; the location, size and plan of spaceport facilities, launch pads, ranges, payload assembly

and processing facilities, parks and recreational areas, commercial and industrial facilities, public and private utilities, traffic, parking facilities and drainage and water control facilities; and to appoint inspectors;

2. Adopt rules to prohibit or control the pollution of air and water, and to require certain location and placement of electrical power, telephone and other utility lines, cables, pipes and ducts; and

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

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

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

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

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

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of April, 2000.

Speaker of the House of
Representatives

Passed the Senate the 10th day of April, 2000.

President of the Senate