

ENROLLED SENATE
BILL NO. 746

By: Haney and Kerr of the
Senate

and

Matlock and Kinnamon of the
House

An Act relating to state government; amending 74 O.S. 1991, Section 1201, as amended by Section 1, Chapter 313, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1201), which relates to the Oklahoma Indian Affairs Commission; modifying membership; modifying number of meetings per year; creating the Native American Cultural and Educational Authority of Oklahoma; authorizing Authority to construct, maintain, repair and operate a Native American cultural center, museum and theme park; authorizing Authority to issue revenue bonds; providing that such revenue bonds do not constitute a debt of the state or any political subdivision thereof; providing such revenue bonds shall contain certain statement; constituting Authority as an agency of the state; authorizing Authority to carry certain liability insurance; providing that Authority be subject to certain workers' compensation laws; providing for membership; specifying terms; providing certain requirements for membership; providing for election of chairmanship, vice-chairmanship, secretary, treasurer and other officers; requiring each member to execute certain surety bond; providing for reimbursement of certain expenses; defining terms; authorizing and empowering Authority to carry out certain functions; authorizing Authority to provide by resolution for the issuance of certain revenue bonds; providing for certain requirements; authorizing Authority to issue certain interim receipts on temporary bonds prior to preparation of definitive bonds; authorizing Authority to provide for certain actions; defining terms; prohibiting certain restrictions concerning the issuance of bonds; requiring compliance with certain act; authorizing Authority to secure bonds; providing certain specifications of trust agreement; authorizing Authority to take certain actions regarding use of each project; deeming all monies received to be trust funds; authorizing holder of bonds and certain trustee to protect and enforce all rights and performance of duties; exempting Authority from paying certain taxes; stating bonds issued under act to be securities; providing for employees of Authority; authorizing certain entities to

lease, lend, grant or convey certain property to Authority; stating certain requirements; providing for issuance of revenue refunding bonds; providing that bonds may be issued at certain times; authorizing creation of endowment fund; requiring submission of certain report; providing for annual audit of Authority; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1201, as amended by Section 1, Chapter 313, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1201), is amended to read as follows:

Section 1201. A. There is hereby created the Oklahoma Indian Affairs Commission. The Commission shall consist of ~~sixteen (16)~~ eighteen (18) members: nine appointed members and ~~seven~~ nine nonvoting, ex officio members. The appointed members shall be appointed by the Governor with the advice and consent of the Senate. All Commission members shall be residents of the State of Oklahoma at the time of their appointment. All appointments to the Commission shall be for terms of three (3) years. Members shall serve until their successors are appointed and qualified. Failure of any appointed member to attend three consecutive regularly scheduled monthly meetings shall result in forfeiture of office.

B. Appointments to the Commission shall be made as follows:

1. Four of the members shall be appointed from a list of persons supplied by the tribes represented by the Bureau of Indian Affairs Office located in Muskogee, Oklahoma;

2. Four of the members shall be appointed from a list of persons supplied by the tribes represented by the Bureau of Indian Affairs Office located in Anadarko, Oklahoma; and

3. One of the members shall be appointed at large.

C. The ~~seven~~ nine nonvoting, ex officio members shall be:

1. The Superintendent of Public Instruction, or his or her designee;

2. The Director of the Oklahoma Department of Commerce, or his or her designee;

3. The Director of the Oklahoma Department of Tourism and Recreation, or his or her designee;

4. The Director of the Department of Human Services, or his or her designee;

5. The Director of the ~~Department of Policy and Management~~ Oklahoma Historical Society, or his or her designee;

6. The Director of the State Arts Council, or his or her designee; ~~and~~

7. The Attorney General, or his or her designee;

8. The Secretary of State, or his or her designee; and

9. The Governor of the State of Oklahoma, or his or her designee.

D. A Director, who must be an American Indian of at least one-quarter blood, shall be appointed by the Commission to serve at the pleasure of the Commission. The Director shall attend and serve as secretary of all meetings of the Commission and shall be responsible for the execution and administration of the program and projects of the Commission authorized by law and adopted by the Commission in furtherance thereof.

E. In appointing members of the Commission to succeed those previously appointed, appointments shall be restricted to not more than one representative of any tribe. Appointments to the Commission will be geographically distributed to represent the various tribal governments in Oklahoma.

F. The Department of Central Services shall provide suitable office space for said Commission in the State Capitol or other buildings in the State Capitol area.

G. The Commission shall meet regularly at least once ~~per~~ every other month and at such other times as may be set by the Chairman. The first meeting required under this act shall be in the month of September, 1994. Members of the Commission shall receive no salary, but shall be entitled to travel reimbursement as provided by the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226 of Title 74, unless there is created a duplication in numbering, reads as follows:

In order to promote the history and culture of Native Americans for the mutual benefit of the State of Oklahoma and its Indian and non-Indian citizens, there is hereby created the "Native American Cultural and Educational Authority of Oklahoma", which Authority is hereby authorized and empowered to construct, maintain, repair and operate a Native American cultural center, museum and theme park within the State of Oklahoma as shall be approved by the Authority and to issue revenue bonds of the Authority payable solely from revenues to pay the cost of such projects.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

Revenue bonds issued under the provisions of this act shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be payable solely from the funds therein provided therefor from revenues. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from the revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or the interest on such bonds.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a body corporate and politic to be known as the "Native American Cultural and Educational Authority of Oklahoma", and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an agency of the state, and the exercise by the Authority of the powers conferred by this act shall be deemed to be essential governmental functions of the state with all the attributes thereof. Provided, however, the Authority is authorized to carry liability insurance to the extent authorized by the Authority, and in addition thereto it shall be subject to the workers' compensation laws of the State of Oklahoma the same as a private employer.

B. The Authority shall consist of six members appointed to serve defined terms, five ex officio members and four appointed members from the business community. Each appointed member and each ex officio member shall have one vote for purposes of conducting the

business of the Authority. The six members appointed to serve defined terms shall serve overlapping terms and shall be chosen as follows: two members shall be appointed by the Governor; two members shall be appointed by the Speaker of the House of Representatives; and two members shall be appointed by the President Pro Tempore of the Senate. The appointed members shall be residents of the state, and shall have been qualified electors therein for a period of at least one (1) year preceding their appointment. Each of the members appointed to serve defined terms by the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate respectively shall be a member of a federally recognized American Indian tribe located within this state. Such tribal membership shall be determined by the respective tribes. Appointments shall be made from names provided by tribal governments, councils or other recognized tribal entities. Appointments shall be restricted to not more than one representative of any tribe. Such appointed members initially appointed shall continue in office for terms of from three (3) to seven (7) years, respectively, from the date of their appointment, and thereafter until their respective successors shall be duly appointed and qualified, with the term of each initially appointed member to be designated by the Governor at the time of the appointment, with one member to be appointed to a three-year term, one member to be appointed to a four-year term, one member to be appointed to a five-year term, one member to be appointed to a six-year term, and two members to be appointed to a seven-year term; but their successors shall each be appointed for a term of seven (7) years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. At the expiration of any term, the person holding such office shall continue to serve until such person's duly appointed successor shall be appointed and qualified. Any member of the Authority shall be eligible for reappointment, and no member shall be removed from office except for good cause shown. One ex officio member shall be the Executive Director of the Oklahoma Indian Affairs Commission, or the designee of the same. One ex officio member shall be the Lieutenant Governor, or the designee of same. One ex officio member shall be the Director of the Oklahoma Historical Society, or the designee of same. One ex officio member shall be the Director of the Tribal Government Assistance Program of the Department of Commerce, or the designee of same. One ex officio member shall be the Executive Director of the State Arts Council of Oklahoma, or the designee of same. The four appointed members from the business community shall be chosen as follows: two members shall be appointed by the Governor; one member shall be appointed by the Speaker of the House of Representatives; and one member shall be appointed by the President Pro Tempore of the Senate. Each member shall have at least fifteen (15) years' experience in business, banking, finance or corporate law, and shall have demonstrated outstanding ability in business or industry. At least one of the two appointed members from the Governor shall be a member of a federally recognized American Indian tribe located within this state. The members shall serve at the pleasure of the respective appointing authority.

C. The Authority shall elect one of its members as chairperson, and another as vice-chairperson, and also shall elect a secretary, treasurer and such other officers as the Authority may deem appropriate. A majority of the members of the Authority (exclusive of vacancies) shall constitute a quorum and the vote of a majority of the members (exclusive of vacancies) shall be necessary for any action taken by the Authority. No vacancy in the membership of the

Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

D. Before the issuance of any revenue bonds under the provisions of this act, each member of the Authority shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) and the secretary and treasurer shall execute a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of his or her office, to be executed by a surety company authorized to transact business in the State of Oklahoma as surety, and to be filed in the office of the Secretary of State.

E. The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for actual expenses necessarily incurred in the performance of duties on behalf of the Authority, provided that members of the Authority shall be compensated for their travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in Sections 2 through 18 of this act:

1. "Authority" shall mean the Native American Cultural and Educational Authority of Oklahoma, created by Section 4 of this act, or, if such Authority shall be abolished, the board, body, or commission succeeding to the principal functions hereof or to whom the powers given by this act shall be given by law;

2. "Project" or "projects" shall mean any facilities constructed or improvements made under the provisions of this act by the Authority for the purpose of constructing a Native American cultural center, museum and theme park, and shall embrace all buildings, structures, landscaping, infrastructure, utilities, roadways, parking structures, parking lots, sidewalks, personal property and fixtures, equipment and machinery, and other improvements which the Authority may deem necessary for the operation of such projects, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such;

3. "Cost" as applied to a project shall include expenditures of the Authority, other governmental agencies, and private entities, to include past, present and future expenditures, and shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, the cost of all machinery and equipment, financing charges, provision for working capital, interest prior to, during, and after construction and a reserve for interest in such amounts as the Authority shall determine, cost of engineering, architecture, planning, legal and accounting expenses, plans, specifications, surveys, estimates of cost, and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation, and other expenditures

in furtherance of the objectives of Sections 2 through 18 of this act;

4. "Owner" shall include all individuals, copartnerships, associations, corporations, trusts, and any other person or entity having any title or interest in any property, rights, easements, and interests authorized to be acquired by Sections 2 through 18 of this act;

5. The phrase "operational services" shall mean services of a maintenance or operational nature, including, but not limited to, grounds maintenance and security services, provided by the Authority, pursuant to an agreement between the Authority and any service recipient; and

6. The phrase "other governmental agencies" shall mean the State of Oklahoma or other agencies thereof, the national government, other states or agencies thereof, public trusts, municipalities, counties and other subdivisions of government.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Authority is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and conduct of its business;

2. To adopt an official seal and alter the same at pleasure;

3. To have its principal office located at a site designated by the Authority;

4. To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in Oklahoma County. The Authority shall be subject to the Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes;

5. To construct, maintain, repair and operate a Native American cultural center, museum and theme park;

6. To construct, maintain, repair and operate any facilities necessary to effectuate educational and training programs relating to Native American cultures, languages, skills, arts and crafts, to include facilities for the sale of such Native American artwork and crafts;

7. To issue revenue bonds of the Authority, payable solely from revenues, including the revenues accruing to the trust fund created by this act, for the purpose of paying all or any part of the cost of any one or more projects;

8. To fix and revise from time to time user charges for the use of projects;

9. To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties, to include the right to acquire such property for prospective projects, including the acquisition of existing facilities, buildings, equipment and improvements;

10. To lease projects, or portions thereof, to other governmental agencies or to private persons, partnerships, corporations, trusts, and other private entities;

11. To acquire in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, such public or private lands, including public parks, or reservations, or parts thereof or rights therein, rights-of-way, property rights, easements, and interests, as it may deem necessary for carrying out the provisions of this act;

12. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the

execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

13. To receive and accept from any federal agency grants for or in aid of the construction of any project; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made;

14. To do all things necessary or convenient to carry out the powers expressly granted in this act; and

15. All meetings of the Authority shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes and all records of the Authority shall be subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, both as the same shall from time to time be amended.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Authority may provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the Authority for the purpose of paying all or any part of the cost of any one or more projects. The Authority, when it finds that it would be economical and beneficial to do so, may combine two or more, or any part thereof, or all of its proposed projects into one unit and consider the same as one project to the same extent and with like effect as if the same were a single project. The principal of and the interest on the bonds shall be payable solely from the funds provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the limitations pertaining to public trust indebtedness from time to time expressed in subsection (f) of Section 176 of Title 60 of the Oklahoma Statutes, shall mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity at the option of the Authority at such price or prices and pursuant to such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. If any officer whose signature or facsimile of whose signature appears on any bonds or coupons shall cease to be said officer before the delivery of the bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes the same as if the person had remained in office until such delivery. All bonds issued pursuant to the provisions of this act shall have all the qualities and incidents of negotiable instruments subject to the negotiable instruments law of this state. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Authority may sell the bonds in such amounts and in such manner, either at public or private sale, and for such price, as it may determine to be in the best interests

of this state, but in no event at a discount in excess of that from time to time expressed in said subsection (f) of Section 176 of Title 60 of the Oklahoma Statutes.

B. The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project for which such bonds have been issued, and shall be disbursed in such manner and pursuant to such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be deposited to the credit of the sinking fund for such bonds, or may be used by the Authority in implementing any other power expressly granted to the Authority in this act.

C. Prior to the preparation of definitive bonds, the Authority, subject to like restrictions, may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which have become mutilated or were destroyed or lost. Bonds may be issued pursuant to the provisions of this act without obtaining the consent of any department, division, commission, board, bureau, or agency of this state, and without any other proceedings or the occurrence of any other conditions or things than those proceedings, conditions, or things that are specifically required by this act; provided however, the Authority shall be subject to and shall comply with the Oklahoma Bond Oversight and Reform Act, Section 695.2 et seq. of Title 62 of the Oklahoma Statutes, and for purposes of said act the Authority shall be deemed to be a state governmental entity.

D. The Authority is hereby authorized to provide that the bonds:

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

2. Be additionally supported by a credit facility;

3. Be made subject to redemption prior to maturity, with or without premium, on such notice and at such time or times and with such redemption provisions as may be determined by the Authority or with such variations as may be permitted in connection with a par formula;

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

5. Be made the subject of a remarketing agreement whereby an attempt is made to remarket the bonds to new purchasers prior to their presentment for payment to the provider of the credit facility or to the Authority. No credit facility, repayment agreement, par formula or remarketing agreement shall become effective without the approval of the Authority.

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

1. "Credit facility" means an agreement entered into by the Authority with any bank, savings and loan association or other banking institution; an insurance company, reinsurance company, surety company, or other insurance institution; a corporation, investment banker or other investment institution; or any other financial institution providing for prompt payment of all or any part of the principal, whether at maturity, presentment for purchase, redemption or acceleration, redemption premium, if any, and interest on any bonds payable on demand or tender by the owner issued in accordance with this section, in consideration of the Authority's agreeing to repay the provider of such credit facility in accordance with the terms and provisions of such repayment agreement, provided, that any such repayment agreement shall provide that the obligation of the Authority thereunder shall have only such sources of payment as are permitted for the payment of the bonds issued under this act; and

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

F. Nothing in any law heretofore enacted or enacted at the present session of the Legislature shall be deemed to limit or restrict the right of the Authority to issue bonds or other obligations the interest income, in whole or in part, on which is subject, directly or indirectly, to federal income taxation.

G. All bonds issued, reissued or refunded by the Authority shall comply with the Oklahoma Bond Oversight and Reform Act, Section 695.2 et seq. of Title 62 of the Oklahoma Statutes, and for purposes of said Act the Authority shall be deemed to be a state governmental entity.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

In the discretion of the Authority any bonds issued under the provisions of this act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement may pledge or assign lease payments, user fees and other revenues to be received from the project constructed by the use of the proceeds of the bonds. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all monies in connection with the construction or operation of such project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing any such trust agreement may contain such other provisions as the Authority

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

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.7 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Authority, subject to the provisions hereof, is hereby authorized to fix, revise, charge and collect compensation for the use of each project, and parts or sections thereof, and to contract with any person, partnership, association, corporation, or other governmental agencies desiring the use, for any purpose, of all or any part of any project and to fix the terms, conditions, rents and rates of charge for such use. Such compensation, subject to other restrictions hereof, shall be so fixed and adjusted so as to provide a fund sufficient with other revenues, if any, to pay:

1. The cost of maintaining, repairing and operating such project or projects; and
2. The principal of and the interest of bonds issued for the purpose of financing Authority projects as the same shall become due and payable, and to create reserves for such purposes.

B. The compensation derived from the projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay for maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of:

1. The interest upon such bonds as such interest shall become due;
2. The principal of such bonds as the same shall fall due;
3. The necessary charges of paying agents for paying principal and interest; and
4. The redemption price or the purchase price of bonds retired by call or purchased as herein provided, which are a charge against such fund.

C. The use and disposition of monies to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided for in such resolution or such trust agreement, such sinking fund shall be a fund for all such bond issues without distinction or priority of one over another. The money in the sinking fund, less such reserve as may be provided in such resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds at the redemption price then applicable.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.8 of Title 74, unless there is created a duplication in numbering, reads as follows:

All monies received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such monies shall be paid shall act as trustee of such monies and shall hold and

apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.9 of Title 74, unless there is created a duplication in numbering, reads as follows:

Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under the trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of charges and compensation for use of projects.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.10 of Title 74, unless there is created a duplication in numbering, reads as follows:

The exercise of the powers granted by this act will be in all respects for the benefit of the people of the state, for the increase of their education, commerce and prosperity, and as the operation and maintenance of projects by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this act or upon the income therefrom.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.11 of Title 74, unless there is created a duplication in numbering, reads as follows:

Bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies, agencies, and instrumentalities of the state and its political subdivisions, all banks, trust companies, trust and loan associations, investment companies, and others carrying on a banking business, and all insurance companies and insurance associations, and others carrying on an insurance business, may legally and properly invest funds including capital in their control or belonging to them.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.12 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Each project when constructed shall be maintained and kept in good condition and repair by the Authority. The Authority shall employ such employees as the Authority may deem necessary.

B. All political subdivisions and other governmental agencies, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request upon such terms and conditions as the proper authorities of such political subdivisions or other governmental agencies may deem reasonable and fair and without the necessity for any advertisement, competitive bidding, order of court or other action or formality, other than the regular and formal action or authorities concerned, any property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including property already devoted to public use.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.13 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Authority is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this act including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if the Authority shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the project or projects in connection with which the bonds to be refunded shall have been issued. The Authority is further authorized to provide for the issuance of its revenue bonds for the combined purpose of:

1. Refunding any bonds then outstanding which shall have been issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued, or to accrue to the date of redemption of such bonds; and

2. Paying all or any part of the cost of any additional project or projects as authorized by this act.

The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the Authority in respect of the same, shall be governed by the provisions of this act insofar as the same may be applicable.

B. Bonds may be issued by the Authority under the provisions of this section at any time prior to the maturity or maturities of the date selected for the redemption of the bonds being refunded thereby. Pending the application of the proceeds of such refunding bonds, with any other available funds, to the payment of the principal, accrued interest, and any redemption premium of the bonds being refunded, and if so provided or permitted in the resolution authorizing the issuance of such refunding bonds or in the trust agreement securing the same, to the payment of any interest on such refunding bonds, and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America which shall mature or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended, or, in lieu of such investments, all or any part of such proceeds may be placed in interest-bearing time deposits or other similar arrangements may be made with regard thereto which will assure that such proceeds, together with the interest accruing thereon, will be available when required for the purposes intended.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.14 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Authority is hereby authorized to create an endowment fund for the purpose of providing educational or vocational scholarships to members of federally recognized Indian tribes located in the State of Oklahoma. No more than sixty percent (60%) of all revenues in excess of any amounts needed to satisfy the provisions of Section 7 of this act may be expended to fund such endowment.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.15 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Authority shall make and submit to the Governor, within ninety (90) days of the close of the Authority's fiscal year, a full report showing the financial condition of the Authority.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1226.16 of Title 74, unless there is created a duplication in numbering, reads as follows:

The State Auditor and Inspector shall conduct an annual audit of the Native American Cultural and Educational Authority of Oklahoma and report the same to the Governor, the Senate and the House of Representatives by the first day of each year.

SECTION 19. This act shall become effective September 1, 1994.
Passed the Senate the 11th day of May, 1994.

President of the Senate

Passed the House of Representatives the 24th day of May, 1994.

Speaker of the House of Representatives