

SHORT TITLE: Native American Cultural and Education Authority;  
expanding membership; modifying contracting procedures. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1190

By: Haney

AS INTRODUCED

An Act relating to arts; amending 74 O.S. 1991, Section 500.2, as last amended by Section 1, Chapter 354, O.S.L. 1997 and Section 4, Chapter 388, O.S.L. 1994, as last amended by Section 1, Chapter 394, O.S.L. 1997 (74 O.S. Supp. 1997, Sections 500.2 and 1226.2), which relate to the the State Travel Reimbursement Act and the Native American Cultural and Educational Authority; authorizing the Native American Cultural and Educational Authority to enter into certain contracts; providing for payment; requiring a report; expanding membership of the Authority; providing for appointment and length of terms; providing qualifications; modifying quorum requirements; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 500.2, as last amended by Section 1, Chapter 354, O.S.L. 1997 (74 O.S. Supp. 1997, Section 500.2), is amended to read as follows:

Section 500.2 A. Officials and employees of the state, traveling on authorized state business, may be reimbursed for expenses incurred in such travel in accordance with the provisions

of Section 500.1 et seq. of this act title and other existing statutes relating to state travel. Persons who are not state employees, but who are performing substantial and necessary services to the state which have been directed or approved by the appropriate department official shall enjoy the protection of the sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel under these same statutory provisions, provided it is indicated on the claim the person is not a state employee, a description of services performed is entered, and the agency head by his approval of the claim certifies such services were substantial and necessary, and germane to the duties and functions of the reimbursing agency. Travel expenses incurred by a person during the course of seeking employment with a state agency, unless such travel is performed at the request of the employing agency, shall not be considered expenses incurred in performing substantial and necessary services to the state and shall not be reimbursed under the provisions of ~~this act~~ the State Travel Reimbursement Act.

B. The chief administrative officer of the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Military Department, the Department of Corrections, the Department of Central Services, the Alcoholic Beverage Laws Enforcement Commission, the State Department of Agriculture, the Department of Civil Emergency Management, and the State Fire Marshal may arrange for and charge meals and lodging for a contingent of state personnel moved into an area for the purpose of preserving the public health, safety, or welfare or for the protection of life or property. The cost for meals or lodging so charged shall not exceed the amount authorized in ~~this act~~ the State Travel Reimbursement Act. The chief administrative officer of each agency involved in such an operation shall require the vendor furnishing meals, lodging, or both meals

and lodging to submit an itemized statement for payment. When a claim for lodging is made for a contingent of state personnel, individual members of the contingent may not submit a claim for lodging. When a claim for meals is made for a contingent of state personnel, individual members of the contingent may not submit a claim for meals.

C. The Oklahoma Department of Commerce and the Oklahoma Center for the Advancement of Science and Technology are hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary for sponsoring seminars and receptions relating to economic development and science and technology issues. Such expenses may be paid directly to the contracting agency or business establishment. The Director of the Oklahoma Department of Commerce and the President of the Oklahoma Center for the Advancement of Science and Technology shall each provide a quarterly report of such expenditures to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

D. The Native American Cultural and Educational Authority is hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary in pursuing the promotion of fund raising, marketing and development of Native American educational programs and cultural projects, sponsoring luncheons, seminars and receptions relating to Native American educational, cultural, museum, and economic development issues. Such expenses may be paid directly to the contracting agency or business establishment. The Executive Director shall provide a monthly report of expenditures to the Board.

E. For purposes of this section:

1. "State agency" means any constitutionally or statutorily created state board, commission, or department, including the Legislature and the Courts; and

2. State agencies are authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees or other persons who are performing substantial and necessary services to the state attending official conferences, meetings, seminars, workshops, or training sessions or in the performance of their duties. Such expenses may be paid directly to the contracting agency or business establishment, provided the meeting qualifies for overnight travel for the employees and the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

~~E.~~ F. State agencies are authorized to make direct purchases of commercial airline tickets for use by employees in approved out-of-state travel. Each claim or invoice submitted to the Director of State Finance for the payment of such purchase shall bear the airline identifying ticket number, the name of the airline, total cost of each ticket purchased, class of accommodation, social security number and name of the employee for whom the ticket was purchased, and shall be filed on claim forms as prescribed by the Director of State Finance. An affidavit shall state that said employee did use any direct purchase commercial airline ticket received for his or her approved out-of-state travel.

SECTION 2. AMENDATORY Section 4, Chapter 388, O.S.L. 1994, as last amended by Section 1, Chapter 394, O.S.L. 1997 (74 O.S. Supp. 1997, Section 1226.2), is amended to read as follows:

Section 1226.2 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 Section 1226 et seq. of this title 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. The Department of Commerce shall assist the Authority in fulfilling the responsibilities of Section 1226 et seq. of this title, as requested by the authority.

B. The Authority shall consist of six members appointed pursuant to this subsection to serve defined terms, five ex officio members ~~and~~, four ~~appointed~~ members appointed pursuant to this subsection from the business community and four at-large members appointed pursuant to subsection C of this section. 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 pursuant to this subsection 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~~ Such 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 pursuant to this subsection 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 Secretary of Commerce, or the designee of same. One ex officio member shall be the Executive Director of the Oklahoma Arts Council, or the designee of same. The four ~~appointed~~ appointed pursuant to this subsection members 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. Four-at large members shall be appointed pursuant to the provisions of this subsection. These members may be non-Oklahoma residents and shall have at least fifteen (15) years experience in business, banking, finance, law, government, philanthropy, museum, private business or some other professional capacity, and shall have demonstrated outstanding ability in their profession, business or industry.

Two of the at-large members shall be appointed by the Governor, one of the at-large members shall be appointed by the President Pro Tempore of the Senate and one of the at-large members shall be appointed by the Speaker of the House of Representatives. The member appointed by the Speaker of the House of Representatives and one of the members appointed by the Governor shall be members of a federally recognized American Indian Tribe. The initial terms of the members appointed by the Governor shall expire on July 1, 2000, for one member and July 1, 2001 for the other member. The initial term of the member appointed by the Speaker of the House of Representatives shall expire on July 1, 2002. The initial term of the member appointed by the President Pro Tempore of the Senate shall expire on July 1, 2003. After the initial terms, the at-large members shall serve terms 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 has been appointed and qualified. At-large members shall be eligible for reappointment.

D. 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 number of members of serving on the Authority appointed pursuant to subsection B of this section (exclusive of vacancies) shall constitute a quorum and the vote of a ~~majority of the members (exclusive of vacancies)~~ the number of members constituting a quorum 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.~~ E. Before the issuance of any revenue bonds under the provisions of Section 1226 et seq. of this title, 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.~~ F. 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 this title.~~ All expenses incurred in carrying out the provisions of Section 1226 et seq. of this title shall be payable solely from funds provided under the authority of Section 1226 et seq. of this title 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 Section 1226 et seq. of this title.

SECTION 3. 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.

46-2-2251

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