STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 1256 By: Robinson

COMMITTEE SUBSTITUTE

[State government - Native American Cultural and Educational Authority of Oklahoma - changing name - restricting membership - effective date -

emergency]

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

SECTION 1. AMENDATORY Section 2, Chapter 388, O.S.L. 1994 (74 O.S. Supp. 1999, Section 1226), is amended to read as follows:

Section 1226. 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 2. AMENDATORY Section 4, Chapter 388, O.S.L. 1994, as last amended by Section 5, Chapter 372, O.S.L. 1999 (74 O.S. Supp. 1999, 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 to serve defined terms, six 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~~ Except for the members appointed pursuant to paragraph 3 of this subsection, 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. Any member of the Authority shall be eligible for reappointment, and no member shall be removed from office except for good cause shown. 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.

1. 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

President Pro Tempore of the Senate; and two members shall be appointed by the Speaker of the House of Representatives. Each of ~~the~~ these 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~~ Upon the expiration of a term, on or after July 1, 2000, any succeeding term shall be for four (4) years.

2. The six ex officio members shall be as follows: 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~~. One ex officio member shall be~~; and the Executive Director of the Oklahoma Tourism and Recreation Department, or the designee of the same.

3. 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'~~ years of 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~~ However, in lieu of appointing a member with such experience, one of the two members appointed by the Governor may be a person who has exhibited at least three (3) years of outstanding leadership and involvement in recognized Native American organizations and activities. Upon the expiration of a term, on or after July 1, 2000, any succeeding term shall be for four (4) years.

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 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. 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.

F. The Authority is authorized to establish subcommittees as necessary to perform its functions and duties. A subcommittee may be composed of Authority members and/or nonmembers and shall not have more than five (5) members. Nonmembers of a subcommittee shall be reimbursed by the Authority in accordance with the State Travel Reimbursement Act.

SECTION 3. AMENDATORY Section 5, Chapter 388, O.S.L. 1994 (74 O.S. Supp. 1999, Section 1226.3), is amended to read as follows:

Section 1226.3 As used in Sections ~~2~~ 1226 through ~~18~~ 1226.16 of this ~~act~~ title:

1. "Authority" shall mean the Native American Cultural and Educational Authority ~~of Oklahoma~~, created by Section ~~4~~ 1226.2 of this ~~act~~ title, 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 Section 1226 et seq. of this ~~act~~ title 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~~ 1226 through ~~18~~ 1226.16 of this ~~act~~ title;

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~~ 1226 through ~~18~~ 1226.16 of this ~~act~~ title;

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 4. AMENDATORY Section 18, Chapter 388, O.S.L. 1994, as amended by Section 2, Chapter 394, O.S.L. 1997 (74 O.S. Supp. 1999, Section 1226.16), is amended to read as follows:

Section 1226.16 The Native American Cultural and Educational Authority ~~of Oklahoma~~ shall conduct an annual audit of its activities and expenditures and report the same to the Governor, the Senate, the House of Representatives and the State Auditor and Inspector by the first day of each year.

SECTION 5. This act shall become effective July 1, 2000.

SECTION 6. 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.

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