

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1552

By: Reynolds

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5  
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.  
8 2001, Section 1226.2, as last amended by Section 2,  
9 Chapter 146, O.S.L. 2005 (74 O.S. Supp. 2007, Section  
10 1226.2), which relates to the Native American  
11 Cultural and Education Authority; clarifying  
12 language; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 1226.2, as  
15 last amended by Section 2, Chapter 146, O.S.L. 2005 (74 O.S. Supp.  
16 2007, Section 1226.2), is amended to read as follows:

17 Section 1226.2. A. There is hereby created a body corporate  
18 and politic to be known as the "Native American Cultural and  
19 Educational Authority", and by that name the Authority may sue and  
20 be sued, and plead and be impleaded. The Authority is hereby  
21 ~~constituted~~ an agency of the state, and the exercise by the  
22 Authority of the powers conferred by Section 1226 et seq. of this  
23 title shall be deemed to be essential governmental functions of the  
24 state with all the attributes thereof. ~~Provided, however, the~~ The

1 Authority ~~is authorized to~~ may carry liability insurance to the  
2 extent authorized by the Authority, and ~~in addition thereto it~~ shall  
3 be subject to the workers' compensation laws of the State of  
4 Oklahoma the same as a private employer. The Department of Commerce  
5 shall assist the Authority in fulfilling the responsibilities of  
6 Section 1226 et seq. of this title, as requested by the authority.

7 B. The Authority shall consist of seven appointed members who  
8 are members of a federally recognized American Indian Tribe located  
9 within this state, six ex officio members and four appointed members  
10 from the business community. Each appointed member, excluding ex  
11 officio members, shall have one vote for purposes of conducting the  
12 business of the Authority. Except for the members appointed  
13 pursuant to paragraph 3 of this subsection, the appointed members  
14 shall be residents of the state, and shall have been qualified  
15 electors therein for a period of at least one (1) year preceding  
16 their appointment. Any member of the Authority shall be eligible  
17 for reappointment, and no member shall be removed from office except  
18 for good cause shown. Good cause may be shown in evidence of  
19 excessive failure to attend three consecutive regular Board meetings  
20 of the Authority. The chair of the Authority shall have the right  
21 to remove any member pursuant to good cause. At the expiration of  
22 any term, the person holding such office shall continue to serve  
23 until such person's duly appointed successor shall be appointed and  
24 qualified.

1           1. Seven members appointed to serve shall serve overlapping  
2 terms and shall be chosen as follows: three members shall be  
3 appointed by the Governor; two members shall be appointed by the  
4 President Pro Tempore of the Senate; and two members shall be  
5 appointed by the Speaker of the House of Representatives. Each of  
6 these members shall be a member of a federally recognized American  
7 Indian tribe located within this state. Such tribal membership  
8 shall be determined by the respective tribes. Appointments shall be  
9 made from names provided by tribal governments, councils or other  
10 recognized tribal entities. Appointments shall be restricted to not  
11 more than one representative of any tribe. Such appointed members  
12 initially appointed shall continue in office for terms of from three  
13 (3) to seven (7) years, respectively, from the date of their  
14 appointment, with the term of each initially appointed member to be  
15 designated by the Governor at the time of the appointment, with one  
16 member to be appointed to a three-year term, two members to be  
17 appointed to a four-year term, one member to be appointed to a five-  
18 year term, one member to be appointed to a six-year term, and two  
19 members to be appointed to a seven-year term. Any person appointed  
20 to fill a vacancy shall serve only for the unexpired term. Upon the  
21 expiration of a term, on or after July 1, 2000, any succeeding term  
22 shall be for four (4) years.

23           2. The six ex officio members shall be as follows: the  
24 Executive Director of the Oklahoma Indian Affairs Commission, or the

1 designee of the same; the Lieutenant Governor, or the designee of  
2 same; the Director of the Oklahoma Historical Society, or the  
3 designee of same; the Secretary of Commerce, or the designee of  
4 same; the Executive Director of the Oklahoma Arts Council, or the  
5 designee of same; and the Executive Director of the Oklahoma Tourism  
6 and Recreation Department, or the designee of the same.

7       3. The four appointed members from the business community shall  
8 be chosen as follows: two members shall be appointed by the  
9 Governor; one member shall be appointed by the Speaker of the House  
10 of Representatives; and one member shall be appointed by the  
11 President Pro Tempore of the Senate. Each member shall have at  
12 least fifteen (15) years of experience in business, banking, finance  
13 or corporate law, and shall have demonstrated outstanding ability in  
14 business or industry. However, in lieu of appointing a member with  
15 such experience, one of the two members appointed by the Governor  
16 may be a person who has exhibited at least three (3) years of  
17 outstanding leadership and involvement in recognized Native American  
18 organizations and activities. Upon the expiration of a term, on or  
19 after July 1, 2000, any succeeding term shall be for four (4) years.  
20 Any person appointed to fill a vacancy shall serve only for the  
21 unexpired term.

22       C. The Authority shall elect one of its members as chairperson,  
23 and another as vice-chairperson, and also shall elect a secretary,  
24 treasurer and such other officers as the Authority may deem

1 appropriate. A majority of the members of the Authority (exclusive  
2 of vacancies) shall constitute a quorum and the vote of a majority  
3 of the members (exclusive of vacancies) shall be necessary for any  
4 action taken by the Authority. No vacancy in the membership of the  
5 Authority shall impair the right of a quorum to exercise all the  
6 rights and perform all the duties of the Authority.

7 D. Before the issuance of any revenue bonds under the  
8 provisions of Section 1226 et seq. of this title, each member of the  
9 Authority shall execute a surety bond in the penal sum of Twenty-  
10 five Thousand Dollars (\$25,000.00) and the secretary and treasurer  
11 shall execute a surety bond in the penal sum of One Hundred Thousand  
12 Dollars (\$100,000.00), each such surety bond to be conditioned upon  
13 the faithful performance of the duties of ~~his or her~~ the office, to  
14 be executed by a surety company authorized to transact business in  
15 the State of Oklahoma as surety, and to be filed in the office of  
16 the Secretary of State.

17 E. The members of the Authority shall not be entitled to  
18 compensation for their services, but each member shall be reimbursed  
19 for actual expenses necessarily incurred in the performance of  
20 duties on behalf of the Authority, provided that members of the  
21 Authority shall be compensated for their travel expenses pursuant to  
22 the State Travel Reimbursement Act. All expenses incurred in  
23 carrying out the provisions of Section 1226 et seq. of this title  
24 shall be payable solely from funds provided under the authority of

1 Section 1226 et seq. of this title and no liability or obligation  
2 shall be incurred by the Authority hereunder beyond the extent to  
3 which monies shall have been provided under the authority of Section  
4 1226 et seq. of this title.

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

11 G. Members of the Authority shall be exempt from the provisions  
12 of Section 6 of Title 51 of the Oklahoma Statutes, which prohibits  
13 the holding of any other office during the member's term of office  
14 on the Authority.

15 H. The Directors and staff of the Authority employed to perform  
16 the duties of Sections 1226 et seq. of this title shall be  
17 considered employees of the Authority. The employees of the  
18 Authority shall be entitled to be reimbursed for actual and  
19 necessary expenses incurred in the performance of duties on behalf  
20 of the Authority. Such compensation for travel expenses shall be  
21 paid pursuant to the State Travel Reimbursement Act.

22 SECTION 2. This act shall become effective November 1, 2008.  
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