

activities; providing for use of revenues derived from leases; providing for apportionment of certain revenues to the General Revenue Fund of the State Treasury; specifying formula for apportionment of revenues; providing for adjustment of certain dollar amount for inflation; requiring payment of certain amount by certain municipality to the American Indian Cultural Center and Museum Completion Fund; requiring operation, management and maintenance agreement; specifying required content of agreement; providing for transfer of certain real property to municipality; requiring executed agreement to be provided to the Governor, the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate; authorizing municipality to transfer assets, rights or responsibilities to municipal entities or designees; authorizing contracts; providing for continued effect of contracts and privileges; providing for continued effect of certain obligations; stating legislative intent with respect to revenues required for certain payments related to obligations; providing for discontinuance of appropriations for operational expenses; providing for continued payment of appropriations for debt service; imposing restriction related to transfer of real property by the Native American Cultural and Educational Authority; providing for termination of the Native American Cultural and Educational Authority; providing for transfer of title to certain described real property to the American Indian Cultural Center and Museum Trust Authority; providing description of real property; stating basis of certain bearing; describing certain physical elements and improvements upon real property; imposing requirement related to instrument of conveyance; requiring access and providing for easements; making legislative findings regarding adequacy of consideration; authorizing Office of Management and Enterprise Services and the American Indian Cultural Center and Museum Trust Authority to take certain actions; imposing restriction related to real property transferred; authorizing issuance of obligations by the Oklahoma Capitol Improvement Authority; stating purpose of proceeds; imposing restriction on issuance based upon certification by the Director of the Office of Management and Enterprise Services; requiring deposit

1 of certain amount in the American Indian Cultural
2 Center and Museum Completion Fund; providing for
3 repayment of obligations; stating legislative intent
4 with respect to payments; authorizing issuance in
5 series; specifying maximum net proceeds amount;
6 providing for payment of fees and expenses;
7 authorizing hiring of certain professional services;
8 authorizing creation of reserves; prescribing
9 procedures for sale of obligations; authorizing
10 certain agreements related to liquidity; specifying
11 maximum maturity; providing for use of interest
12 earnings; providing for exemption from taxation;
13 providing for investment of proceeds; providing for
14 applicability of certain provisions related to the
15 Oklahoma Capitol Improvement Authority; providing
16 obligations not to constitute a debt of certain state
17 or political subdivisions; providing for statement on
18 bonds or other obligations; imposing restrictions on
19 use of proceeds; imposing limits on expenditure of
20 proceeds; specifying requirements related to deposit
21 of monies into the American Indian Cultural Center
22 and Museum Completion Fund; providing for
23 certification by the Office of Management and
24 Enterprise Services; prescribing procedures for
expenditures of proceeds; providing for computation
of balance in fund; providing certain amount included
for certain purpose; creating the American Indian
Cultural Center and Museum Completion Fund; stating
sources of income to fund; stating authorized purpose
of expenditures; prohibiting deposit of certain
federal funds; providing for creation of public
trust; designating entity as the American Indian
Cultural Center and Museum Trust Authority; providing
State of Oklahoma as beneficiary of trust entity;
providing for acceptance of beneficial interest;
imposing conditions; providing for final declaration
of trust; providing for adoption of declaration of
trust; specifying required content of declaration of
trust; providing for appointment of trustees; stating
qualifications for trustees; specifying terms;
providing for appointments to fill vacancies;
providing effect of appointments contingent upon
transfer of certain real property to the American
Indian Cultural Center and Museum Trust Authority;
providing for applicability of Governmental Tort
Claims Act; providing exemption from statutory
provision related to dual office holding; authorizing

1 the American Indian Cultural Center and Museum Trust
2 Authority to transfer title to certain real property;
3 authorizing transfer of other property; specifying
4 time period within which transfers required; imposing
5 condition on transfer related to repayment of certain
6 obligations; making legislative findings; providing
7 for termination of the American Indian Cultural
8 Center and Museum Trust Authority; providing for
9 transfer of certain monies to the General Revenue
10 Fund of the State Treasury; providing for disposition
11 of funds; creating the American Indian Cultural
12 Center and Museum Postcompletion Revolving Fund;
13 providing for sources of income to fund; stating
14 authorized purpose of expenditures; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. AMENDATORY 74 O.S. 2011, Section 1226.2, is
18 amended to read as follows:

19 Section 1226.2 A. There is hereby created a body corporate and
20 politic to be known as the "Native American Cultural and Educational
21 Authority" (Authority), and by that name the Authority may sue and
22 be sued, and plead and be impleaded. The Authority is hereby
23 constituted an agency of the state, and the exercise by the
24 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

1 the same as a private employer. The Department of Commerce shall
2 assist the Authority in fulfilling the responsibilities of Section
3 1226 et seq. of this title, as requested by the ~~authority~~ Authority.

4 B. 1. The Legislature hereby finds and it is hereby declared
5 to be the public policy of the State of Oklahoma that the completion
6 and operation of the American Indian Cultural Center and Museum
7 (AICCM) and the transfer of responsibility for operation and
8 maintenance of the AICCM to the City of Oklahoma City (together with
9 any designee thereof, hereinafter referred to as the "City") or its
10 designee will produce significant benefits to the state and the
11 citizens of the state, which benefits include, but are not limited
12 to:

13 a. savings by reason of the state not being required to
14 pay operation and maintenance cost of the AICCM,

15 b. savings to the state by reason of the state not being
16 required to appropriate funds for the general
17 operations of the Authority,

18 c. sales and other taxes projected to be derived from
19 operation of the AICCM and the surrounding commercial
20 development, as well as derived as a result of the
21 existence of the AICCM and the surrounding commercial
22 development,

- 1 d. increases in employment and the benefits derived by
2 the state from such employment, including income and
3 other taxes, and
4 e. other direct and indirect benefits to the state.

5 The Legislature further finds and declares that the State of
6 Oklahoma and its citizens will be best served by the soonest
7 possible completion of the AICCM and transfer of the Authority's
8 unimproved property to the City for a complementary commercial
9 development, with lease revenues therefrom to supply revenues to
10 support the operations of the AICCM. The Legislature further finds
11 that the State of Oklahoma will be best served by transferring
12 responsibility for operations and maintenance of the AICCM to the
13 City, and in furtherance of such purposes and intent, hereby adopts
14 this act.

15 2. As contemplated by the existing Amended and Restated Ground
16 Lease Agreement between the Authority and the Oklahoma Capitol
17 Improvement Authority (OCIA), but only upon the execution of the
18 agreement described in paragraph 5 of this subsection, all of the
19 unimproved real property of the Authority, which is all of the real
20 property held by the Authority less and except the real property
21 described as provided for by subsection C of Section 2 of this act,
22 shall be transferred to the City. Such transfer shall be for the
23 purpose of enabling the development of commercial facilities on such
24 unimproved property, lease revenues of which shall be used to

1 support the operations of the AICCM upon its completion. The
2 Director of the Office of Management and Enterprise Services (OMES)
3 is hereby authorized and directed to coordinate the transfer of such
4 real property in accordance with the provisions of this act.

5 3. The Authority shall be terminated no later than the first
6 day the AICCM is open to the public. The Office of Management and
7 Enterprise Services (OMES) shall make the determination of whether
8 AICCM is open to the public for purposes of this paragraph. For
9 purposes of this subsection, the AICCM shall mean the museum and
10 cultural center and associated improvements constructed upon the
11 real property described as provided for by subsection C of Section 2
12 of this act. If the AICCM has not been opened to the public by July
13 1, 2020, the Director of OMES may certify that all building and site
14 construction is complete, and upon such certification the statutory
15 entity created by subsection C of this section shall be terminated,
16 irrespective of whether all museum content and exhibits have been
17 completed. Upon the termination of the Authority the functions of
18 the Authority, including the leasing of the AICCM, the right to
19 acquire clear title to the AICCM upon payment of all bonds, and the
20 requirement to make lease payments to pay debt service on all bonds
21 previously or hereafter issued by OCIA shall be transferred from the
22 Authority to the American Indian Cultural Center and Museum Trust
23 Authority (AICCMTA) created pursuant to Section 6 of this act. Upon
24 the termination of the Authority the remaining assets of the

1 Authority shall be transferred to the AICCMTA; provided, that any
2 unexpended funds held by the Authority for operational expenses of
3 the Authority or to enable the payment of principal and interest on
4 bonds or other obligations issued for the benefit of the Authority
5 or the AICCM shall be specifically transferred as provided by
6 paragraph 4 of this subsection. Assets to be transferred to the
7 AICCMTA shall include, but not be limited to, all remaining real
8 property and improvements, personal property, intellectual property,
9 intangible property, rights and obligations pursuant to contract and
10 any other assets, which assets shall be made available to the City
11 to enable the City to exercise its rights and fulfill its
12 obligations under the agreements contemplated by paragraph 5 of this
13 subsection. Notwithstanding any other provision of law, the
14 Director of OMES is hereby authorized and directed to coordinate
15 with the City, the Authority and the AICCMTA to make such assets
16 available for use by the City, for at least the life of outstanding
17 bonds, by management agreement, license or otherwise, for the
18 consideration contemplated by paragraph 5 of this subsection, and to
19 take all steps necessary to effectuate the purpose of this act. The
20 AICCMTA, in consultation with OMES, is hereby authorized to transfer
21 to the City any assets obtained by the Authority prior to its
22 termination, including real property, personal property,
23 intellectual property and intangible property, provided that
24 measures are taken to ensure the tax-exempt status of outstanding

1 bonds, and provided further that no such transfers shall take place
2 in advance of the execution of the agreement contemplated by
3 paragraph 5 of this subsection. For purposes of this paragraph,
4 "outstanding bonds" shall include any bonds or other obligations
5 issued by OCIA pursuant to Section 3 of this act.

6 4. Unexpended funds held by the Authority for operational
7 expenses of the Authority or to enable the payment of principal and
8 interest on bonds or other obligations issued for the benefit of the
9 Authority or the AICCM shall, upon termination of the Authority,
10 transfer to the American Indian Cultural Center and Museum
11 Postcompletion Revolving Fund created by Section 7 of this act.

12 5. With the exception of Section 5 of this act, this act shall
13 be null and void unless, prior to January 15, 2016, or not later
14 than the expiration of sixty (60) days from such date with the
15 approval of an extension of time, which may be less than sixty (60)
16 days, by the Director of the Office of Management and Enterprise
17 Services upon a showing by the parties that such extension is likely
18 to result in the execution of a final agreement, the Authority, the
19 City and OMES enter into a written agreement with the following
20 minimum provisions:

- 21 a. with the exception of funds provided pursuant to law
22 for the fiscal year ending June 30, 2016, neither the
23 State of Oklahoma, the Authority nor any other state
24 governmental entity shall have any responsibility for

1 providing funds for operation or maintenance of the
2 AICCM,

3 b. the City shall utilize all revenues derived from
4 admissions, event income, merchandise sales, food and
5 beverage sales at the AICCM and revenue from leases of
6 the real property transferred to the City by paragraph
7 2 of this subsection, for the operation,
8 administration, management and maintenance of the
9 AICCM, for repairs and capital improvements thereto,
10 for the repair, maintenance, development and operation
11 of exhibits and cultural programs, and to provide
12 reserve funds for such purposes,

13 c. fifty percent (50%) of the total revenues in excess of
14 Seven Million Dollars (\$7,000,000.00) each fiscal year
15 derived from each and all of the following sources
16 shall be credited to the General Revenue Fund of the
17 State Treasury until the total amount paid pursuant to
18 this subparagraph equals Twenty-five Million Dollars
19 (\$25,000,000.00):

- 20 (1) profits received by the City or its designee from
21 food and beverage sales occurring at AICCM,
22 (2) profits received by the City or its designee from
23 merchandise sales occurring at AICCM,
24

1 (3) profits received by the City or its designee from
2 events conducted at the AICCM,
3 (4) gross revenues derived from admissions to the
4 AICCM facility, and
5 (5) gross revenues derived from the lease of real
6 property transferred from the Authority to the
7 City pursuant to the provisions of paragraph 2 of
8 this subsection.

9 The amount of Seven Million Dollars (\$7,000,000.00)
10 prescribed by this subparagraph shall be adjusted, not
11 less often than once each five (5) years, based upon
12 increases, if any, in the Consumer Price Index-All
13 Urban Consumers (CPI-U) or its successor index, as
14 published by the United States Bureau of Labor
15 Statistics. The first adjustment shall be made on
16 July 1, 2020. The Office of Management and Enterprise
17 Services shall be responsible for monitoring and
18 auditing the payments required by the provisions of
19 this paragraph and may require the City to provide
20 such documentation regarding the accuracy and timing
21 of the payments as OMES may request. OMES shall
22 ensure that the agreement required by subparagraph f
23 of this paragraph contains enforceable provisions to
24

1 allow OMES to monitor and audit the payments required
2 by this subparagraph,

3 d. no later than the transfers provided for in paragraph
4 3 of this subsection, the City shall make payment to
5 the American Indian Cultural Center and Museum
6 Completion Fund created pursuant to Section 5 of this
7 act in the amount of Nine Million Dollars
8 (\$9,000,000.00) towards completion of the AICCM,

9 e. the agreement shall specify a plan for completion that
10 will result in the opening of the AICCM to the public
11 using a combination of funds provided or committed by
12 the state, the City and the other contributors to the
13 project,

14 f. the City, the Authority or its successor and OMES
15 shall enter into a separate operation, maintenance and
16 management agreement concerning the real property
17 described by the survey conducted pursuant to
18 subsection C of Section 2 of this act and the
19 improvements constructed thereon, which separate
20 operation, maintenance and management agreement shall
21 be executed prior to the termination of the Authority
22 and include the following minimum terms:

23 (1) the term of the agreement shall be no less than
24 the remaining term of outstanding bonds,

1 including any bonds or other obligations issued
2 by OCIA pursuant to Section 3 of this act, or
3 thirty (30) years, whichever is longer,

4 (2) the City shall operate and manage the AICCM or
5 shall cause it to be operated and managed,

6 (3) the state shall have no responsibility for the
7 operations and maintenance costs of the AICCM,

8 (4) the Authority or its successor shall deliver
9 possession of the AICCM to the City,

10 (5) the City shall have the right to make such
11 alterations and further improvements as it deems
12 necessary or desirable to further the success of
13 the AICCM and the surrounding commercial
14 development,

15 (6) the City shall have the right to assign its
16 rights under this agreement to a designee and to
17 engage third parties to fulfill its obligations
18 under this agreement,

19 (7) the City shall use its revenues from the AICCM
20 and the surrounding commercial development as
21 provided by this section, and

22 (8) within five (5) years after the date on which all
23 outstanding bonds, including any bonds or other
24 obligations issued by OCIA pursuant to Section 3

1 of this act, issued for the AICCM have been
2 retired, the City shall accept title of the AICCM
3 and the real property upon which it is located
4 from the Authority or its successor, and

5 g. after execution of the agreement described by this
6 paragraph, the Director of OMES shall provide a copy
7 of the executed version of the agreement to the
8 Governor, the Speaker of the Oklahoma House of
9 Representatives and the President Pro Tempore of the
10 Oklahoma State Senate.

11 6. Notwithstanding anything herein provided, the City shall be
12 authorized to transfer any assets, rights or responsibilities
13 transferred to it pursuant to this act to any of its
14 instrumentalities, public trusts or designees as appropriate and,
15 with respect to the real property described as provided for by
16 subsection C of Section 2 of this act and improvements thereon, to
17 contract with such public and private entities as it deems proper
18 for the purpose of exercising its rights and carrying out its
19 obligations pursuant to agreements contemplated by this act between
20 the State of Oklahoma and the City, and with respect to the property
21 transferred by paragraph 2 of this subsection to contract with such
22 public and private entities, including the leasing or transfer of
23 property to such public or private entities, as it deems proper for
24

1 the purpose of carrying out the commercial development of the
2 unimproved property.

3 7. Contracts and privileges which have been issued, made,
4 granted or allowed to become effective by the statutory entity that
5 may be terminated by the provisions of this act or by any provision
6 of law affected by this act shall continue in effect according to
7 their terms until terminated or modified by operation of law;
8 provided, that the City shall, upon termination of the Authority, be
9 permitted to assume the Authority's interest in such contracts.

10 8. Notwithstanding any other provision of law, any lease
11 revenue bonds or other obligations issued prior to or after the
12 effective date of this act by OCIA or other state instrumentalities
13 for the benefit of the Authority and/or completion of the AICCM
14 shall remain in full force and effect, and any obligation, moral or
15 otherwise, to make payments under the lease or other agreements or
16 to service the lease revenue bonds or other obligations shall remain
17 unaffected and in full force and effect. It is the intent of the
18 Legislature to appropriate sufficient monies to the Authority or its
19 successor for deposit in the American Indian Cultural Center and
20 Museum Postcompletion Revolving Fund created by Section 7 of this
21 act to cover the payment of all lease and other scheduled payments
22 for the purpose of retiring such lease revenue bonds or other
23 obligations.

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

19 1. Seven members appointed to serve shall serve overlapping
20 terms and shall be chosen as follows: three members shall be
21 appointed by the Governor; two members shall be appointed by the
22 President Pro Tempore of the Senate; and two members shall be
23 appointed by the Speaker of the House of Representatives. Each of
24 these members shall be a member of a federally recognized American

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

17 2. The six ex officio members shall be as follows: the
18 Oklahoma Native American Liaison, or the designee of the same; the
19 Lieutenant Governor, or the designee of same; the Director of the
20 Oklahoma Historical Society, or the designee of same; the Secretary
21 of Commerce, or the designee of same; the Executive Director of the
22 Oklahoma Arts Council, or the designee of same; and the Executive
23 Director of the Oklahoma Tourism and Recreation Department, or the
24 designee of the same.

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

16 ~~C.~~ D. The Authority shall elect one of its members as
17 chairperson, and another as vice-chairperson, and also shall elect a
18 secretary, treasurer and such other officers as the Authority may
19 deem appropriate. A majority of the members of the Authority
20 (exclusive of vacancies) shall constitute a quorum and the vote of a
21 majority of the members (exclusive of vacancies) shall be necessary
22 for any action taken by the Authority. No vacancy in the membership
23 of the Authority shall impair the right of a quorum to exercise all
24 the rights and perform all the duties of the Authority.

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

11 ~~E.~~ F. The members of the Authority shall not be entitled to
12 compensation for their services, but each member shall be reimbursed
13 for actual expenses necessarily incurred in the performance of
14 duties on behalf of the Authority~~ti~~ provided~~l~~, that members of the
15 Authority shall be compensated for their travel expenses pursuant to
16 the State Travel Reimbursement Act. All expenses incurred in
17 carrying out the provisions of Section 1226 et seq. of this title
18 shall be payable solely from funds provided under the authority of
19 Section 1226 et seq. of this title and no liability or obligation
20 shall be incurred by the Authority hereunder beyond the extent to
21 which monies shall have been provided under the authority of Section
22 1226 et seq. of this title. With the exception of funds
23 appropriated to the Authority for the fiscal year ending June 30,
24 2016, no further appropriations shall be made to the Authority, or

1 to any successor state entity owning some interest in the AICCM, for
2 the purpose of operating the AICCM; provided, however, that
3 appropriations to pay debt service on revenue bonds or other
4 obligations issued heretofore or hereafter by OCIA or other state
5 agencies for the benefit of the Authority will continue until all
6 such bonds or other obligations are fully paid.

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

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

17 ~~H.~~ I. The Directors and staff of the Authority employed to
18 perform the duties of ~~Sections~~ Section 1226 et seq. of this title
19 shall be considered employees of the Authority. The employees of
20 the Authority shall be entitled to be reimbursed for actual and
21 necessary expenses incurred in the performance of duties on behalf
22 of the Authority. Such compensation for travel expenses shall be
23 paid pursuant to the State Travel Reimbursement Act.
24

1 J. Real property transferred by the Authority to any person,
2 firm, partnership, corporation, limited liability company, express
3 private trust, public trust or any other lawfully recognized entity
4 shall be subject to the same restrictions regarding the use of such
5 real property as contained in the instrument of conveyance by which
6 the Authority acquired title to such real property, including, but
7 not limited to, any restriction regarding gambling activity upon
8 such real property.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1226.18 of Title 74, unless
11 there is created a duplication in numbering, reads as follows:

12 A. On July 1, 2020, or on the first day the American Indian
13 Cultural Center and Museum (AICCM) is open to the public, whichever
14 is sooner, the determination of which shall be made by the Director
15 of OMES, the authority of the Native American Cultural and
16 Educational Authority (Authority) to hold, use and dispose of real
17 property and improvements thereon shall be terminated, and title to
18 the following generally described real property and rights to
19 improvements thereon shall transfer to the American Indian Cultural
20 Center and Museum Trust Authority (AICCMTA):

21 1. A tract of land being a part of the East Half of Section 2,
22 Township 11 North, Range 3 West of the Indian Meridian, Oklahoma
23 County, Oklahoma, and being more particularly described as follows:

24 Commencing at the Northeast Corner of said Section 2,

1 Thence South 00°29'24" West along the East line of said Section
2 2, a distance of 1958.26 feet,
3 Thence North 89°30'36" West, a distance of 1240.19 feet to the
4 POINT OF BEGINNING,
5 Thence South 23°33'16" West a distance of 93.48 feet,
6 Thence on a nontangent curve to the right, having a radius of
7 340.91 feet, a chord bearing of South 38°38'40" East, a chord
8 distance of 187.41 feet, for an arc distance of 189.86 feet to a
9 point of tangency,
10 Thence South 22°41'33" East, a distance of 102.54 feet,
11 Thence on a nontangent curve to the right, having a radius of
12 859.19 feet, a chord bearing of South 19°48'33" West, a chord
13 distance of 546.60 feet, for an arc distance of 556.26 feet,
14 Thence South 00°00'00" East, a distance of 169.81 feet,
15 Thence North 90°00'00" West, a distance of 258.96 feet,
16 Thence North 44°58'52" West, a distance of 208.81 feet,
17 Thence South 83°35'02" West, a distance of 229.85 feet to a
18 point of curvature,
19 Thence on a curve to the right, having a radius of 602.79 feet,
20 chord bearing of North 11°33'34" East, a chord distance of
21 1146.73 feet, for an arc distance of 2271.94 feet to a point of
22 tangency,
23 Thence South 60°27'53" East, a distance of 374.31 feet,
24

1 Thence South 70°57'26" East, a distance of 153.94 feet to the
2 POINT OF BEGINNING.

3 Said tract of land contains 33.62 acres, more or less; and

4 2. The basis of bearing of the description provided in this
5 section is derived from the Oklahoma State Plane Coordinate System
6 NAD83, Zone Oklahoma North with the East line of NE/4 of Section 2-
7 11N-3W having a bearing of South 00°29'26" West.

8 B. The legal description provided in subsection A of this
9 section is intended to include the real property upon which the
10 museum and cultural center improvements exist, including the
11 following specific elements:

- 12 1. Hall of the People;
- 13 2. East Wing, including the Performance Facility;
- 14 3. North Gallery;
- 15 4. South Gallery;
- 16 5. Central Plant;
- 17 6. Promontory Mound; and
- 18 7. Visitor Center.

19 C. The instrument of conveyance as contemplated by subsection A
20 of this section shall reflect a legal description determined by a
21 current survey which ensures that the elements described in
22 subsection B of this section are included, and shall further reflect
23 a separate legal description for the sewer lift station.
24

1 D. The Office of Management and Enterprise Services (OMES), the
2 AICCMTA and, for so long as the Authority exists, the Authority are
3 hereby authorized and directed to grant such access and other
4 temporary and permanent easements upon and across the real property
5 described in this section as are necessary or desirable to promote
6 or ensure the successful development of the commercial property
7 transferred to the City of Oklahoma City (City) pursuant to
8 paragraph 2 of subsection B of Section 1226.2 of Title 74 of the
9 Oklahoma Statutes, and in connection therewith the Legislature finds
10 and hereby declares that the commitments entered into by the City as
11 contemplated by paragraph 5 of subsection B of Section 1226.2 of
12 Title 74 of the Oklahoma Statutes shall be adequate consideration.

13 E. The AICCMTA and the Director of OMES are hereby authorized
14 and directed to take all steps necessary to effectuate the
15 provisions of this act.

16 F. Real property transferred to AICCMTA by the Authority shall
17 be subject to the same restrictions regarding the use of such real
18 property as contained in the instrument of conveyance by which the
19 Authority acquired title to such real property, including, but not
20 limited to, any restriction regarding gambling activity upon such
21 real property.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 304.2 of Title 73, unless there
24 is created a duplication in numbering, reads as follows:

1 A. In addition to any other authorization provided by law, and
2 under the conditions herein expressed, the Oklahoma Capitol
3 Improvement Authority (OCIA) is authorized to issue additional
4 obligations to provide funding for improvements to real and personal
5 property and for funding of further construction, improvements,
6 development and enhancement of the American Indian Cultural Center
7 and Museum (AICCM), to include personal property and exhibits with
8 debt retirement payments to be made as provided herein; provided,
9 however, that such obligations shall not be issued until the
10 Director of the Office of Management and Enterprise Services (OMES)
11 has certified that at least Ten Million Dollars (\$10,000,000.00), in
12 accordance with the requirements of paragraph 1 of subsection B of
13 Section 4 of this act, has been deposited in the American Indian
14 Cultural Center and Museum Completion Fund created by Section 5 of
15 this act.

16 B. The obligations authorized under this section shall be
17 repaid from lease payments to be made by the Native American
18 Cultural and Educational Authority (Authority) until its termination
19 and thereafter by the American Indian Cultural Center and Museum
20 Trust Authority (AICCMTA) created by Section 6 of this act or
21 another designated state agency for deposit to the American Indian
22 Cultural Center and Museum Postcompletion Revolving Fund created by
23 Section 7 of this act, it being the express intent of the
24 Legislature to appropriate funds to such agencies in sufficient

1 amount to make lease payments which will provide for the repayment
2 of such obligations.

3 C. The obligations authorized under this section to provide
4 additional funding for the AICCM may be issued by OCIA, in one or
5 more series, in an aggregate amount sufficient to generate net
6 proceeds of Twenty-five Million Dollars (\$25,000,000.00) after
7 providing for costs of issuance, credit enhancement, reserves and
8 other associated expenses related to the financing. Net proceeds of
9 the financing will be deposited into a construction fund to provide
10 for the construction and acquisition of improvements described
11 herein. It is the intent of the Legislature to appropriate to the
12 Authority or, after its termination pursuant to Section 1226.2 of
13 Title 74 of the Oklahoma Statutes, to the AICCMTA or another
14 designated state agency for deposit to the American Indian Cultural
15 Center and Museum Postcompletion Revolving Fund, sufficient monies
16 to make payments for the purposes of retiring the obligations
17 created pursuant to this section. To the extent funds are available
18 from the proceeds of the borrowing authorized by this section, OCIA
19 shall provide for the payment of professional fees and associated
20 costs related to the projects authorized in subsection A of this
21 section.

22 D. OCIA is authorized to hire bond counsel, special tax
23 counsel, financial consultants and such other professionals as it
24 may deem necessary to provide for the efficient sale of the

1 obligations and may utilize a portion of the proceeds of any
2 borrowing to create such reserves as may be deemed necessary and to
3 pay costs associated with the issuance and administration of such
4 obligations.

5 E. The obligations authorized under this section may be sold at
6 either competitive or negotiated sale, as determined by OCIA, and in
7 such form and at such prices as may be authorized by OCIA. OCIA may
8 enter into agreements with such credit enhancers and liquidity
9 providers as may be determined necessary to efficiently market the
10 obligations. The obligations may mature and have such provisions
11 for redemption as shall be determined by OCIA, but in no event shall
12 the final maturity of such obligations occur later than thirty (30)
13 years from the first principal maturity date.

14 F. Any interest earnings on funds or accounts created for the
15 purposes of this section may be utilized as partial payment of the
16 annual debt service or for the purposes directed by OCIA.

17 G. The obligations issued under this section, the transfer
18 thereof and the interest earned on such obligations, including any
19 profit derived from the sale thereof, shall not be subject to
20 taxation of any kind by the State of Oklahoma, or by any county,
21 municipality or political subdivision therein.

22 H. OCIA may direct the investment of all monies in any funds or
23 accounts created in connection with the offering of the obligations
24 authorized under this section. Such investments shall be made in a

1 manner consistent with the investment guidelines of the State
2 Treasurer. OCIA may place additional restrictions on the investment
3 of such monies if necessary to enhance the marketability of the
4 obligations.

5 I. Insofar as they are not in conflict with the provisions of
6 this section, the provisions of Section 151 et seq. of Title 73 of
7 the Oklahoma Statutes shall apply to this section.

8 J. The bonds or other obligations issued pursuant to this
9 section shall not at any time be deemed to constitute a debt of the
10 state or of any political subdivision thereof or a pledge of the
11 faith and credit of the state or of any such political subdivision.
12 Such bonds or other obligations shall contain on the face thereof a
13 statement that neither the faith and credit nor the taxing power of
14 the state or any political subdivision thereof is pledged, or may
15 hereafter be pledged, to the payment of the principal of or the
16 interest on such bonds.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1226.19 of Title 74, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Proceeds of the bonds or other obligations issued pursuant
21 to Section 3 of this act shall only be expended for the purpose of
22 completing the American Indian Cultural Center and Museum (AICCM).
23
24

1 B. Proceeds of the bonds or other obligations issued pursuant
2 to Section 3 of this act shall be expended according to the limits
3 of this subsection.

4 1. Upon certification by the Office of Management and
5 Enterprise Services (OMES) that a specific amount exceeding Ten
6 Million Dollars (\$10,000,000.00) in nonstate and nonfederal
7 donations, contributions, gifts and bequests for the purpose of
8 completing the AICCM have been deposited into the American Indian
9 Cultural Center and Museum Completion Fund created pursuant to
10 Section 5 of this act, the Oklahoma Capitol Improvement Authority
11 (OCIA) and the Native American Cultural and Educational Authority
12 (Authority) shall be authorized to expend an amount to be certified
13 by OMES from the proceeds of bonds or other obligations issued
14 pursuant to Section 3 of this act. At least Ten Million Dollars
15 (\$10,000,000.00) in nonstate and nonfederal donations,
16 contributions, gifts and bequests for the purpose of completing the
17 AICCM must be deposited into the American Indian Cultural Center and
18 Museum Completion Fund no later than January 15, 2016. The Nine
19 Million Dollars (\$9,000,000.00) committed by the City of Oklahoma
20 City (City) pursuant to Section 1226.2 of Title 74 of the Oklahoma
21 Statutes shall not be included within the amount certified pursuant
22 to this paragraph, regardless of when such funds are provided.

23 2. Following the initial certification provided by paragraph 1
24 of this subsection, OCIA and the Authority may expend additional

1 funds upon subsequent certifications by OMES that specific
2 additional amounts of nonstate and nonfederal donations,
3 contributions, gifts and bequests have been deposited into the
4 American Indian Cultural Center and Museum Completion Fund. OCIA or
5 the Authority may request such certifications at any time. Upon
6 such certifications, OCIA and the Authority shall be authorized to
7 expend equal amounts from the proceeds of bonds issued pursuant to
8 Section 3 of this act. In no event may total expenditures from the
9 proceeds of bonds issued pursuant to Section 3 of this act exceed
10 the total amounts certified by OMES. The Nine Million Dollars
11 (\$9,000,000.00) committed by the City pursuant to Section 1226.2 of
12 Title 74 of the Oklahoma Statutes may be included within the amounts
13 certified pursuant to this paragraph.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1226.20 of Title 74, unless
16 there is created a duplication in numbering, reads as follows:

17 A. There is hereby created in the State Treasury a revolving
18 fund for the Native American Cultural and Educational Authority
19 (Authority) to be designated the "American Indian Cultural Center
20 and Museum Completion Fund". The fund shall be a continuing fund,
21 not subject to fiscal year limitations. All monies accruing to the
22 credit of the fund are hereby appropriated and may be budgeted and
23 expended by the Authority. The fund shall consist of monies
24 received by the Authority in the form of nonstate and nonfederal

1 donations, contributions, gifts and bequests for the purpose of
2 completing the American Indian Cultural Center and Museum (AICCM).
3 Monies deposited to the credit of the fund shall only be expended
4 for the purpose of completing the AICCM.

5 B. The fund created by this section shall not receive any
6 additional federal funds issued pursuant to the Indian Financing
7 Amendments Act of 2002, P.L. 107-331.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1226.21 of Title 74, unless
10 there is created a duplication in numbering, reads as follows:

11 A. Upon the effective date of this act, the state expressly
12 approves the creation of a public trust to be named the "American
13 Indian Cultural Center and Museum Trust Authority", also known as
14 "AICCMTA", of which the state shall be the beneficiary and the
15 provisions of this act, as passed by the Legislature and approved by
16 action of the Governor, shall constitute the acceptance of the
17 beneficial interest in such public trust pursuant to the provisions
18 of Section 176 et seq. of Title 60 of the Oklahoma Statutes;
19 provided, however, such approval shall be contingent upon
20 satisfaction of the following conditions:

- 21 1. Finalizing the declaration of trust; and
- 22 2. Adoption of the declaration of trust by an official action
23 of the trustees of the AICCMTA.

24 B. The approved declaration of trust shall:

1 1. Specify that the AICCMTA shall be created as a public trust
2 pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes
3 and shall have the same rights, responsibilities and attributes as
4 any public trust created under such laws;

5 2. Specify that the primary purpose of the AICCMTA shall be to
6 carry out the functions, duties and responsibilities pursuant to
7 Section 1226 et seq. of Title 74 of the Oklahoma Statutes and the
8 provisions of this act; and

9 3. To the extent required by law, specify the adoption of
10 bylaws and rules for the due and orderly administration and
11 regulation of affairs of the AICCMTA, which shall require approval
12 in accordance with the provisions of the Administrative Procedures
13 Act.

14 C. 1. The AICCMTA shall have eleven (11) trustees, seven of
15 which shall be members of a federally recognized American Indian
16 Tribe located within this state and of those seven trustees three
17 shall be appointed by the Governor, two shall be appointed by the
18 President Pro Tempore of the Senate, and two shall be appointed by
19 the Speaker of the House of Representatives. Such tribal membership
20 shall be determined by the respective tribes. Appointments shall be
21 made from names provided by tribal governments, councils or other
22 recognized tribal entities. Appointments shall be restricted to not
23 more than one representative of any tribe. Such appointed members
24 initially appointed shall continue in office for terms of from three

1 (3) to seven (7) years, respectively, from the date of their
2 appointment, with the term of each initially appointed member to be
3 designated by the Governor at the time of the appointment, with one
4 member to be appointed to a three-year term, two members to be
5 appointed to a four-year term, one member to be appointed to a five-
6 year term, one member to be appointed to a six-year term, and two
7 members to be appointed to a seven-year term. Any person appointed
8 to fill a vacancy shall serve only for the unexpired term.
9 Succeeding terms shall be for a term of four (4) years.

10 2. The other four appointed trustees shall be from the business
11 community and shall be chosen as follows: two members shall be
12 appointed by the Governor, one member shall be appointed by the
13 President Pro Tempore of the Senate, and one member shall be
14 appointed by the Speaker of the House of Representatives. Each
15 member shall have at least fifteen (15) years of experience in
16 business, banking, finance or corporate law and shall have
17 demonstrated outstanding ability in business or industry. However,
18 in lieu of appointing a member with such experience, one of the two
19 members appointed by the Governor may be a person who has exhibited
20 at least three (3) years of outstanding leadership and involvement
21 in recognized Native American organizations and activities. The
22 initial terms of the trustees appointed by the Governor shall be for
23 one (1) year, the trustee appointed by the President Pro Tempore of
24 the Senate shall be for two (2) years and the trustee appointed by

1 the Speaker of the House of Representatives shall be for three (3)
2 years. Upon the expiration of a term any succeeding term shall be
3 for four (4) years. Any person appointed to fill a vacancy shall
4 serve only for the unexpired term.

5 3. None of the appointments otherwise authorized by this
6 subsection shall be effective until title to the real property and
7 improvements constituting the AICCM has been transferred to the
8 AICCMTA as provided by Section 1226.2 of Title 74 of the Oklahoma
9 Statutes.

10 D. The provisions of The Governmental Tort Claims Act shall
11 apply to the AICCMTA as a state-beneficiary public trust created
12 pursuant to state law.

13 E. Members of the AICCMTA shall be exempt from the provisions
14 of Section 6 of Title 51 of the Oklahoma Statutes.

15 F. Notwithstanding any other provision of law, the AICCMTA
16 shall have the authority to transfer title of the American Indian
17 Cultural Center and Museum (AICCM), and the real property upon which
18 it is located (as more fully described in Section 2 of this act),
19 and any intellectual property or personal property (including
20 exhibits) still held by the AICCMTA, less and except monies held by
21 the AICCMTA, to the City of Oklahoma City (City) within five (5)
22 years after the date on which all outstanding bonds issued for the
23 AICCM have been retired, including any bonds or other obligations
24 issued by the Oklahoma Capitol Improvement Authority (OCIA) pursuant

1 to Section 3 of this act, pursuant to the agreements provided in
2 paragraph 5 of subsection B of Section 1226.2 of Title 74 of the
3 Oklahoma Statutes; and in connection therewith, the Legislature
4 finds and hereby declares that the commitments entered into by the
5 City as contemplated by paragraph 5 of subsection B of Section
6 1226.2 of Title 74 of the Oklahoma Statutes shall be adequate
7 consideration. Such transfer shall not occur until after all
8 outstanding bonds issued for the AICCM have been retired including
9 any bonds or other obligations issued by the Oklahoma Capitol
10 Improvement Authority (OCIA) pursuant to Section 3 of this act.

11 G. The AICCMTA created by this section shall be terminated and
12 abolished upon the transfer contemplated by subsection F of this
13 section. Upon such termination, any remaining monies held by the
14 AICCMTA shall be transferred to the General Revenue Fund of the
15 State Treasury, all then-existing funds of the AICCMTA shall be
16 abolished, and any remaining rights of the AICCMTA shall be
17 transferred to the Office of Management and Enterprise Services.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1226.22 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 There is hereby created in the State Treasury a revolving fund
22 for the Native American Cultural and Educational Authority
23 (Authority), to be designated the "American Indian Cultural Center
24 and Museum Postcompletion Revolving Fund". The fund shall be a

1 continuing fund, not subject to fiscal year limitations. All monies
2 accruing to the credit of the fund are hereby appropriated and may
3 be budgeted and expended by the Authority. The fund shall consist
4 of monies received in the form of state appropriations and
5 unexpended operational funds remaining to the Authority upon its
6 termination as provided for by Section 1226.2 of Title 74 of the
7 Oklahoma Statutes. Monies deposited to the credit of the fund shall
8 only be expended for the purpose of making rental or other payments
9 to the Oklahoma Capitol Improvement Authority to retire bonds or
10 other obligations issued for the benefit of the Authority or the
11 American Indian Cultural Center and Museum.

12 SECTION 8. This act shall become effective September 1, 2015.

13
14 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
AND BUDGET, dated 05/14/2015 - DO PASS
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