

1 ENGROSSED SENATE
2 BILL NO. 872

By: David, Fields, Holt and
Pittman of the Senate

3 and

4 Osborn (Leslie) and Wallace
5 of the House
6

7 An Act relating to the American Indian Cultural
8 Center and Museum; amending Sections 3 and 4, Chapter
9 339, O.S.L. 2015 (73 O.S. Supp. 2016, Section 304.2
10 and 74 O.S. Supp. 2016, Section 1226.19), which
11 relate to financing of the American Indian Cultural
12 Center and Museum; updating statutory references;
13 providing that requirements for issuance of
14 additional obligations be deemed fully satisfied by
15 certain actions; deleting date requirement for
16 deposit of certain amount into American Indian
17 Cultural Center and Museum Completion Fund; and
18 declaring an emergency.
19

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

21 SECTION 1. AMENDATORY Section 3, Chapter 339, O.S.L.
22 2015 (73 O.S. Supp. 2016, Section 304.2), is amended to read as
23 follows:
24

25 Section 304.2. A. In addition to any other authorization
26 provided by law, and under the conditions herein expressed, the
27 Oklahoma Capitol Improvement Authority (OCIA) is authorized to issue
28 additional obligations to provide funding for improvements to real
29 and personal property and for funding of further construction,
30 improvements, development and enhancement of the American Indian

1 Cultural Center and Museum (AICCM), to include personal property and
2 exhibits with debt retirement payments to be made as provided
3 herein; provided, however, that such obligations shall not be issued
4 until the Director of the Office of Management and Enterprise
5 Services (OMES) has certified that at least Ten Million Dollars
6 (\$10,000,000.00), in accordance with the requirements of paragraph 1
7 of subsection B of Section ~~4 of this act~~ 1226.19 of Title 74 of the
8 Oklahoma Statutes, has been deposited in the American Indian
9 Cultural Center and Museum Completion Fund created by Section ~~5 of~~
10 ~~this act~~ 1226.20 of Title 74 of the Oklahoma Statutes.

11 B. The obligations authorized under this section shall be
12 repaid from lease payments to be made by the Native American
13 Cultural and Educational Authority (Authority) until its termination
14 and thereafter by the American Indian Cultural Center and Museum
15 Trust Authority (AICCMTA) created by Section ~~6 of this act~~ 1226.21
16 of Title 74 of the Oklahoma Statutes or another designated state
17 agency for deposit to the American Indian Cultural Center and Museum
18 Postcompletion Revolving Fund created by Section ~~7 of this act~~
19 1226.22 of Title 74 of the Oklahoma Statutes, it being the express
20 intent of the Legislature to appropriate funds to such agencies in
21 sufficient amount to make lease payments which will provide for the
22 repayment of such obligations.

23 C. The obligations authorized under this section to provide
24 additional funding for the AICCM may be issued by OCIA, in one or

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

18 D. OCIA is authorized to hire bond counsel, special tax
19 counsel, financial consultants and such other professionals as it
20 may deem necessary to provide for the efficient sale of the
21 obligations and may utilize a portion of the proceeds of any
22 borrowing to create such reserves as may be deemed necessary and to
23 pay costs associated with the issuance and administration of such
24 obligations.

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

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

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

18 H. OCIA may direct the investment of all monies in any funds or
19 accounts created in connection with the offering of the obligations
20 authorized under this section. Such investments shall be made in a
21 manner consistent with the investment guidelines of the State
22 Treasurer. OCIA may place additional restrictions on the investment
23 of such monies if necessary to enhance the marketability of the
24 obligations.

1 I. Insofar as they are not in conflict with the provisions of
2 this section, the provisions of Section 151 et seq. of ~~Title 73 of~~
3 ~~the Oklahoma Statutes~~ this title shall apply to this section.

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

13 K. The requirements for issuance of the additional obligations
14 described by this section shall be deemed to have been fully
15 satisfied by actions which include certification by the Director of
16 the Office of Management and Enterprise Services that at least Ten
17 Million Dollars (\$10,000,000.00) has been deposited in the American
18 Indian Cultural Center and Museum Completion Fund, in accordance
19 with the requirements of paragraph 1 of subsection B of Section
20 1226.19 of Title 74 of the Oklahoma Statutes.

21 SECTION 2. AMENDATORY Section 4, Chapter 339, O.S.L.
22 2015 (74 O.S. Supp. 2016, Section 1226.19), is amended to read as
23 follows:
24

1 Section 1226.19. A. Proceeds of the bonds or other obligations
2 issued pursuant to Section ~~3 of this act~~ 304.2 of Title 73 of the
3 Oklahoma Statutes shall only be expended for the purpose of
4 completing the American Indian Cultural Center and Museum (AICCM).

5 B. Proceeds of the bonds or other obligations issued pursuant
6 to Section ~~3 of this act~~ 304.2 of Title 73 of the Oklahoma Statutes
7 shall be expended according to the limits of this subsection.

8 1. Upon certification by the Office of Management and
9 Enterprise Services (OMES) that a specific amount exceeding Ten
10 Million Dollars (\$10,000,000.00) in nonstate and nonfederal
11 donations, contributions, gifts and bequests for the purpose of
12 completing the AICCM ~~have~~ has been deposited into the American
13 Indian Cultural Center and Museum Completion Fund created pursuant
14 to Section ~~5 of this act~~ 1226.20 of this title, the Oklahoma Capitol
15 Improvement Authority (OCIA) and the Native American Cultural and
16 Educational Authority (Authority) shall be authorized to expend an
17 amount to be certified by OMES from the proceeds of bonds or other
18 obligations issued pursuant to Section ~~3 of this act~~ 304.2 of Title
19 73 of the Oklahoma Statutes. ~~At least Ten Million Dollars~~
20 ~~(\$10,000,000.00) in nonstate and nonfederal donations,~~
21 ~~contributions, gifts and bequests for the purpose of completing the~~
22 ~~AICCM must be deposited into the American Indian Cultural Center and~~
23 ~~Museum Completion Fund no later than January 15, 2016.~~ The Nine
24 Million Dollars (\$9,000,000.00) committed by the City of Oklahoma

1 City (City) pursuant to Section 1226.2 of ~~Title 74 of the Oklahoma~~
2 ~~Statutes~~ this title shall not be included within the amount
3 certified pursuant to this paragraph, regardless of when such funds
4 are provided.

5 2. Following the initial certification provided by paragraph 1
6 of this subsection, OCIA and the Authority may expend additional
7 funds upon subsequent certifications by OMES that specific
8 additional amounts of nonstate and nonfederal donations,
9 contributions, gifts and bequests have been deposited into the
10 American Indian Cultural Center and Museum Completion Fund. OCIA or
11 the Authority may request such certifications at any time. Upon
12 such certifications, OCIA and the Authority shall be authorized to
13 expend equal amounts from the proceeds of bonds issued pursuant to
14 ~~Section 3 of this act~~ 304.2 of Title 73 of the Oklahoma Statutes.

15 In no event may total expenditures from the proceeds of bonds issued
16 pursuant to ~~Section 3 of this act~~ 304.2 of Title 73 of the Oklahoma
17 Statutes exceed the total amounts certified by OMES. The Nine
18 Million Dollars (\$9,000,000.00) committed by the City pursuant to
19 Section 1226.2 of ~~Title 74 of the Oklahoma Statutes~~ this title may
20 be included within the amounts certified pursuant to this paragraph.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval.

1 Passed the Senate the 20th day of May, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives