An Act

ENROLLED HOUSE
BILL NO. 2237

By: Hickman of the House

and

Bingman, Pittman, Sparks, Floyd, Paddack and Matthews of the Senate

An Act relating to the Native American Cultural and Educational Authority; amending 74 O.S. 2011, Section 1226.2, which relates to the Native American Cultural and Educational Authority; making legislative findings; providing for transfer of certain unimproved real property; providing transfer contingent on certain events; stating purpose of transfer; providing for coordination by the Office of Management and Enterprise Services; providing for termination of the Native American Cultural and Educational Authority; requiring certain determination to be made; defining terms; authorizing determination regarding American Indian Cultural Center and Museum; providing for transfer of functions and rights to the American Indian Cultural Center and Museum Trust Authority; providing for transfer of assets; providing for disposition of unexpended funds; specifying assets to be transferred; providing for coordination of transfers by the Office of Management and Enterprise Services; authorizing transfer of assets to certain municipality; imposing requirements upon transfer of assets; defining term; providing for transfer of funds to the American Indian Cultural Center and Museum Postcompletion Revolving Fund; providing for nullification of enactment contingent upon certain agreement; imposing deadline for agreement; providing for extension; specifying required provisions for agreement; providing for use of revenues derived from 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

of certain amount in the American Indian Cultural Center and Museum Completion Fund; providing for repayment of obligations; stating legislative intent with respect to payments; authorizing issuance in series; specifying maximum net proceeds amount; providing for payment of fees and expenses; authorizing hiring of certain professional services; authorizing creation of reserves; prescribing procedures for sale of obligations; authorizing certain agreements related to liquidity; specifying maximum maturity; providing for use of interest earnings; providing for exemption from taxation; providing for investment of proceeds; providing for applicability of certain provisions related to the Oklahoma Capitol Improvement Authority; providing obligations not to constitute a debt of certain state or political subdivisions; providing for statement on bonds or other obligations; imposing restrictions on use of proceeds; imposing limits on expenditure of proceeds; specifying requirements related to deposit of monies into the American Indian Cultural Center and Museum Completion Fund; providing for certification by the Office of Management and 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 the American Indian Cultural Center and Museum Trust Authority to transfer title to certain real property; authorizing transfer of other property; specifying time period within which transfers required; imposing condition on transfer related to repayment of certain obligations; making legislative findings; providing for termination of the American Indian Cultural Center and Museum Trust Authority; providing for transfer of certain monies to the General Revenue Fund of the State Treasury; providing for disposition of funds; creating the American Indian Cultural Center and Museum Postcompletion Revolving Fund; providing for sources of income to fund; stating authorized purpose of expenditures; providing for codification; and providing an effective date.

SUBJECT: Native American Cultural and Educational Authority

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

SECTION 1. AMENDATORY 74 O.S. 2011, 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" (Authority), 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~~ Authority.

B. 1. The Legislature hereby finds and it is hereby declared to be the public policy of the State of Oklahoma that the completion and operation of the American Indian Cultural Center and Museum

(AICCM) and the transfer of responsibility for operation and maintenance of the AICCM to the City of Oklahoma City (together with any designee thereof, hereinafter referred to as the "City") or its designee will produce significant benefits to the state and the citizens of the state, which benefits include, but are not limited to:

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

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

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

d. increases in employment and the benefits derived by the state from such employment, including income and other taxes, and

e. other direct and indirect benefits to the state.

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

2. As contemplated by the existing Amended and Restated Ground Lease Agreement between the Authority and the Oklahoma Capitol Improvement Authority (OCIA), but only upon the execution of the agreement described in paragraph 5 of this subsection, all of the unimproved real property of the Authority, which is all of the real property held by the Authority less and except the real property described as provided for by subsection C of Section 2 of this act, shall be transferred to the City. Such transfer shall be for the

purpose of enabling the development of commercial facilities on such unimproved property, lease revenues of which shall be used to support the operations of the AICCM upon its completion. The Director of the Office of Management and Enterprise Services (OMES) is hereby authorized and directed to coordinate the transfer of such real property in accordance with the provisions of this act.

3. The Authority shall be terminated no later than the first day the AICCM is open to the public. The Office of Management and Enterprise Services (OMES) shall make the determination of whether AICCM is open to the public for purposes of this paragraph. For purposes of this subsection, the AICCM shall mean the museum and cultural center and associated improvements constructed upon the real property described as provided for by subsection C of Section 2 of this act. If the AICCM has not been opened to the public by July 1, 2020, the Director of OMES may certify that all building and site construction is complete, and upon such certification the statutory entity created by subsection C of this section shall be terminated, irrespective of whether all museum content and exhibits have been completed. Upon the termination of the Authority the functions of the Authority, including the leasing of the AICCM, the right to acquire clear title to the AICCM upon payment of all bonds, and the requirement to make lease payments to pay debt service on all bonds previously or hereafter issued by OCIA shall be transferred from the Authority to the American Indian Cultural Center and Museum Trust Authority (AICCMTA) created pursuant to Section 6 of this act. Upon the termination of the Authority the remaining assets of the Authority shall be transferred to the AICCMTA; provided, that any unexpended funds held by the Authority for operational expenses of the Authority or to enable the payment of principal and interest on bonds or other obligations issued for the benefit of the Authority or the AICCM shall be specifically transferred as provided by paragraph 4 of this subsection. Assets to be transferred to the AICCMTA shall include, but not be limited to, all remaining real property and improvements, personal property, intellectual property, intangible property, rights and obligations pursuant to contract and any other assets, which assets shall be made available to the City to enable the City to exercise its rights and fulfill its obligations under the agreements contemplated by paragraph 5 of this subsection. Notwithstanding any other provision of law, the Director of OMES is hereby authorized and directed to coordinate with the City, the Authority and the AICCMTA to make such assets available for use by the City, for at least the life of outstanding bonds, by management agreement, license or otherwise, for the consideration contemplated by paragraph 5 of this subsection, and to

take all steps necessary to effectuate the purpose of this act. The AICCMTA, in consultation with OMES, is hereby authorized to transfer to the City any assets obtained by the Authority prior to its termination, including real property, personal property, intellectual property and intangible property, provided that measures are taken to ensure the tax-exempt status of outstanding bonds, and provided further that no such transfers shall take place in advance of the execution of the agreement contemplated by paragraph 5 of this subsection. For purposes of this paragraph, "outstanding bonds" shall include any bonds or other obligations issued by OCIA pursuant to Section 3 of this act.

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

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

a. with the exception of funds provided pursuant to law for the fiscal year ending June 30, 2016, neither the State of Oklahoma, the Authority nor any other state governmental entity shall have any responsibility for providing funds for operation or maintenance of the AICCM,

b. the City shall utilize all revenues derived from admissions, event income, merchandise sales, food and beverage sales at the AICCM and revenue from leases of the real property transferred to the City by paragraph 2 of this subsection, for the operation, administration, management and maintenance of the AICCM, for repairs and capital improvements thereto, for the repair, maintenance, development and operation

of exhibits and cultural programs, and to provide reserve funds for such purposes,

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

(1) profits received by the City or its designee from food and beverage sales occurring at AICCM,

(2) profits received by the City or its designee from merchandise sales occurring at AICCM,

(3) profits received by the City or its designee from events conducted at the AICCM,

(4) gross revenues derived from admissions to the AICCM facility, and

(5) gross revenues derived from the lease of real property transferred from the Authority to the City pursuant to the provisions of paragraph 2 of this subsection.

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

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

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

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

(1) the term of the agreement shall be no less than the remaining term of outstanding bonds, including any bonds or other obligations issued by OCIA pursuant to Section 3 of this act, or thirty (30) years, whichever is longer,

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

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

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

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

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

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

(8) within five (5) years after the date on which all outstanding bonds, including any bonds or other obligations issued by OCIA pursuant to Section 3 of this act, issued for the AICCM have been retired, the City shall accept title of the AICCM and the real property upon which it is located from the Authority or its successor, and

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

6. Notwithstanding anything herein provided, the City shall be authorized to transfer any assets, rights or responsibilities transferred to it pursuant to this act to any of its instrumentalities, public trusts or designees as appropriate and, with respect to the real property described as provided for by subsection C of Section 2 of this act and improvements thereon, to contract with such public and private entities as it deems proper for the purpose of exercising its rights and carrying out its obligations pursuant to agreements contemplated by this act between the State of Oklahoma and the City, and with respect to the property transferred by paragraph 2 of this subsection to contract with such public and private entities, including the leasing or transfer of property to such public or private entities, as it deems proper for the purpose of carrying out the commercial development of the unimproved property.

7. Contracts and privileges which have been issued, made, granted or allowed to become effective by the statutory entity that may be terminated by the provisions of this act or by any provision of law affected by this act shall continue in effect according to their terms until terminated or modified by operation of law;

provided, that the City shall, upon termination of the Authority, be permitted to assume the Authority's interest in such contracts.

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

C. The Authority shall consist of seven appointed members who are members of a federally recognized American Indian Tribe located within this state, six ex officio members and four appointed members from the business community. Each appointed member, excluding ex officio members, shall have one vote for purposes of conducting the business of the Authority. 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. Good cause may be shown in evidence of excessive failure to attend three consecutive regular Board meetings of the Authority. The chair of the Authority shall have the right to remove any member pursuant to good cause. 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. Seven members appointed to serve shall serve overlapping terms and shall be chosen as follows: three 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 these members 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, 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, two members 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. Any person appointed to fill a vacancy shall serve only for the unexpired term. 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 Oklahoma Native American Liaison, or the designee of the same; the Lieutenant Governor, or the designee of same; the Director of the Oklahoma Historical Society, or the designee of same; the Secretary of Commerce, or the designee of same; the Executive Director of the Oklahoma Arts Council, or the designee of same; 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 of experience in business, banking, finance or corporate law, and shall have demonstrated outstanding ability in business or industry. 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. Any person appointed to fill a vacancy shall serve only for the unexpired term.

~~C.~~ 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 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.~~ 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. 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. With the exception of funds appropriated to the Authority for the fiscal year ending June 30, 2016, no further appropriations shall be made to the Authority, or to any successor state entity owning some interest in the AICCM, for the purpose of operating the AICCM; provided, however, that appropriations to pay debt service on revenue bonds or other obligations issued heretofore or hereafter by OCIA or other state agencies for the benefit of the Authority will continue until all such bonds or other obligations are fully paid.

~~F.~~ G. 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 members. Nonmembers of a subcommittee shall be reimbursed by the Authority in accordance with the State Travel Reimbursement Act.

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

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

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

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

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

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

Commencing at the Northeast Corner of said Section 2,

Thence South 00°29'24" West along the East line of said Section 2, a distance of 1958.26 feet,

Thence North 89°30'36" West, a distance of 1240.19 feet to the POINT OF BEGINNING,

Thence South 23°33'16" West a distance of 93.48 feet,

Thence on a nontangent curve to the right, having a radius of 340.91 feet, a chord bearing of South 38°38'40" East, a chord distance of 187.41 feet, for an arc distance of 189.86 feet to a point of tangency,

Thence South 22°41'33" East, a distance of 102.54 feet,

Thence on a nontangent curve to the right, having a radius of 859.19 feet, a chord bearing of South 19°48'33" West, a chord distance of 546.60 feet, for an arc distance of 556.26 feet,

Thence South 00°00'00" East, a distance of 169.81 feet,

Thence North 90°00'00" West, a distance of 258.96 feet,

Thence North 44°58'52" West, a distance of 208.81 feet,

Thence South 83°35'02" West, a distance of 229.85 feet to a point of curvature,

Thence on a curve to the right, having a radius of 602.79 feet, chord bearing of North 11°33'34" East, a chord distance of 1146.73 feet, for an arc distance of 2271.94 feet to a point of tangency,

Thence South 60°27'53" East, a distance of 374.31 feet,

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

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

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

B. The legal description provided in subsection A of this section is intended to include the real property upon which the

museum and cultural center improvements exist, including the following specific elements:

1. Hall of the People;

2. East Wing, including the Performance Facility;

3. North Gallery;

4. South Gallery;

5. Central Plant;

6. Promontory Mound; and

7. Visitor Center.

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

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

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

F. Real property transferred to AICCMTA by the Authority shall be subject to the same restrictions regarding the use of such real property as contained in the instrument of conveyance by which the Authority acquired title to such real property, including, but not

limited to, any restriction regarding gambling activity upon such real property.

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

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

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

C. The obligations authorized under this section to provide additional funding for the AICCM may be issued by OCIA, in one or more series, in an aggregate amount sufficient to generate net proceeds of Twenty-five Million Dollars ($25,000,000.00) after providing for costs of issuance, credit enhancement, reserves and other associated expenses related to the financing. Net proceeds of the financing will be deposited into a construction fund to provide for the construction and acquisition of improvements described herein. It is the intent of the Legislature to appropriate to the Authority or, after its termination pursuant to Section 1226.2 of

Title 74 of the Oklahoma Statutes, to the AICCMTA or another designated state agency for deposit to the American Indian Cultural Center and Museum Postcompletion Revolving Fund, sufficient monies to make payments for the purposes of retiring the obligations created pursuant to this section. To the extent funds are available from the proceeds of the borrowing authorized by this section, OCIA shall provide for the payment of professional fees and associated costs related to the projects authorized in subsection A of this section.

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

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

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

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

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

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

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

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

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

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

1. Upon certification by the Office of Management and Enterprise Services (OMES) that a specific amount exceeding Ten Million Dollars ($10,000,000.00) in nonstate and nonfederal donations, contributions, gifts and bequests for the purpose of completing the AICCM have been deposited into the American Indian Cultural Center and Museum Completion Fund created pursuant to Section 5 of this act, the Oklahoma Capitol Improvement Authority (OCIA) and the Native American Cultural and Educational Authority (Authority) shall be authorized to expend an amount to be certified by OMES from the proceeds of bonds or other obligations issued pursuant to Section 3 of this act. At least Ten Million Dollars ($10,000,000.00) in nonstate and nonfederal donations, contributions, gifts and bequests for the purpose of completing the AICCM must be deposited into the American Indian Cultural Center and Museum Completion Fund no later than January 15, 2016. The Nine Million Dollars ($9,000,000.00) committed by the City of Oklahoma City (City) pursuant to Section 1226.2 of Title 74 of the Oklahoma

Statutes shall not be included within the amount certified pursuant to this paragraph, regardless of when such funds are provided.

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

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

A. There is hereby created in the State Treasury a revolving fund for the Native American Cultural and Educational Authority (Authority) to be designated the "American Indian Cultural Center and Museum Completion Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Authority. The fund shall consist of monies received by the Authority in the form of nonstate and nonfederal donations, contributions, gifts and bequests for the purpose of completing the American Indian Cultural Center and Museum (AICCM). Monies deposited to the credit of the fund shall only be expended for the purpose of completing the AICCM.

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

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

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

1. Finalizing the declaration of trust; and

2. Adoption of the declaration of trust by an official action of the trustees of the AICCMTA.

B. The approved declaration of trust shall:

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

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

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

C. 1. The AICCMTA shall have eleven (11) trustees, seven of which shall be members of a federally recognized American Indian Tribe located within this state and of those seven trustees three shall be appointed by the Governor, two shall be appointed by the President Pro Tempore of the Senate, and two shall be appointed by the Speaker of the House of Representatives. 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, 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, two members 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. Any person appointed to fill a vacancy shall serve only for the unexpired term. Succeeding terms shall be for a term of four (4) years.

2. The other four appointed trustees shall be from the business community and shall be chosen as follows: two members shall be appointed by the Governor, one member shall be appointed by the President Pro Tempore of the Senate, and one member shall be appointed by the Speaker of the House of Representatives. Each member shall have at least fifteen (15) years of experience in business, banking, finance or corporate law and shall have demonstrated outstanding ability in business or industry. 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. The initial terms of the trustees appointed by the Governor shall be for one (1) year, the trustee appointed by the President Pro Tempore of the Senate shall be for two (2) years and the trustee appointed by the Speaker of the House of Representatives shall be for three (3) years. Upon the expiration of a term any succeeding term shall be for four (4) years. Any person appointed to fill a vacancy shall serve only for the unexpired term.

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

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

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

F. Notwithstanding any other provision of law, the AICCMTA shall have the authority to transfer title of the American Indian

Cultural Center and Museum (AICCM), and the real property upon which it is located (as more fully described in Section 2 of this act), and any intellectual property or personal property (including exhibits) still held by the AICCMTA, less and except monies held by the AICCMTA, to the City of Oklahoma City (City) within five (5) years after the date on which all outstanding bonds issued for the AICCM have been retired, including any bonds or other obligations issued by the Oklahoma Capitol Improvement Authority (OCIA) pursuant to Section 3 of this act, pursuant to the agreements provided in paragraph 5 of subsection B of Section 1226.2 of Title 74 of the Oklahoma Statutes; and in connection therewith, the Legislature finds and hereby declares that the commitments entered into by the City as contemplated by paragraph 5 of subsection B of Section 1226.2 of Title 74 of the Oklahoma Statutes shall be adequate consideration. Such transfer shall not occur until after all outstanding bonds issued for the AICCM have been retired including any bonds or other obligations issued by the Oklahoma Capitol Improvement Authority (OCIA) pursuant to Section 3 of this act.

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

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

There is hereby created in the State Treasury a revolving fund for the Native American Cultural and Educational Authority (Authority), to be designated the "American Indian Cultural Center and Museum Postcompletion Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Authority. The fund shall consist of monies received in the form of state appropriations and unexpended operational funds remaining to the Authority upon its termination as provided for by Section 1226.2 of Title 74 of the Oklahoma Statutes. Monies deposited to the credit of the fund shall only be expended for the purpose of making rental or other payments to the Oklahoma Capitol Improvement Authority to retire bonds or

other obligations issued for the benefit of the Authority or the American Indian Cultural Center and Museum.

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

Passed the House of Representatives the 18th day of May, 2015.

Presiding Officer of the House of Representatives

Passed the Senate the 21st day of May, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd day of May, 2015, at 10:17 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 28th day of May, 2015, at 10:07 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th day of May, 2015, at 11:34 o'clock A. M.

By: Chris Benge