

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 3

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to the Native American Cultural  
8 Center and Museum; amending 3A O.S. 2011, Section  
9 280, which relates to tribal gaming; deleting  
10 obsolete language; modifying fund to which certain  
11 revenue deposited; creating the Native American  
12 Cultural Center Trust Fund; providing for deposits  
13 thereto and expenditures therefrom; and providing for  
14 codification.

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

16 SECTION 1. AMENDATORY 3A O.S. 2011, Section 280, is  
17 amended to read as follows:

18 Section 280. The State of Oklahoma through the concurrence of  
19 the Governor after considering the executive prerogatives of that  
20 office and the power to negotiate the terms of a compact between the  
21 state and a tribe, and by means of the execution of the State-Tribal  
22 Gaming Act, and with the concurrence of the State Legislature  
23 through the enactment of the State-Tribal Gaming Act, hereby makes  
24 the following offer of a model tribal gaming compact regarding  
gaming to all federally recognized Indian tribes as identified in  
the Federal Register within this state that own or are the

1 beneficial owners of Indian lands as defined by the Indian Gaming  
2 Regulatory Act, 25 U.S.C., Section 2703(4), and over which the tribe  
3 has jurisdiction as recognized by the Secretary of the Interior and  
4 is a part of the tribe's "Indian reservation" as defined in 25  
5 C.F.R., Part 151.2 or has been acquired pursuant to 25 C.F.R., Part  
6 151, which, if accepted, shall constitute a gaming compact between  
7 this state and the accepting tribe for purposes of the Indian Gaming  
8 Regulatory Act. Acceptance of the offer contained in this section  
9 shall be through the signature of the chief executive officer of the  
10 tribal government whose authority to enter into the compact shall be  
11 set forth in an accompanying law or ordinance or resolution by the  
12 governing body of the tribe, a copy of which shall be provided by  
13 the tribe to the Governor. No further action by the Governor or the  
14 state is required before the Compact can take effect. A tribe  
15 accepting this Model Tribal Gaming Compact is responsible for  
16 submitting a copy of the Compact executed by the tribe to the  
17 Secretary of the Interior for approval and publication in the  
18 Federal Register. The tribe shall provide a copy of the executed  
19 Compact to the Governor. No tribe shall be required to agree to  
20 terms different than the terms set forth in the Model Tribal Gaming  
21 Compact, which is set forth in Section 281 of this title. As a  
22 precondition to execution of the Model Tribal Gaming Compact by any  
23 tribe, the tribe must have paid or entered into a written agreement  
24 for payment of any fines assessed prior to the effective date of the

1 State-Tribal Gaming Act by the federal government with respect to  
2 the tribe's gaming activities pursuant to the Indian Gaming  
3 Regulatory Act.

4 Notwithstanding the provisions of Sections 941 through 988 of  
5 Title 21 of the Oklahoma Statutes, the conducting of and the  
6 participation in any game authorized by the model compact set forth  
7 in Section 281 of this title are lawful when played pursuant to a  
8 compact which has become effective.

9 ~~Prior to July 1, 2008, twelve percent (12%) of all fees received~~  
10 ~~by the state pursuant to subsection A of Part 11 of the Model Tribal~~  
11 ~~Gaming Compact set forth in Section 281 of this title shall be~~  
12 ~~deposited in the Oklahoma Higher Learning Access Trust Fund, and~~  
13 ~~eighty-eight percent (88%) of such fees shall be deposited in the~~  
14 ~~Education Reform Revolving Fund. On or after July 1, 2008, twelve~~  
15 Twelve percent (12%) of all fees received by the state pursuant to  
16 subsection A of Part 11 of the Model Tribal Gaming Compact set forth  
17 in Section 281 of this title shall be deposited in the General  
18 Revenue Fund and eighty-eight percent (88%) of such fees shall be  
19 deposited in the Education Reform Revolving Fund. ~~Provided, the :~~

20 1. The first Twenty Thousand Eight Hundred Thirty-three Dollars  
21 and thirty-three cents (\$20,833.33) of all fees received each month  
22 by the state pursuant to subsection A of Part 11 of the Model Tribal  
23 Gaming Compact set forth in Section 281 of this title shall be  
24 transferred to the Department of Mental Health and Substance Abuse

1 Services for the treatment of compulsive gambling disorder and  
2 educational programs related to such disorder; and

3 2. For the fiscal years beginning July 1, 2015, and July 1,  
4 2016, the first Fifteen Million Dollars (\$15,000,000.00) of all such  
5 fees that would otherwise be deposited in the General Revenue Fund  
6 pursuant to the provisions of this section shall be deposited in the  
7 Native America Cultural Center Trust Fund created in Section 2 of  
8 this act. For the fiscal year beginning July 1, 2017, the first Ten  
9 Million Dollars (\$10,000,000.00) of all such fees that would  
10 otherwise be deposited in the General Revenue Fund pursuant to the  
11 provisions of this section shall be deposited in the Native America  
12 Cultural Center Trust Fund created in Section 2 of this act.

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1226.19 of Title 74, unless  
15 there is created a duplication in numbering, reads as follows:

16 There is hereby created in the State Treasury a revolving fund  
17 for the Native American Cultural and Educational Authority, to be  
18 designated the "Native American Cultural Center Trust Fund". The  
19 fund shall be a continuing fund, not subject to fiscal year  
20 limitations. Subject to the provisions of Section 280 of Title 3A  
21 of the Oklahoma Statutes, all monies accruing to the credit of the  
22 fund are hereby appropriated and may be budgeted and expended by the  
23 Native American Cultural and Educational Authority. The fund shall  
24 consist of funds deposited thereto pursuant to the provisions of

1 paragraph 2 of Section 280 of Title 3A of the Oklahoma Statutes.  
2 Monies deposited to the credit of the fund shall only be expended  
3 for the purpose of completing construction of the American Indian  
4 Cultural Center and Museum.

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