

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1188

By: Loveless

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; creating the  
8 Department of Economic Development and Tourism Act;  
9 consolidating the Oklahoma Department of Commerce,  
10 the Oklahoma Tourism and Recreation Department, and  
11 the Oklahoma Tourism and Recreation Commission;  
12 providing for assumption of responsibilities;  
13 defining term; clarifying possession of certain  
14 funds; requiring delivery of certain books, records,  
15 and property; providing for transfer of funds,  
16 functions, powers, duties and obligations; providing  
17 for effect of administrative rules; amending 74 O.S.  
18 2011, Sections 5003.2, 5003.3, 5003.4, 5003.5,  
19 5003.6, 5003.7, 5003.8, 5003.9, 5003.10, 5003.10a,  
20 5003.10b, 5003.10d, as amended by Section 1, Chapter  
21 188, O.S.L. 2015, 5003.11, 5003.15, 5003.21, 5004.1,  
22 and 5012 (74 O.S. Supp. 2015, Section 5003.10d),  
23 which relate to the Department of Commerce; modifying  
24 reference to certain entity; adding certain duties;  
amending 74 O.S. 2011, Sections 2202, 2204, 2205,  
2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214,  
2215, as amended by Section 989, Chapter 304, O.S.L.  
2012, 2216, as amended by 990, Chapter 304, O.S.L.  
2012, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225,  
2226, 2228, 2229, 2230, 2232, 2234, 2235, 2236, as  
amended by Section 33, Chapter 227, O.S.L. 2013,  
2237, 2240, 2241, 2242, 2242.1, 2243, 2244, as  
amended by Section 992, Chapter 304, O.S.L. 2012,  
2245, 2248, 2249, 2250, 2251, as amended by Section  
993, Chapter 304, O.S.L. 2012, 2252, as amended by  
Section 994, Chapter 304, O.S.L. 2012, 2253, as  
amended by Section 995, Chapter 304, O.S.L. 2012,  
2254, as amended by Section 996, Chapter 304, O.S.L.  
2012, 2254.1, as last amended by Section 1, Chapter  
166, O.S.L. 2014, 2255, as amended by Section 998,  
Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2015,

1 Sections 2215, 2216, 2236, 2244, 2251, 2252, 2253,  
2 2254, 2254.1 and 2255), which relate to the Oklahoma  
3 Tourism and Recreation Commission; modifying  
4 reference to certain entity; repealing 74 O.S. 2011,  
5 Section 5003.1, which relates to the short title of  
6 the Oklahoma Department of Commerce Act; providing  
7 for codification; providing an effective date; and  
8 declaring an emergency.

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

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 5003.1a of Title 74, unless  
12 there is created a duplication in numbering, reads as follows:

13 This act shall be known and may be cited as the "Department of  
14 Economic Development and Tourism Act".

15 SECTION 2. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 5003.1b of Title 74, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. The Oklahoma Department of Commerce, the Oklahoma  
19 Tourism and Recreation Department, and the Oklahoma Tourism and  
20 Recreation Commission are consolidated into the Department of  
21 Economic Development and Tourism. The Executive Director of the  
22 Oklahoma Department of Commerce shall assume all executive-level  
23 responsibilities for each agency and shall function as and possess  
24 the powers of the agency director for each consolidated agency as  
enumerated by existing statute.

1 B. For the purposes of this section the term "consolidated  
2 agencies" shall mean the Department of Commerce, the Oklahoma  
3 Tourism and Recreation Department, and the Oklahoma Tourism and  
4 Recreation Commission.

5 C. Any funds appropriated to, in the possession of or allocated  
6 to any of the consolidated agencies shall be deemed to be funds of  
7 the Department Economic Development and Tourism.

8 D. Upon request of the Executive Director of the Department of  
9 Economic Development and Tourism, the personnel of the consolidated  
10 agencies shall deliver to the Department all books, papers, records  
11 and property of the consolidated agencies.

12 E. All funds, personnel, functions, powers, duties and  
13 obligations previously assigned to each of the consolidated agencies  
14 are hereby transferred to the Department of Economic Development and  
15 Tourism.

16 F. All rules, regulations, acts, orders, determinations and  
17 decisions of the consolidated agencies pertaining to the functions  
18 and powers herein transferred and assigned to the Department of  
19 Economic Development and Tourism, in force at the time of such  
20 transfer, assignment, assumption or devolution shall continue to be  
21 in force and effect as rules, regulations, acts, orders,  
22 determinations and decisions of the consolidated agencies until duly  
23 modified or abrogated by the appropriate body or until otherwise  
24 provided by law.

1 G. Whenever, in the Oklahoma State Statutes, reference is made  
2 to the Oklahoma Department of Commerce, Oklahoma Tourism and  
3 Recreation Department, Oklahoma Tourism and Recreation Commission,  
4 Governor's Economic Development Commission, the State Department of  
5 Commerce and Industry, the Oklahoma Planning and Resources Board,  
6 the Oklahoma Industrial Development and Park Commission or the  
7 Oklahoma Industrial Development and Park Department, it shall mean  
8 hereafter the Department of Economic Development and Tourism.

9 SECTION 3. AMENDATORY 74 O.S. 2011, Section 5003.2, is  
10 amended to read as follows:

11 Section 5003.2. A. Recognizing the geographic diversity of  
12 this state, Oklahoma needs one central, primary public-sector  
13 economic development agency for the state in order to manage or  
14 coordinate all public sector economic development and tourism  
15 activity.

16 Oklahoma needs an agency to work at the community and firm level  
17 to:

- 18 1. Create new and higher quality jobs for the people of this  
19 state through the expansion, creation, restructuring and recruitment  
20 of export-oriented Oklahoma firms which produce value-added goods,  
21 services and processes;
- 22 2. Encourage statewide economic diversification and stability;
- 23 3. Maintain a two-way flow of information between the central  
24 state economic development agency and firms, farms and communities;

- 1 4. Implement the strategic economic development five-year plan;  
2 and  
3 5. Carry out policy development and research in support of  
4 Oklahoma Futures; and  
5 6. Promote and maintain tourism resources of this state.

6 B. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic Development and  
7 Tourism is hereby constituted an agency of state government.

8 C. Whenever the terms "Department of Economic Development" or  
9 "Department of Economic and Community Affairs" appear in the  
10 Oklahoma Statutes they shall mean and refer to the ~~Oklahoma~~  
11 Department of ~~Commerce~~ Economic Development and Tourism.

12 SECTION 4. AMENDATORY 74 O.S. 2011, Section 5003.3, is  
13 amended to read as follows:

14 Section 5003.3. The mission of the ~~Oklahoma~~ Department of  
15 ~~Commerce~~ Economic Development and Tourism shall be to support  
16 firms', farms' and local communities' growth, diversification,  
17 expansion and ability to compete in export markets in order to  
18 create new and better jobs for Oklahomans throughout the state.

19 SECTION 5. AMENDATORY 74 O.S. 2011, Section 5003.4, is  
20 amended to read as follows:

21 Section 5003.4. As used in the ~~Oklahoma~~ Department of ~~Commerce~~  
22 Economic Development and Tourism Act:

23 1. "Department" means the ~~Oklahoma~~ Department of ~~Commerce~~  
24 Economic Development and Tourism;

1           2. "Director" means the director of the Department of ~~Commer~~  
2 Economic Development and Tourism;

3           3. "Enterprise" means a firm with its principal place of  
4 business in Oklahoma;

5           4. "Economic Information System" means a comprehensive  
6 statewide data collection, analysis and distribution system which  
7 makes available current and thorough information on Oklahoma  
8 economic trends and future Oklahoma economic opportunities to  
9 communities, firms, farms and individuals in the state; firms and  
10 individuals outside the state considering location in Oklahoma; and  
11 Oklahoma Futures, the Governor, the Legislature and all other state  
12 agencies and institutions; and

13           5. "Economic Innovation System" means a decentralized statewide  
14 system that responsively and innovatively coordinates technical  
15 assistance, grant and loan programs with local, state, federal and  
16 private sector activities into a single statewide Economic  
17 Innovation System.

18           SECTION 6.        AMENDATORY        74 O.S. 2011, Section 5003.5, is  
19 amended to read as follows:

20           Section 5003.5. A. The Director of the Department of ~~Commer~~  
21 Economic Development and Tourism shall be appointed by the Governor  
22 with the advice and consent of the Senate. The Director shall serve  
23 at the pleasure of the Governor and shall continue to serve until a  
24

1 successor is duly appointed and qualified. The salary of the  
2 Director shall be set by law.

3 B. The Director shall be qualified for such position by  
4 character, personality, ability, education, training and successful  
5 administrative experience in the public or private sector.

6 C. The Director shall employ such persons as are necessary to  
7 implement the powers and duties of the Department. Because many of  
8 the powers and duties of the Department involve working closely with  
9 the private sector, certain employee positions of the Department  
10 must be governed, classified and compensated in a manner that  
11 compares equally to similar positions in the private sector.  
12 Therefore, in the annual business plan, the Director shall list,  
13 describe and justify all such positions and their compensation and  
14 shall designate and place them in unclassified status, exempt from  
15 the provisions of the Oklahoma Personnel Act. All other employees  
16 and positions shall be classified and subject to the provisions of  
17 the Merit System of Personnel Administration as provided in the  
18 Oklahoma Personnel Act. Provided, nothing in this section shall be  
19 construed to limit the authority of the Legislature to specify the  
20 status of positions otherwise by law. Neither shall the Director  
21 have the authority to circumvent, disregard or otherwise disobey  
22 specific provisions of law regarding positions in the Department.

23 D. The Director shall serve on the board of:

24 1. The Oklahoma Industrial Finance Authority;

- 1           2. The Oklahoma Science and Technology Research and Development  
2 Board;
- 3           3. The Oklahoma Development Finance Authority;
- 4           4. The Executive Bond Oversight Commission; and
- 5           5. The Oklahoma Ordnance Works Authority.

6           E. The Director may serve as administrator of any interlocal  
7 agreement or compact to pursue economic development and to assign  
8 any employees of the Department or employee personnel to carry out  
9 duties or obligations pursuant to any interlocal agreement or  
10 compact for economic development.

11          F. The Director, at his or her discretion, may approve payment  
12 for affiliations or memberships of the Department or, if necessary,  
13 associate memberships for individual employees in international,  
14 national, or state economic development councils, professional  
15 organizations, or governmental associations.

16          SECTION 7.        AMENDATORY        74 O.S. 2011, Section 5003.6, is  
17 amended to read as follows:

18          Section 5003.6. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
19 Development and Tourism shall have, exercise and perform those  
20 powers and duties necessary to implement and accomplish the  
21 statutorily stated mission and purpose of the Department.

22          SECTION 8.        AMENDATORY        74 O.S. 2011, Section 5003.7, is  
23 amended to read as follows:

24



1 Section 5003.7. A. The ~~Oklahoma~~ Department of ~~Commerce~~  
2 Economic Development and Tourism shall prepare, with the cooperation  
3 of the Oklahoma business community, agricultural community,  
4 financial community, universities, labor and the state executive and  
5 legislative branches, a five-year economic development plan and  
6 annual updates for the State of Oklahoma.

7 1. The purpose of the plan shall be to identify significant  
8 economic, social, and demographic trends which may have both short-  
9 term and long-term impacts on the state and local economy and to  
10 present strategies and recommendations that the state and local  
11 political subdivisions might adopt to improve or stabilize the  
12 economy.

13 2. The goals of the plan shall include the development of a  
14 diversified state economy, increasing employment, the maximum use of  
15 federal, state and local funds to achieve the goals or  
16 recommendations included in the plan, the maximum investment of  
17 capital in the economy of the state, and the improvement of the  
18 quality of life in the state.

19 3. The plan wherever possible shall make recommendations to  
20 encourage intergovernmental cooperation and public and private  
21 cooperation.

22 4. Copies of the plan and the annual updates shall be submitted  
23 to the Oklahoma Advisory Committee on Intergovernmental Relations,  
24 the Governor, the Speaker of the House of Representatives, the

1 President Pro Tempore of the Senate and the chairmen of the standing  
2 committees on economic development of the Senate and of the House of  
3 Representatives on the first day of each legislative session.

4 5. The Department shall develop and manage a complete economic  
5 information system which will support the five-year planning  
6 process, and which will make available complete and timely  
7 information on the state economy. The economic information system  
8 shall be operated by public or private Oklahoma universities or an  
9 Oklahoma enterprise capable of providing such services in a cost-  
10 effective manner.

11 B. The Department, in conjunction with the Oklahoma Development  
12 Finance Authority, is authorized to develop an infrastructure  
13 program which will enable political subdivisions of this state to  
14 finance public works projects in order to modify or improve existing  
15 public facilities for purposes of bringing said facilities, and the  
16 operation thereof, into compliance with and maintaining compliance  
17 with federal, state and local laws and regulations pertaining to the  
18 protection of the public health and the environment.

19 C. The Director shall develop an annual business plan for the  
20 Department. The business plan shall include the need and mission of  
21 each division of the Department created by law or the Director and  
22 an analysis of past costs and benefits and future projected costs  
23 and benefits to the state of the programs of each division of the  
24 Department. The business plan shall be consistent with the goals of

1 the recurring five-year plan specified in this section. The  
2 Director shall distribute copies of the business plan by such means  
3 that will make it widely available to communities, firms and local  
4 economic development managers throughout this state.

5 SECTION 9. AMENDATORY 74 O.S. 2011, Section 5003.8, is  
6 amended to read as follows:

7 Section 5003.8. In order to ensure that the ~~Oklahoma~~ Department  
8 of ~~Commerce~~ Economic Development and Tourism is effectively  
9 implementing its mission, purpose and objectives, the Department  
10 shall publish an annual report setting forth in detail the  
11 operations and programs conducted by it pursuant to this act or to  
12 other legislation. The report shall review both statewide progress  
13 and departmental progress according to several measures including  
14 objective measures listed in the Department's five-year plan. The  
15 Department shall present this report to the Governor and the  
16 Legislature. The annual report shall specifically account for ways  
17 in which the needs, mission and programs of the Department described  
18 in this act have been carried out and recommendations shall  
19 specifically note what changes in the activities of the Department  
20 and the programs it administers and of state government are  
21 necessary to better address the mission described in this act. The  
22 Department shall distribute its annual report by such means that  
23 will make it widely available to communities, firms and local  
24 economic development managers throughout this state.

1 SECTION 10. AMENDATORY 74 O.S. 2011, Section 5003.9, is  
2 amended to read as follows:

3 Section 5003.9. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
4 Development and Tourism shall submit to the Legislature performance  
5 review information for the programs it operates or funds. This  
6 information shall be compiled into a report that shall be submitted  
7 to the President Pro Tempore of the Senate, the Speaker of the House  
8 of Representatives, the ~~Chairman~~ Chair of the Senate Appropriations  
9 Committee and the ~~Chairman~~ Chair of the House of Representatives  
10 Appropriations and Budget Committee by February 1 of each year. The  
11 report shall be designed to assist the appropriation committees in  
12 determining funding priorities and should provide the best available  
13 information regarding the effectiveness of these programs. This  
14 report shall complement the Department's annual budget request.

15 The report shall be structured so that:

- 16 1. The need for the program is clearly established;
- 17 2. The goals of the program are clearly defined;
- 18 3. Measurable objectives are set forth;
- 19 4. Actual performance data is provided and explained;
- 20 5. Performance is evaluated against objectives; and
- 21 6. Future funding recommendations and program benefits are  
22 outlined.

23 SECTION 11. AMENDATORY 74 O.S. 2011, Section 5003.10, is  
24 amended to read as follows:

1 Section 5003.10. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
2 Development and Tourism shall have the authority to:

3 1. Disseminate information concerning the industrial,  
4 commercial, governmental, educational, cultural, agricultural,  
5 business and other advantages and attractions of the state;

6 2. Assist public and private agencies in the preparation of  
7 informational and publicity programs designed to attract or retain  
8 business and industry for the state;

9 3. Obligate and expend funds for services performed by local  
10 political subdivisions of the state, state agencies, including  
11 universities and colleges within and without the state, and federal  
12 agencies for research and training in conformity with the general  
13 state laws governing such activity; and apply for, accept,  
14 administer and expend grants from the federal government and any  
15 other public or private sources for research and training purposes;

16 4. Conduct, publish and disseminate or encourage research  
17 designed to further new and more extensive uses of the natural and  
18 other resources of the state and designed to develop and  
19 commercialize new products and commercial processes;

20 5. Study trends and developments in the industries of the state  
21 and analyze the reasons underlying such trends; study costs within  
22 the state; and make recommendations regarding circumstances  
23 promoting or hampering business and industrial development;

1       6. Generally gather, compile and make available economic  
2 analyses and statistical information relating to business, trade,  
3 commerce, industry, transportation, communication, natural  
4 resources, population and other like subjects in this state, with  
5 authority to call upon other agencies, universities and colleges of  
6 the state for statistical data and results obtained by them, and to  
7 arrange and compile such economic analyses and statistical  
8 information in such a manner as it deems advisable;

9       7. Study such other scientific, industrial, financial and  
10 economic issues as, in the judgment of the Department, shall be  
11 deemed of value to the people of the state;

12       8. Support and assist the efforts of state, regional and local  
13 development organizations, industrial committees, chambers of  
14 commerce, agricultural organizations, labor organizations and other  
15 similar public and private agencies to obtain new and to foster  
16 expansion of existing service, industrial and manufacturing  
17 facilities, businesses and enterprises; and to foster community  
18 improvements in leadership, expertise, human development,  
19 infrastructure, public facilities and quality of life; and to expand  
20 data availability and utilization opportunities;

21       9. Maintain a continuing evaluation of the sources available  
22 for the financing of the development or expansion of industrial,  
23 agricultural and commercial facilities in this state through both  
24 public and private agencies;

1 10. Assist in obtaining financing for the development and  
2 expansion of industrial, agricultural and commercial facilities in  
3 the state;

4 11. Serve as the state's official liaison agency between  
5 persons interested in locating new economic enterprises in Oklahoma  
6 and state and local groups seeking new enterprises. In this  
7 respect, the Department shall aid communities in organizing for and  
8 obtaining new businesses and expanding existing businesses and shall  
9 process requests which reflect interest in locating economic  
10 enterprises in the state;

11 12. Promote the sale and facilitate the marketing of Oklahoma  
12 products including agricultural and value-added products in the  
13 international market;

14 13. Encourage the location of foreign manufacturing plants and  
15 other industries in Oklahoma;

16 14. Coordinate the international efforts of the various state  
17 agencies without violating the individual authority given those  
18 agencies by statute;

19 15. Coordinate and serve as liaison to the private sector as  
20 needed;

21 16. Establish, subject to an annual appropriation or private  
22 gifts, offices outside the state boundaries. The offices may be  
23 operated by the state or may be operated pursuant to contract which  
24 shall not be subject to the competitive bid laws of the State of

1 Oklahoma. The Department shall prepare an annual report concerning  
2 the activities of the offices and submit it to the Governor and the  
3 Legislature. The Director of the ~~Oklahoma~~ Department of ~~Commerce~~  
4 Economic Development and Tourism shall notify in writing the  
5 Governor, the President Pro Tempore of the Senate and the Speaker of  
6 the House of Representatives that the Department intends to  
7 establish a new office pursuant to this paragraph at least thirty  
8 (30) days prior to the establishment of the new office or execution  
9 of a contract;

10 17. Establish a system of not less than six geographic regions  
11 for promoting new or existing businesses, assisting in the expansion  
12 of small and medium sized manufacturers through a modernization  
13 program, creating new jobs, and assisting local businesses,  
14 political subdivisions or other entities to better utilize the  
15 services of the Department;

16 18. Solicit, accept and expend donations and contributions from  
17 any source, whether public or private, in order to advertise,  
18 promote or disseminate information which may assist in the  
19 recruitment of companies, firms or jobs to Oklahoma, including but  
20 not limited to the Oklahoma Quality Jobs Program Act, and any other  
21 acts which the Department administers or which may assist the  
22 Department in the performance of its mission. The Department shall  
23 deposit any funds collected pursuant to this paragraph in the  
24



1 "~~Oklahoma~~ Department of ~~Commerce~~ Economic Development and Tourism  
2 Revolving Fund" created by Section 5012 of this title; and

3 19. Enter into contracts at fair market value for the rental of  
4 office space in any facility under its control to entities engaged  
5 in activities related to the export of goods produced in Oklahoma.  
6 The Department shall deposit any funds collected pursuant to this  
7 paragraph in the "~~Oklahoma~~ Department of ~~Commerce~~ Economic  
8 Development and Tourism Revolving Fund" created by Section 5012 of  
9 this title.

10 SECTION 12. AMENDATORY 74 O.S. 2011, Section 5003.10a,  
11 is amended to read as follows:

12 Section 5003.10a. An office established by the ~~Oklahoma~~  
13 Department of ~~Commerce~~ Economic Development and Tourism outside the  
14 State of Oklahoma pursuant to paragraph 16 of Section 5003.10 of  
15 this title shall not be terminated until the Director of the  
16 ~~Oklahoma~~ Department of ~~Commerce~~ Economic Development and Tourism  
17 provides a written report to the Governor, the Speaker of the House  
18 of Representatives, and the President Pro Tempore of the Senate of  
19 the intent of the Director to terminate the office. Termination of  
20 the office pursuant to this section shall not occur earlier than  
21 sixty (60) days following the date the report is filed as provided  
22 in this section. For purposes of this section, "termination" means  
23 a reduction in funding for an office or a change in representation.

24

1 SECTION 13. AMENDATORY 74 O.S. 2011, Section 5003.10b,  
2 is amended to read as follows:

3 Section 5003.10b. A. 1. The ~~Oklahoma~~ Department of ~~Commerce~~  
4 Economic Development and Tourism is hereby authorized to administer  
5 any federal funds received by this state that are allocated for the  
6 purposes of completion of traffic and feasibility studies for, and  
7 the development of a trade center and industrial park by, the  
8 Continental Gateway Authority, a public trust in McClain County,  
9 Oklahoma.

10 2. For purposes of this section, "administer any federal funds"  
11 means to provide oversight administration and includes, but is not  
12 limited to, approval or rejection by the Department of expenditures  
13 of the Authority and review by the Department of contracts proposed  
14 by the Authority for noncompliance with federal and state law,  
15 rules, regulations, and the provisions set forth herein, and the  
16 rejection by the Department of such contracts prior to their  
17 execution by the Authority if determined by the Department to be out  
18 of compliance with law determined to be applicable by the  
19 Department.

20 B. The Department of Transportation is hereby authorized and  
21 directed to transfer to the ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
22 Development and Tourism for use by the Continental Gateway Authority  
23 any federal funds received and allocated for the purposes set forth  
24 in subsection A of this section.

1 C. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic Development and  
2 Tourism shall utilize such funds to contract with the Continental  
3 Gateway Authority for the provision of the study authorized by  
4 federal appropriation and subsection A of this section. Such  
5 contract shall be exempt from the competitive bidding procedures set  
6 forth in Section 85.7 of ~~Title 74 of the Oklahoma Statutes~~ this  
7 title and shall contain provisions as required by law.

8 D. The Continental Gateway Authority shall utilize the funds  
9 for the studies set out in subsection A of this section and may  
10 contract with a consultant for such studies. Such contract shall be  
11 exempt from the competitive bidding procedures set forth in Section  
12 85.7 of ~~the Oklahoma Statutes~~ this title but shall comply with the  
13 following requirements:

14 1. The Continental Gateway Authority shall issue requests for  
15 proposals to no less than three and no more than five consultants to  
16 perform the studies. Detailed consideration, including interviews,  
17 shall be given to those responding to the request for proposals.  
18 The initial screening should consider the requirements of a  
19 consultant interview evaluation sheet as well as the following  
20 factors to be determined from Authority staff and replies to  
21 inquiries to former clients:

22 a. specialized experience in the type of work  
23 contemplated,  
24

- 1           b. capacity of the consultant to perform the work in the  
2           required time, and  
3           c. past performance;

4           2. A full report of the evaluation procedures and  
5 recommendations of the Authority shall be prepared by the Authority  
6 and submitted to the ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
7 Development and Tourism for an independent review of the entire  
8 process; and

9           3. The Authority shall negotiate the contract with the selected  
10 consultant, which contract shall include a fair and reasonable fee.  
11 The negotiated scope and fee shall be reported to the ~~Oklahoma~~  
12 Department of ~~Commerce~~ Economic Development and Tourism for review  
13 of compliance with state and federal laws, rules and regulations.  
14 If the Authority and the first choice consultant cannot reach an  
15 agreement, their negotiations shall be terminated and negotiations  
16 with the second-choice consultant shall commence. If the Authority  
17 and the second-choice consultant cannot reach an agreement, their  
18 negotiations shall be terminated and negotiations with the third-  
19 choice consultant shall commence. If the Authority and the third-  
20 choice consultant cannot reach an agreement, then all negotiations  
21 shall be terminated. Should the Authority be unable to negotiate a  
22 satisfactory contract with any of the three selected consultants,  
23 the Authority shall select additional consultants in order of their  
24 competence and qualifications and shall continue negotiations in

1 accordance with the provisions of this subsection until an agreement  
2 is reached.

3 SECTION 14. AMENDATORY 74 O.S. 2011, Section 5003.10d,  
4 as amended by Section 1, Chapter 188, O.S.L. 2015 (74 O.S. Supp.  
5 2015, Section 5003.10d) is amended to read as follows:

6 Section 5003.10d. A. The Governor's Council for Workforce and  
7 Economic Development established under the authority of Executive  
8 Order 2005-27 is hereby recognized by the Legislature as the State's  
9 Workforce Investment Board. The Council succeeded and was  
10 established in lieu of the Oklahoma Workforce Investment Board.  
11 Appointed members of the Council serving under the authority of  
12 Executive Order 2005-27 when this act becomes effective shall  
13 continue to serve until their terms have expired and their  
14 successors have been duly appointed.

15 Pursuant to the federal Workforce Innovation and Opportunity Act,  
16 the purpose of the Council shall be to:

17 1. Guide the development of a comprehensive and coordinated  
18 workforce development system for the state and monitor its  
19 operation; and

20 2. Review and make recommendations that will align the  
21 workforce system, including education, with the economic development  
22 goals of the state for the purpose of creating workforce and  
23 economic development systems that are integrated and shall provide  
24 Oklahoma a competitive advantage in a global economy.

1 B. Membership of the Council shall include representatives of  
2 private employers who reflect Oklahoma's projected and desired  
3 business and industry base and public officials from agencies which  
4 provide programs and services related to workforce, education and  
5 economic development. All Council members shall be in positions to  
6 influence policy and hiring decisions within their organizations.  
7 Initial appointments to the Council shall conform to the following  
8 described schedule:

9 1. The membership of the Council shall comply with the federal  
10 requirements of the state investment board;

11 2. A majority of the Council shall come from described private  
12 sector employers, including owners of businesses, chief executives  
13 or operating officers of businesses or other business executives or  
14 employees with optimum policymaking or hiring authority, and who  
15 represent businesses, including small businesses, that provide  
16 employment opportunities that, at a minimum, include high-quality,  
17 work-relevant training and development in in-demand industry sectors  
18 or occupations in this state;

19 3. State officials shall include incumbents or designees of the  
20 following named offices, or their successors in office or function:

- 21 a. Governor,
- 22 b. two members of the Senate, appointed by the President  
23 Pro Tempore,

24

- c. two members of the House of Representatives, appointed by the Speaker,
- d. Executive Director of the Oklahoma Department of Commerce, and
- e. Executive Director of the Oklahoma Employment Security Commission;

4. Additional members, at the discretion and pleasure of the Governor, may be appointed representing the needs or interests of the state economy or specific regional needs; and

5. Ex-officio members, at the discretion and pleasure of the Governor, may be included to provide expertise and agency information to the Council. These appointments may include, but not be limited to:

- a. the Secretary of Education,
- b. the Secretary of Health and Human Services,
- c. the Secretary of Commerce,
- d. the Chancellor of the Oklahoma State Regents for Higher Education,
- e. the Director of Career and Technology Education,
- f. the State Superintendent of Public Instruction,
- g. the Director of the State Department of Rehabilitation Services,
- h. the Director of the Oklahoma Department of Corrections,

- 1 i. the Commissioner of the Oklahoma Department of Mental
- 2 Health and Substance Abuse Services,
- 3 j. the Director of the Oklahoma Health Care Authority,
- 4 and
- 5 k. the Native American Liaison.

6 C. Private sector members shall be appointed by and serve at  
7 the pleasure of the Governor for a two-year term beginning October  
8 1, 2005, and may be reappointed. However, of the initial private  
9 sector members appointed, half shall be appointed for an initial  
10 term of one (1) year beginning October 1, 2005. Private members may  
11 be removed from office for failure to attend three consecutive  
12 Council meetings. The chair of the Council shall be from the  
13 private sector and shall be appointed by and serve at the pleasure  
14 of the Governor.

15 D. The Council shall meet at such times and places as it deems  
16 appropriate. Members shall serve without compensation. Council  
17 members employed by a state agency shall be reimbursed travel  
18 expenses related to their service on the Council as authorized by  
19 state law by their respective state agency. Legislative members of  
20 the Council shall be reimbursed by their respective houses for  
21 necessary travel expenses incurred in the performance of their  
22 duties as authorized by state law. Remaining Council members shall  
23 also be reimbursed travel expenses related to their service on the  
24 Council by the ~~Oklahoma~~ Department of ~~Commerce~~ Economic Development



1 and Tourism as authorized by state law. No member of the Council  
2 shall profit, directly or indirectly, from any transaction with the  
3 Council.

4 E. The duties and responsibilities of the Council in the  
5 development, monitoring and aligning of the workforce system with  
6 economic development shall include, but not be limited to:

7 1. Performing the duties required of the state governance board  
8 by the federal Workforce Innovation and Opportunity Act;

9 2. Identifying the human resource investment needs of Oklahoma  
10 business and industry, together with those of the citizens of the  
11 state, so that each might respond to and meet the needs of the  
12 others and thus together build a robust, diversified economy;

13 3. Reviewing and evaluating workforce development programs  
14 within the state, formulate recommendations to increase their  
15 efficiency and effectiveness, eliminate duplication, and align with  
16 economic goals. Recommendations shall be communicated to the  
17 Governor, Legislature, state and federal government agencies and  
18 appropriate individuals and entities within the private sector;

19 4. Increasing academic capability and technical skills within  
20 the state workforce and foster lifelong learning among Oklahoma's  
21 citizens;

22 5. Strengthening collaboration among institutions which provide  
23 education and training services, government agencies which  
24 coordinate employment and other human resource investment

1 activities, and Oklahoma business and industry to create a seamless  
2 system to nurture healthy economic development; and

3 6. Enhancing rural economic development capability and  
4 capacity, giving particular attention to regional collaboration and  
5 partnering.

6 F. Activities of the Council shall be coordinated by the  
7 Secretary of Commerce and directed by the Deputy Secretary of  
8 Commerce for Workforce Development, or their successors in office or  
9 function. Administrative and staffing support for the Council shall  
10 be coordinated by the Office of Workforce Solutions within the  
11 Department of ~~Commerce~~ Economic Development and Tourism.

12 G. The State Workforce Partners originally established under  
13 the authority of Executive Order 2005-27 as the Workforce Solutions  
14 Staff Team is hereby recognized by the Legislature. This  
15 interagency team shall be comprised of executive level staff from  
16 workforce, education and economic development agencies of the state  
17 for the purpose of providing staff support to the Council and to  
18 create efficiencies, eliminate duplication, and eliminate barriers  
19 to jointly providing a service delivery system. Other members may  
20 be included on this team as the Governor may deem necessary to  
21 accomplish this goal.

22 H. The Council shall be supported by funds available to state  
23 agencies pursuant to state and federal laws and regulations. Each  
24 member of the Council whose agency qualifies pursuant to state and

1 federal law to receive and use such funds shall assist by providing  
2 support and funding of the Council in carrying out the  
3 responsibilities of the Council.

4 I. The Council shall form a subcommittee on health workforce  
5 whose purpose shall be to inform, coordinate, and facilitate  
6 statewide efforts to ensure that a well-trained, adequately  
7 distributed, and flexible health workforce is available to meet the  
8 needs of an efficient and effective health care system in Oklahoma.  
9 Duties of the Health Workforce Subcommittee shall include, but not  
10 be limited to, the following:

11 1. Conducting data analysis and preparing reports on health  
12 workforce supply and demand;

13 2. Research and analysis of state health professional education  
14 and training capacity;

15 3. Recommend recruitment and retention strategies for areas  
16 determined by the Oklahoma Primary Care Office or the Oklahoma  
17 Office of Rural Health to be areas of high need; and

18 4. Assessment of health workforce policy, evaluation of impact  
19 on Oklahoma's health system and health outcomes, and developing  
20 health workforce policy recommendations.

21 SECTION 15. AMENDATORY 74 O.S. 2011, Section 5003.11, is  
22 amended to read as follows:

23 Section 5003.11. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
24 Development and Tourism shall serve as the lead state agency in

1 establishing a community development strategy and plan for the  
2 state. The Department shall have the authority to establish and  
3 administer community development programs such as certified  
4 community programs which enhance the quality of life in Oklahoma  
5 communities; the Department has the authority to administer such  
6 programs directly or by contract with qualified community  
7 development entities.

8 In establishing such programs, the Department shall determine  
9 needs, priorities or funding limits within the limits for such  
10 programs imposed by the Legislature. The Department may promulgate  
11 rules in accordance with the Administrative Procedures Act to  
12 clarify such programs.

13 The Department shall establish and develop or cause to be  
14 developed individual program budgets, work plans, and audits of each  
15 community development program established and administered. Any  
16 contract under this section shall be exempt from the Central  
17 Purchasing Act.

18 SECTION 16. AMENDATORY 74 O.S. 2011, Section 5003.15, is  
19 amended to read as follows:

20 Section 5003.15. A. The ~~Oklahoma~~ Department of ~~Commerce~~  
21 Economic Development and Tourism shall establish within the agency a  
22 central point of access and information for persons or business  
23 entities in order to facilitate the creation of new business  
24 enterprises within the state. The central point of access and the

1 related programs shall be designated the "2nd Century  
2 Entrepreneurship Center".

3 B. The Department shall utilize the existing Master Business  
4 Licensing System and incorporate the systems and informational  
5 resources currently in use to establish the 2nd Century  
6 Entrepreneurship Center.

7 C. The Department of ~~Commerce~~ Economic Development and Tourism  
8 shall develop a centralized method by which an emerging or expanding  
9 Oklahoma business enterprise may have access to all state and local  
10 permit information, license information, applicable state or local  
11 codes, and other information and resources necessary for the  
12 successful organization of a new business enterprise or for the  
13 expansion of an existing business enterprise.

14 D. To the extent possible, the 2nd Century Entrepreneurship  
15 Center shall allow an emerging or expanding business enterprise to  
16 complete all steps necessary for the formation and organization of  
17 the business entity, including the formal organization of the  
18 business entity, the acquisition of a federal employer tax  
19 identification number, if required, the acquisition of any needed  
20 licenses or permits from the Secretary of State, the Oklahoma Tax  
21 Commission, or the Oklahoma Employment Security Commission.

22 E. The Department of ~~Commerce~~ Economic Development and Tourism  
23 may work in collaboration with other statewide partners also  
24 involved in the offering of entrepreneurship-based programs.

1 SECTION 17. AMENDATORY 74 O.S. 2011, Section 5003.21, is  
2 amended to read as follows:

3 Section 5003.21. A. The ~~Oklahoma~~ Department of ~~Commerce~~  
4 Economic Development and Tourism shall provide direction and  
5 assistance to private for-profit business entities, community-owned  
6 business entities, and governmental entities which are engaged in an  
7 activity related to the processing of Eastern Red Cedar trees and  
8 products or processes related to the Eastern Red Cedar tree on the  
9 steps necessary to qualify for and access existing economic and tax  
10 incentives. The Department shall work with the Eastern Red Cedar  
11 Registry Board created in Section ~~4~~ 18-403 of ~~this act~~ Title 2 of  
12 the Oklahoma Statutes to identify viable programs that can provide  
13 or create opportunities for business or governmental entities  
14 involved in an activity related to the processing of Eastern Red  
15 Cedar trees and products or processes related to the Eastern Red  
16 Cedar tree.

17 B. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic Development and  
18 Tourism shall utilize its existing resources in order to make the  
19 information described in subsection A of this section accessible to  
20 interested persons and business entities that could benefit from the  
21 utilization of any incentive programs.

22 SECTION 18. AMENDATORY 74 O.S. 2011, Section 5004.1, is  
23 amended to read as follows:

24

1 Section 5004.1. The ~~Oklahoma~~ Department of ~~Commerce~~ Economic  
2 Development and Tourism may employ an attorney. Such attorney shall  
3 be a full-time employee of the Department and act as general counsel  
4 for the Department.

5 SECTION 19. AMENDATORY 74 O.S. 2011, Section 5012, is  
6 amended to read as follows:

7 Section 5012. A. There is hereby created the "~~Oklahoma~~  
8 Department of ~~Commerce~~ Economic Development and Tourism Revolving  
9 Fund". The fund shall consist of all monies, other than  
10 appropriated monies, received by the Department which are not  
11 directed to be placed into another fund. The fund shall be a  
12 continuing fund not subject to fiscal year limitations and shall be  
13 subject to the administrative direction of the ~~Oklahoma~~ Department  
14 of ~~Commerce~~ Economic Development and Tourism. Expenditures from the  
15 fund shall be made upon warrants issued by the State Treasurer  
16 against claims submitted to the Director of the Office of Management  
17 and Enterprise Services. Monies in the fund may be expended for the  
18 operating expenses of the Department and shall be made pursuant to  
19 the laws of this state.

20 B. On July 1, 1986, any unallotted cash balance in the funds  
21 created in Sections 678 and 2008 of this title shall be transferred  
22 to the ~~Oklahoma~~ Department of ~~Commerce~~ Economic Development and  
23 Tourism Revolving Fund. All outstanding financial obligations and  
24 encumbrances of the funds created in Sections 678 and 2008 of this

1 title are hereby transferred to the ~~Oklahoma~~ Department of ~~Commerce~~  
2 Economic Development and Tourism. After November 15, 1986, any  
3 unexpended balance in the funds created in Sections 678 and 2008 of  
4 this title shall be transferred to the ~~Oklahoma~~ Department of  
5 ~~Commerce~~ Economic Development and Tourism Revolving Fund.

6 SECTION 20. AMENDATORY 74 O.S. 2011, Section 2202, is  
7 amended to read as follows:

8 Section 2202. A. It shall be the purpose of the ~~Commission and~~  
9 ~~the~~ Department of Economic Development and Tourism to:

10 1. Conserve and protect the parkland under the control of the  
11 ~~Commission~~ Department;

12 2. Oversee the operation and maintenance of the state's lodges  
13 and golf courses;

14 3. Promote tourism by publicity and dissemination of  
15 information;

16 4. Assist in promotion of events sponsored by municipalities,  
17 associations, and organizations commemorating special events of  
18 local or historical interest;

19 5. Educate the public on the people, places, events, culture,  
20 and history of Oklahoma; and

21 6. Function in an advisory capacity to the Governor, State  
22 Legislature, state agencies, municipalities, and to private  
23 organizations on matters pertaining to tourism and recreation.

24



1 B. The ~~Commission~~ Department shall determine or set policy ~~for~~  
2 ~~the Department~~ and shall determine the broad plans and programs  
3 necessary to accomplish the duties and responsibilities in the  
4 ~~Commission~~ Department.

5 SECTION 21. AMENDATORY 74 O.S. 2011, Section 2204, is  
6 amended to read as follows:

7 Section 2204. There are hereby granted to and imposed in the  
8 ~~Commission~~ Department of Economic Development and Tourism, and in  
9 any commission or body which may hereafter succeed to the powers,  
10 rights and duties of the ~~Commission~~ Department, the following  
11 additional powers, rights and duties:

- 12 1. Sue and be sued;
- 13 2. Adopt, use, and alter an official seal;
- 14 3. Make bylaws for the management and regulation of its  
15 affairs;
- 16 4. Appoint, prescribe the duties, and fix the compensation for  
17 officers, agents, and employees;
- 18 5. Make contracts and execute instruments as in the judgment of  
19 the ~~Commission~~ Department are necessary or convenient to the  
20 exercise of the powers conferred upon it by law; and
- 21 6. Promulgate rules and policies necessary and convenient to  
22 the exercise of the powers conferred upon it by law.

23 SECTION 22. AMENDATORY 74 O.S. 2011, Section 2205, is  
24 amended to read as follows:

1       Section 2205. The ~~Commission~~ Department of Economic Development  
2 and Tourism shall prepare and submit to the Governor and to the  
3 Legislature on the first day of each legislative session a report of  
4 the activities of the Department, together with all information and  
5 data in the possession of the Department as the ~~Commission~~  
6 Department shall deem of value to the Governor, the Legislature and  
7 the people of the State of Oklahoma. Each report may contain  
8 recommendations for legislation as the ~~Commission~~ Department may  
9 deem necessary to give full effect to all the provisions of ~~the~~  
10 ~~Oklahoma Tourism, Parks and Recreation Enhancement Act~~ this act.

11       SECTION 23.       AMENDATORY       74 O.S. 2011, Section 2206, is  
12 amended to read as follows:

13       Section 2206. The chief executive officer of the Department of  
14 Economic Development and Tourism shall be the Executive Director,  
15 who shall be appointed by the ~~Commission~~ Governor with the advice  
16 and consent of the Senate and who shall serve at the pleasure of  
17 ~~said Commission~~ the Governor. The Executive Director shall be  
18 chosen with regard to knowledge, training, experience, and ability  
19 to administer the functions of the Department. ~~The Commission shall~~  
20 ~~establish the salary of the Executive Director.~~

21       SECTION 24.       AMENDATORY       74 O.S. 2011, Section 2207, is  
22 amended to read as follows:

23  
24

1 Section 2207. Subject to the policies and rules of the  
2 ~~Commission~~ Department of Economic Development and Tourism, the  
3 Executive Director shall:

4 1. Organize the Department in a manner to efficiently achieve  
5 ~~the objectives of the Commission;~~

6 2. Prepare and submit plans for administering the programs of  
7 the ~~Commission~~ Department;

8 3. Prepare a personnel schedule, employ personnel, define  
9 duties, appoint technicians and consultants, and fix salaries or  
10 compensation;

11 4. Administer all policies formulated and adopted by the  
12 ~~Commission~~ Department;

13 5. Enter into leases, grant easements and execute such  
14 instruments as in the judgment of the ~~Commission~~ Department are  
15 necessary or convenient to the exercise of those powers and duties  
16 of the ~~Commission~~ Department pursuant to the ~~Oklahoma Tourism, Parks~~  
17 ~~and Recreation Enhancement Act. The Executive Director shall~~  
18 ~~provide a monthly report to the Commission of actions taken as a~~  
19 ~~result of such delegation;~~

20 6. Develop and implement a pay incentive plan for employees of  
21 the Department. Incentive pay shall not be included in the base  
22 salary of an employee, and shall be based on the goals and  
23 eligibility established by the Commission on an annual basis.  
24 Incentive pay shall not exceed ten percent (10%) of the salary of

1 each eligible employee or the total change in improved financial  
2 performance for each facility over the previous fiscal year. Such  
3 compensation shall not be subject to the requirements of Section  
4 840-2.17 of Title 74 of the Oklahoma Statutes. The ~~Commission~~  
5 Department shall promulgate rules for the implementation of the  
6 plan; and

7 7. Authorize any division of the Department to sell advertising  
8 in any of the publications of the division, on division property on  
9 which advertising is sold in the tourism industry, or on its web  
10 site, provided that such advertising shall be approved by the  
11 Division Director or designee prior to acceptance for publication.  
12 The sale of advertising and negotiation of rates for the advertising  
13 shall not be subject to the Central Purchasing Act or the  
14 Administrative Procedures Act.

15 SECTION 25. AMENDATORY 74 O.S. 2011, Section 2208, is  
16 amended to read as follows:

17 Section 2208. The Executive Director may authorize the use of  
18 revolving fund income for entertainment and promotion expenses of  
19 the Department Economic Development and Tourism, provided that the  
20 expenses are directly related to business development for state-  
21 operated or state-owned facilities and the furtherance of tourism in  
22 Oklahoma. In all cases, the expenses shall be approved in advance  
23 by the Executive Director, be audited by the fiscal officer for the  
24

1 Department on a monthly basis, ~~and submitted to the Commission as an~~  
2 ~~item for information.~~

3 SECTION 26. AMENDATORY 74 O.S. 2011, Section 2209, is  
4 amended to read as follows:

5 Section 2209. The Executive Director may authorize the  
6 provision of aid and assistance to the governmental units of  
7 Oklahoma or to any nongovernmental agency or organization in  
8 planning for the development of community recreation programs. The  
9 Department Economic Development and Tourism may act jointly with  
10 other state agencies, institutions, departments, boards or  
11 commissions, to coordinate the park and recreational functions at  
12 the state level of government.

13 SECTION 27. AMENDATORY 74 O.S. 2011, Section 2210, is  
14 amended to read as follows:

15 Section 2210. The Executive Director is hereby authorized to  
16 employ an attorney as needed, within the total employee limit  
17 authorized for the operation of the Department Economic Development  
18 and Tourism, on a full- or part-time basis, to advise the ~~Commission~~  
19 Department, the Executive Director and other ~~department~~ personnel on  
20 legal matters and to appear for and represent the ~~Commission~~  
21 Department and the Executive Director in administrative hearings and  
22 other legal actions and procedures related to their official duties.  
23 Upon the request of the ~~Commission or the~~ Executive Director, it  
24 shall be the duty of the Office of the Attorney General to give an

1 official opinion, prosecute, and defend actions of the ~~Commission or~~  
2 Department.

3 SECTION 28. AMENDATORY 74 O.S. 2011, Section 2211, is  
4 amended to read as follows:

5 Section 2211. There are hereby created within the ~~Oklahoma~~  
6 ~~Tourism and Recreation~~ Department of Economic Development and  
7 Tourism the Division of State Parks, the Travel Promotion Division,  
8 "Oklahoma Today Magazine", and the Division of Administrative  
9 Services; provided, however, the ~~Commission~~ Department shall have  
10 authority, by resolution, to create other divisions and may, by  
11 resolution, combine or abolish any or all such divisions, as deemed  
12 to be necessary to carry out its duties ~~under the Oklahoma Tourism,~~  
13 ~~Parks and Recreation Enhancement Act.~~

14 SECTION 29. AMENDATORY 74 O.S. 2011, Section 2212, is  
15 amended to read as follows:

16 Section 2212. The ~~Commission~~ Department of Economic Development  
17 and Tourism shall have the authority to exercise the following  
18 powers, rights and privileges related to state parks:

- 19 1. Have the exclusive possession and control of, and to operate  
20 and maintain for the benefit of the people of the State of Oklahoma  
21 all state parks and all lands and other properties now or hereafter  
22 owned or leased by the state or Commission for park or recreational  
23 purposes;

24

1           2. Acquire by purchase, exchange, lease, gift, condemnation, or  
2 in any other manner and to maintain, use and operate any and all  
3 property, real, personal or mixed, necessary or convenient to the  
4 exercise of the powers, rights, privileges and functions conferred  
5 upon it by ~~the Oklahoma Tourism, Parks and Recreation Enhancement~~  
6 ~~Act~~ this act. Title to all such property shall be vested in the  
7 State of Oklahoma, although such property is sometimes herein  
8 referred to as property "of the ~~Commission~~ Department". The power  
9 of condemnation herein granted shall be exercised in the manner  
10 provided by the general laws of the state for the condemnation of  
11 property by the state;

12           3. Subject to the provisions of ~~the Oklahoma Tourism, Parks and~~  
13 ~~Recreation Enhancement Act~~ this act, from time to time lease,  
14 without restriction as to term, any property which the ~~Commission~~  
15 Department shall determine to be necessary or convenient to more  
16 fully carry into effect the duties and powers of ~~said Commission~~ the  
17 Department; and

18           4. Acquire, conserve, protect, construct, extend, reduce,  
19 improve, maintain and operate any and all facilities of all kinds  
20 which in the judgment of the ~~Commission~~ Department will provide  
21 recreational or other facilities for the benefit of the public, or  
22 which are necessary or convenient to the exercise of the powers of  
23 the ~~Commission~~ Department.

24

1 SECTION 30. AMENDATORY 74 O.S. 2011, Section 2213, is  
2 amended to read as follows:

3 Section 2213. The ~~Commission~~ Department of Economic Development  
4 and Tourism may contract for the study, analysis, and planning as  
5 reasonably necessary to aid in determining the feasibility of  
6 leasing, selling or privately managing or developing the property or  
7 facilities under the control of the ~~Commission~~ Department. The  
8 ~~Commission~~ Department shall be exempt from the competitive bidding  
9 requirements of the Oklahoma Central Purchasing Act for the purpose  
10 of soliciting, negotiating, and effectuating such a contract or  
11 contracts.

12 SECTION 31. AMENDATORY 74 O.S. 2011, Section 2214, is  
13 amended to read as follows:

14 Section 2214. A. Any person, natural or corporate, who submits  
15 a bid on a contract for work or services, or for the furnishing of  
16 materials, equipment, or supplies, or for the sale of any other  
17 thing of value where a contract is involved, shall submit, at the  
18 time of contract execution, a performance bond in such form and  
19 amount as may be required by the ~~Commission~~ Department of Economic  
20 Development and Tourism, or any existing statutory provision. Any  
21 lessee leasing any portion of a state park, lake, or recreation area  
22 under the authority of any law shall submit a performance bond in  
23 such form and amount as may be required by the ~~Commission~~  
24 Department. All such bonds shall be in such form as is approved by



1 law for other performance bonds made to the State of Oklahoma, and  
2 shall be deposited with the Secretary of State. This section is  
3 cumulative to existing law, and is intended to require performance  
4 security for contracts and leases involving state parks, lakes, and  
5 recreation areas in those instances where no such bonds or other  
6 securities are presently required by law.

7 B. For the purpose of this section, performance bonds shall  
8 include, but not be limited to, cash payments, cashier's checks and  
9 irrevocable letters of credit.

10 SECTION 32. AMENDATORY 74 O.S. 2011, Section 2215, as  
11 amended by Section 989, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
12 2015, Section 2215), is amended to read as follows:

13 Section 2215. The Division of State Parks shall, subject to the  
14 policies and rules of the ~~Commission~~ Department of Economic  
15 Development and Tourism:

16 1. Conserve, preserve, plan, supervise, construct, enlarge,  
17 reduce, improve, maintain, equip and operate parkland and public  
18 recreation facilities including, but not limited to, lodges, cabins,  
19 camping sites, scenic trails, picnic sites, golf courses, boating,  
20 and swimming facilities under the jurisdiction and control of the  
21 ~~Commission~~ Department. All facilities in state parks shall be  
22 reasonably necessary and useful in promoting the public use of state  
23 parks and shall be in accord with the resource management plan for  
24 the respective park;

1           2. Supervise the management and use of state properties and  
2 facilities under the jurisdiction of the ~~Commission~~ Department, with  
3 an emphasis on conserving, protecting, and enhancing the natural,  
4 ecological, historic, cultural, and other resources contained in  
5 each park and to provide for the public enjoyment of and access to  
6 these resources in a manner which will protect them for future  
7 generations;

8           3. Formulate, establish, maintain, and periodically review with  
9 public participation a resource management plan for each state park.  
10 The resource management plan, upon approval by the ~~Commission~~  
11 Department, shall be considered a guide for the development,  
12 utilization, protection, and management of the state park and its  
13 natural, cultural, historic, and recreational resources;

14           4. Authorize those employees in the Park Manager job family  
15 classification series, as established by the Office of Management  
16 and Enterprise Services, to maintain administrative control over all  
17 facilities, programs, operations, services, and employees in the  
18 park to which they are assigned; and

19           5. Enforce the rules and policies governing the use of and  
20 conduct of patrons in all recreational facilities and properties of  
21 the ~~Commission~~ Department. The ~~Commission~~ Department may adopt  
22 rules to lease concessions in any state-owned facility if the  
23 ~~Commission~~ Department deems it feasible.

24

1 SECTION 33. AMENDATORY 74 O.S. 2011, Section 2216, as  
2 amended by Section 990, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
3 2015, Section 2216), is amended to read as follows:

4 Section 2216. Park Rangers, subject to the policies of the  
5 ~~Commission~~ Department of Economic Development and Tourism, shall:

6 1. Obtain a commission as an officer or employee pursuant to  
7 the certification specified in Section 3311 of Title 70 of the  
8 Oklahoma Statutes and by the Division of State Parks;

9 2. Secure the parks and property of the Department and maintain  
10 law and order therein;

11 3. Maintain the powers of peace officers except the serving or  
12 execution of civil process, have in all parts of the state the same  
13 powers with respect to criminal matters and enforcement of the laws  
14 relating thereto as sheriffs, highway patrolmen and police officers  
15 in their respective jurisdictions and possess all immunities and  
16 matters of defense now available or hereafter made available to  
17 sheriffs, the highway patrol, and police officers in any suit  
18 brought against them resulting from acts done in the course of their  
19 employment;

20 4. Possess law enforcement jurisdiction over state parks,  
21 including all facilities located therein;

22 5. Serve a probationary period of twelve (12) months. The  
23 Division of State Parks Director may extend the probationary period  
24 for up to three (3) additional months provided that the employee and

1 the Office of Management and Enterprise Services are notified in  
2 writing as to such action and the reasons therefor. At any time  
3 during a probationary period the employment of a park ranger may be  
4 terminated in accordance with Department procedure and at the  
5 discretion of the Director of State Parks. Retention of the  
6 employee, after expiration of the probationary period, shall entitle  
7 the employee to be classified as a permanent employee;

8 6. Provide law enforcement protection and enforcement pursuant  
9 to the terms of interlocal agreements authorized by the Commission  
10 with other entities of government or federally recognized tribes in  
11 the state; and

12 7. Remain in the Oklahoma Law Enforcement Retirement System if  
13 promoted to the Park Manager job family classification series,  
14 provided they maintain their certification specified in Section 3311  
15 of Title 70 of the Oklahoma Statutes, perform the requisite training  
16 required by the Chief Park Ranger, and meet all other requirements,  
17 policies, and rules of the Department and laws of the state.

18 SECTION 34. AMENDATORY 74 O.S. 2011, Section 2218, is  
19 amended to read as follows:

20 Section 2218. Authorized park personnel are authorized to  
21 inspect boats, issue permits for the operation of watercraft of all  
22 kinds, charge and collect fees for the inspection and for the  
23 operation of such craft, prescribing the type, style, location and  
24 equipment of all wharves, docks and anchorages, pavilions,

1 restaurants and other structures or buildings which may be  
2 constructed along shores or upon the waters of any body of water or  
3 upon other property controlled by the Commission and providing for  
4 the licensing, inspection and supervision of same, and granting and  
5 imposing charges for permits and for all commercial uses or purposes  
6 to which any of the properties of the ~~Commission~~ Department of  
7 Economic Development and Tourism or any structures or buildings  
8 located on property of the ~~Commission~~ Department may be used.

9 SECTION 35. AMENDATORY 74 O.S. 2011, Section 2219, is  
10 amended to read as follows:

11 Section 2219. A. The ~~Commission~~ Department of Economic  
12 Development and Tourism may offer for sale, sell and execute oil and  
13 gas leases, and other mineral and mining leases, on any of the lands  
14 of the state under the control and supervision of the ~~Commission~~  
15 Department, provided, the development of land for the purpose leased  
16 shall not unduly interfere with the purpose for which the land is  
17 being used by the state.

18 B. The ~~Commission~~ Department may promulgate additional rules,  
19 as are necessary and for the best interest of the state to  
20 facilitate the sale of the leases. The ~~Chair of the Commission~~  
21 Executive Director shall execute the leases for and on behalf of the  
22 ~~Commission~~ Department, and the ~~Chair~~ Executive Director shall be  
23 liable on the official bond for failure to faithfully discharge such  
24 duties. The sale of leases shall be made upon the basis of a

1 retained royalty of not less than one-eighth (1/8) of all oil, gas,  
2 casinghead gas, and other minerals produced from the lands covered  
3 by the leases and any additional cash bonus procured. Provided,  
4 however, if the state owns less than one hundred percent (100%) of  
5 the oil, gas, casinghead gas and other minerals covered by any such  
6 lease, the royalty retained shall not be less than one-eighth (1/8)  
7 of the mineral interest.

8 C. All leases shall contain a provision that in the event of  
9 the discovery of natural gas, the gas shall be furnished free of  
10 charge to any state institution now or hereafter located upon the  
11 lands covered by the lease. Leases shall be sold only after  
12 advertisement for a period of three (3) weeks in a legal newspaper  
13 published and of general circulation in the county in which the  
14 lands are located. A sale shall be made to the highest and best  
15 bidder and all bids shall be in sealed envelopes which shall be  
16 opened and considered at the same time. The ~~Commission~~ Department  
17 may reject any and all bids and readvertise any leases for sale.

18 D. Revenues derived from the sale of oil and gas leases and  
19 other mineral leases shall be dedicated to the improvement of state  
20 park facilities and property to include, but not limited to, the  
21 conservation, protection, and rehabilitation of state parkland, the  
22 preservation of historic properties under the jurisdiction of the  
23 ~~Commission~~ Department, and master planning of state park properties.

24

1 SECTION 36. AMENDATORY 74 O.S. 2011, Section 2220, is  
2 amended to read as follows:

3 Section 2220. A. The ~~Commission~~ Department of Economic  
4 Development and Tourism may prescribe and collect reasonable rates  
5 and fees pursuant to the provisions of this section for the  
6 services, facilities and commodities rendered by all property of the  
7 ~~Commission~~ Department.

8 1. The ~~Commission~~ Department may establish maximum rates for  
9 rooms at the state lodges and cabins, for recreational activities,  
10 for recreational vehicles and camping sites, and for community  
11 facilities under control of the ~~Commission~~ Department. The method  
12 whereby the rates are determined shall be promulgated pursuant to  
13 Article I of the Administrative Procedures Act. At least twenty  
14 (20) days prior to the adoption or approval of any rate changes by  
15 the ~~Commission~~ Department, the Department shall submit a copy of the  
16 proposed rates, for informational purposes, to the Governor, Speaker  
17 of the House of Representatives and President Pro Tempore of the  
18 Senate. Any change in the rates during the year when the  
19 Legislature is not in session shall be reported in writing to the  
20 Governor, Speaker of the House of Representatives and President Pro  
21 Tempore of the Senate within five (5) business days of such  
22 ~~Commission~~ Department action.

23 2. The ~~Commission~~ Department may establish maximum charges for  
24 all activities at state-owned golf courses. The charges may vary

1 among the different golf courses according to the practices of the  
2 golf industry. The method whereby the maximum charges are  
3 determined shall be in accordance with rules promulgated pursuant to  
4 Article I of the Administrative Procedures Act. At least twenty  
5 (20) days prior to the adoption or approval of any rate changes by  
6 the ~~Commission~~ Department, the Department shall submit a copy of  
7 such proposed charges, for informational purposes, to the Governor,  
8 Speaker of the House of Representatives and President Pro Tempore of  
9 the Senate.

10 3. The ~~Commission~~ Department may establish entrance or day-use  
11 charges for the state park system. All monies collected from  
12 entrance or day-use charges shall be used for the capital  
13 improvements at the state parks where the charges were collected.  
14 The ~~Commission~~ Department may establish an annual pass for visitors.  
15 The method whereby the maximum charges are determined, sold, and  
16 collected shall be in accordance with rules promulgated pursuant to  
17 Article I of the Administrative Procedures Act. At least twenty  
18 (20) days prior to the adoption or approval of any rate changes by  
19 the ~~Commission~~ Department, the Department shall submit a copy of  
20 such proposed charges, for informational purposes, to the Governor,  
21 Speaker of the House of Representatives and President Pro Tempore of  
22 the Senate.

23 4. Fees shall be promulgated pursuant to Article I of the  
24 Administrative Procedures Act.



1           5. Fees may reflect the seasonal usage of the parks and  
2 facilities and for promotional purposes and goals.

3           B. All fees, licenses and other charges shall be posted in a  
4 convenient place in each park. Every person using any of the  
5 facilities in a park shall be charged the same fees, licenses and  
6 every other charge except:

7           1. Residents of this state sixty-two (62) years of age and over  
8 and their spouses shall not be charged any admission fees for  
9 entrance into any state-owned and -operated park. The ~~Commission~~  
10 Department may promulgate rules establishing different fees for  
11 residents and nonresidents sixty-two (62) years of age and over.  
12 Identification may be established by presentation of proof of age,  
13 residency, a state driver license, a state license for  
14 identification only, birth certificate or any other form of  
15 identification authorized by the ~~Commission~~ Department;

16           2. Individuals who have been certified as totally disabled  
17 under state or federal law and their spouses shall be entitled to a  
18 fifty percent (50%) reduction of fees which apply to recreational  
19 use facilities;

20           3. Children's groups, volunteer groups as specified by the  
21 ~~Commission~~ Department, or governmental entities that provide  
22 beneficial services at the facility for which the fee may be reduced  
23 or waived; and  
24

1 4. Special discount rates as authorized in this section may be  
2 waived for individuals who are members of a group being provided a  
3 special group rate as allowed by law.

4 C. The failure to collect such fees, licenses and other charges  
5 shall subject an employee of the ~~Commission~~ Department to a fine of  
6 Twenty-five Dollars (\$25.00) for each and every violation.

7 SECTION 37. AMENDATORY 74 O.S. 2011, Section 2221, is  
8 amended to read as follows:

9 Section 2221. A. The ~~Commission, through the Department,~~ of  
10 Economic Development and Tourism is authorized to promote state-  
11 owned, leased, or operated facilities. The Department may utilize  
12 specific promotion programs such as the provision of complimentary  
13 rooms, package-rate plans, group rates, guest incentive sales  
14 programs, entertainment of prospective guests, employee-information  
15 programs, golf promotional programs as well as other sales and  
16 promotion programs considered acceptable in the hospitality  
17 industry, in the travel industry, or the regional magazine industry  
18 are approved as necessary advertising and promotion expenses.

19 B. In order to best carry out the duties and responsibilities  
20 of the Department and to serve the people of the state in the  
21 promotion of tourism and tourism economic development, the  
22 Department may enter into partnerships for promotional programs and  
23 projects with a private person, firm, corporation, organization or  
24 association. The Department may enter into contracts or agreements

1 under terms to be mutually agreed upon to carry out the promotional  
2 programs and projects, excluding the advertising contract by the  
3 Department which utilizes the Tourism Promotion Tax or acquisition  
4 of land or buildings. The contracts or agreements may be negotiated  
5 and shall not be subject to the provisions of the Oklahoma Central  
6 Purchasing Act or the Public Competitive Bidding Act of 1974.

7 ~~C. All contracts or agreements entered into as partnerships for~~  
8 ~~promotional projects or programs by the Department shall be approved~~  
9 ~~by the Commission.~~

10 SECTION 38. AMENDATORY 74 O.S. 2011, Section 2222, is  
11 amended to read as follows:

12 Section 2222. A. The ~~Commission~~ Department of Economic  
13 Development and Tourism may sell real estate owned by the State of  
14 Oklahoma or the Department that is surplus to its use and under the  
15 jurisdiction of the ~~Commission~~ Department located within McCurtain  
16 County and situated within the Cedar Creek area of Hochatown State  
17 Park.

18 B. The ~~Commission and~~ Department shall not be subject to the  
19 provisions of Section 129.4 of Title 74 of the Oklahoma Statutes for  
20 the sale. All monies received from the sale of the property, except  
21 those monies necessary to pay the expenses incurred pursuant to the  
22 sale, shall be deposited in the Oklahoma Tourism and Recreation  
23 Department Revolving Fund 215 ("215 Fund"). Revenue derived from  
24 such real estate sale deposited to the fund shall be utilized for

1 the benefit of Hochatown State Park or Beavers Bend State Park.  
2 Such real estate sale shall not be subject to the provisions of  
3 Section 456.7 of Title 74 of the Oklahoma Statutes.

4 SECTION 39. AMENDATORY 74 O.S. 2011, Section 2223, is  
5 amended to read as follows:

6 Section 2223. A. The ~~Commission~~ Department of Economic  
7 Development and Tourism may sell real estate and personal property  
8 owned or acquired by the State of Oklahoma or the Department, now or  
9 in the future, and under the jurisdiction of the ~~Commission~~  
10 Department located within Marshall County and situated within Texoma  
11 State Park.

12 B. The sale of real estate and personal property authorized  
13 pursuant to subsection A of this section shall be subject to all  
14 existing easements and reservations of record. The ~~Commission or~~  
15 Department shall transfer any interests held including, but not  
16 limited to licenses, operating permits and leasehold interests to a  
17 subsequent purchaser.

18 C. The ~~Commission and~~ Department shall not be subject to the  
19 provisions of Section 129.4 of Title 74 of the Oklahoma Statutes for  
20 such sale. All monies received from the sale of these properties,  
21 except those monies necessary to pay the expenses incurred pursuant  
22 to the sale, shall be deposited in the Oklahoma Tourism and  
23 Recreation Department Revolving Fund 215 ("215 Fund"). Revenue  
24 derived from such real estate and personal property sale deposited

1 to the fund shall be utilized for the benefit of the state park  
2 system. ~~Such real estate and personal property sale shall not be~~  
3 ~~subject to the provisions of Section 456.7 of Title 74 of the~~  
4 ~~Oklahoma Statutes.~~

5 D. For every developed acre of land containing recreational  
6 vehicle campgrounds and other campgrounds that is sold pursuant to  
7 this section, an equivalent amount of replacement land shall be  
8 selected by the ~~Oklahoma Tourism and Recreation~~ Department in a  
9 suitable area at Lake Texoma or in the vicinity, and developed to  
10 provide comparable outdoor public recreation facilities for  
11 operation as part of the Oklahoma state park system.

12 SECTION 40. AMENDATORY 74 O.S. 2011, Section 2224, is  
13 amended to read as follows:

14 Section 2224. The ~~Commission~~ Department of Economic Development  
15 and Tourism may transfer to any city, county, or other agency of  
16 government, which is a willing recipient, its interest in real and  
17 personal property owned by the State of Oklahoma or the Department  
18 and operated and maintained under the jurisdiction of the ~~Commission~~  
19 Department. Such real estate transfers shall not be subject to  
20 Section ~~456.7 or 129.4~~ 327 of Title ~~74~~ 61 of the Oklahoma Statutes  
21 or any provision of state law relative to disposition of real  
22 estate. Such real estate transfers shall be subject to the  
23 following provisions:

1           1. The city, county or other agency recipient shall agree to  
2 accept the interest transferred by the state, accept responsibility  
3 for the property, and use the real estate for public recreation  
4 purposes in accordance with the Land and Water Conservation Fund Act  
5 of 1965, Public Law 88-578, 78 U.S.C., Section 897;

6           2. The city, county or other agency recipient shall not dispose  
7 of the property unless substitute property is provided that is  
8 equivalent in value and usefulness;

9           3. The ~~Commission~~ Department shall transfer the property to the  
10 recipient by quit claim deed or other instrument as may be  
11 appropriate;

12           4. The consideration for the property transfer shall be the  
13 agreement of the recipient to continue public recreation use of the  
14 property and to manage the property without an operating subsidy  
15 from the Department ~~or Commission~~;

16           5. The real estate transfer shall be subject to all existing  
17 easements and reservations of record; and

18           6. The ~~Commission~~ Department shall provide written notice to  
19 the President Pro Tempore of the Senate and the Speaker of the House  
20 of Representatives detailing any such proposed transfer agreement to  
21 be entered into pursuant to this section no later than thirty (30)  
22 days prior to the first day of the legislative session. The  
23 ~~Commission~~ Department shall approve such proposed transfer during  
24 the legislative session to be effective at the beginning of the next

1 fiscal year, contingent upon the approval of the proposed transfer  
2 by the Legislature.

3 SECTION 41. AMENDATORY 74 O.S. 2011, Section 2225, is  
4 amended to read as follows:

5 Section 2225. A. ~~The Oklahoma Tourism and Recreation~~  
6 ~~Commission~~ Department of Economic Development and Tourism is  
7 encouraged to explore the potential benefits of not-for-profit  
8 foundations for support of state parks. Such support from a not-  
9 for-profit foundation shall not substitute for the obligation of the  
10 state to support the natural resources infrastructure of the state,  
11 but shall serve only as a supplement to state funding and as a means  
12 to further assist the ~~Oklahoma Tourism and Recreation~~ Department in  
13 preserving the natural resources and historical, educational, and  
14 cultural facilities of significance in the state.

15 B. There is hereby authorized the establishment of a not-for-  
16 profit state park foundation for the purpose of encouraging  
17 contributions by private individuals, companies, foundations,  
18 corporations, and others in the private and public sectors.  
19 Contributions shall be utilized for the support, preservation, and  
20 development of state park properties. This support, preservation,  
21 and development shall include, but is not limited to, preservation  
22 of historic facilities, development of educational and interpretive  
23 programs, materials, and other means of support.

24

1 C. As used in this section, a "state park foundation" means any  
2 company, trust, corporation, or association:

3 1. That solicits money or property in the name of any state  
4 park under the jurisdiction of the Commission; and

5 2. Which is exempt from federal income taxes.

6 D. The ~~Commission~~ Department may refuse to accept any grant,  
7 award, or donation of real or personal property offered by or  
8 through a state park foundation.

9 E. No employee of the Department shall be a voting member of a  
10 state park foundation board. Members of the ~~Commission~~ Department  
11 may serve on the board of a state park foundation, but shall not  
12 constitute a majority of the members of the board of the foundation.  
13 No member of the ~~Commission~~ Department serving on the board or an  
14 employee of the Department serving as an ex officio member of the  
15 board shall be compensated by the foundation for service as a member  
16 of the foundation board.

17 F. A state park foundation created pursuant to this section  
18 shall not be an entity of state government. No state funds shall be  
19 deposited in any account owned or controlled by a state park  
20 foundation.

21 SECTION 42. AMENDATORY 74 O.S. 2011, Section 2226, is  
22 amended to read as follows:

23 Section 2226. The Oklahoma Transportation Commission shall  
24 construct, maintain and repair those roads and parking areas in



1 state parks as specified by the ~~Commission~~ Department of Economic  
2 Development and Tourism.

3 SECTION 43. AMENDATORY 74 O.S. 2011, Section 2228, is  
4 amended to read as follows:

5 Section 2228. The Oklahoma Wildlife Conservation Commission and  
6 the ~~Oklahoma Tourism and Recreation Commission~~ Department of  
7 Economic Development and Tourism may authorize, by written agreement  
8 or agreements between the ~~Commissions~~ Commission and the Department,  
9 hunting in designated state parks or designated portions of state  
10 parks under the administrative control of the ~~Oklahoma Tourism and~~  
11 ~~Recreation Commission~~ Department, excluding Lake Murray State Park.  
12 The agreement or agreements shall be made with the advice of the  
13 Attorney General's office and shall contain the duration, terms and  
14 conditions of the hunting authorization, a list of species to be  
15 hunted and permitted firearms, a map designating the specific land  
16 areas to be open to hunting and shall provide for the administration  
17 of the designated area or areas by the Oklahoma Wildlife  
18 Conservation Commission for so long as hunting is authorized under  
19 the provisions of the agreement or agreements. All areas to be open  
20 to hunting shall be clearly marked by signs to designate the open  
21 and closed areas.

22 SECTION 44. AMENDATORY 74 O.S. 2011, Section 2229, is  
23 amended to read as follows:

24

1       Section 2229. The ~~Commission~~ Department of Economic Development  
2 and Tourism is authorized to negotiate with the duly constituted  
3 authorities of the municipal corporation of Davis, in Murray County,  
4 to purchase from the municipal corporation the property now owned by  
5 it and known as Turner Falls, and other contiguous properties in  
6 Murray County, for a state park, provided that said municipal  
7 authorities shall, by resolution, declare said property no longer  
8 suitable for municipal park purposes and beyond the fiscal means of  
9 the corporation properly to maintain as such. In the event of said  
10 purchase, the property shall be known as Turner Falls State Park.

11       SECTION 45.       AMENDATORY       74 O.S. 2011, Section 2230, is  
12 amended to read as follows:

13       Section 2230. A. The Travel Promotion Division shall:

14       1. Encourage the orderly growth and development of tourism to  
15 and within the state by preparing and maintaining a comprehensive  
16 five-year travel development master plan and supporting marketing  
17 plan jointly with the private sector;

18       2. Create and convey an accurate, responsible, and elevated  
19 image of the state and its natural, cultural, historical, and  
20 recreational attractions and events;

21       3. Organize, coordinate, and conduct state, regional, national,  
22 and international marketing programs to increase the number of  
23 domestic and international travelers to Oklahoma;

24

1       4. Create, develop, produce, distribute, implement, and  
2 evaluate the effectiveness of public information programs, including  
3 publicity, brochures, public relations activities, film and slide  
4 production, still and audio visual photography, digital and  
5 electronic media, public service programs, advertising, and other  
6 informational aids for the promotion of tourism to the general  
7 public and the media;

8       5. Coordinate, advise and provide technical assistance to  
9 cities, counties, and regional tourism organizations in the state in  
10 the planning, development, and execution of tourism programs;

11       6. Cooperate and participate with neighboring states and the  
12 federal government to promote travel from domestic and international  
13 markets;

14       7. Develop and partner with other entities of government and  
15 private entities to obtain timely research data to measure traveler  
16 volume and economic impact, determine traveler profiles, evaluate,  
17 and analyze market and advertising effectiveness;

18       8. Plan, coordinate, and conduct statewide conferences,  
19 seminars, and workshops to inform and educate representatives from  
20 the public and private sector in the state about programs and travel  
21 trends which affect the tourism industry;

22       9. Provide organization and coordination assistance to public  
23 and private tourism promotion organizations for participation in  
24 cooperative advertising and promotion opportunities with the

1 Department, including travel trade marketplaces, consumer sport,  
2 travel, and recreation shows within and outside the state;

3 10. Administer matching grant programs to multicounty  
4 organizations which promote travel and tourism to their areas of the  
5 state that are consistent and coordinated with the statewide travel  
6 marketing plan; and

7 11. Assist other state agencies with special tourism promotion  
8 projects, development of professional training opportunities and  
9 other projects which provide services to travelers.

10 B. The Division may facilitate travel to and within the state  
11 by encouraging development of a tourism industry infrastructure  
12 which provides investment incentives to tourism businesses and  
13 tourism product development.

14 C. The Division may contract with professionally qualified  
15 companies or individuals for services to assist in the development  
16 and production of advertising, promotion, publicity, and public  
17 relations programs, primary and secondary research data collection  
18 including analysis of state travel marketing programs and economic  
19 impact information.

20 D. The Division may plan, construct, lease, operate, and  
21 maintain state-of-the-art tourism information centers and a central  
22 fulfillment warehouse. The centers shall be utilized for the  
23 purpose of providing services, selling merchandise, and distributing  
24

1 information to travelers on the tourism facilities and opportunities  
2 in the state.

3 E. The Division may, upon approval of the ~~Commission~~ Department  
4 of Economic Development and Tourism, lease for a reasonable rate,  
5 retail and advertising space in state-operated tourism information  
6 centers. A performance bond, certificate of deposit, letter of  
7 credit, or cash equivalent, may be required by the ~~Commission~~  
8 Department on any such lease.

9 F. Photographs, film recordings, video recordings, digital  
10 records and like recordings or records produced by or for the  
11 Division shall be available for public inspection during Division  
12 business hours; however, the Division shall not be required to  
13 provide copies or allow copying of the materials.

14 SECTION 46. AMENDATORY 74 O.S. 2011, Section 2232, is  
15 amended to read as follows:

16 Section 2232. The ~~Commission, through the Department,~~ of  
17 Economic Development and Tourism may sponsor, promote and implement  
18 an annual statewide tourism and recreation industry conference to  
19 promote the tourism and recreation industry. The Department is  
20 authorized to partner with private entities for the administration  
21 and execution of the conference. The Department is hereby  
22 authorized to charge registration and exhibit space fees necessary  
23 to cover the costs of the conference and shall deposit the fees plus  
24 any other conference proceeds, including donated funds, into an

1 agency special account to be created by the Special Agency Account  
2 Board. ~~Expenditure of monies from the agency special account shall~~  
3 ~~be for purposes incidental to the tourism and recreation industry~~  
4 ~~conference, and be approved by the Commission.~~

5 SECTION 47. AMENDATORY 74 O.S. 2011, Section 2234, is  
6 amended to read as follows:

7 Section 2234. A. The Department, ~~with the approval of the~~  
8 ~~Commission,~~ of Economic Development and Tourism shall develop rules  
9 to administer any of the matching funds derived from the Department  
10 for the allowable expenditures of multicounty organizations. The  
11 rules shall be developed in accordance with this section ~~and shall~~  
12 ~~be adopted by the Commission.~~ As used in the ~~Oklahoma Tourism,~~  
13 ~~Parks and Recreation Enhancement~~ Department of Economic Development  
14 and Tourism Act:

- 15 1. "Multicounty organization" means a nonprofit organization  
16 which satisfies the following requirements:
- 17 a. its primary purpose is to promote the tourism  
18 attributes of a multiple-county region which is  
19 identified as a tourism "country" or "lake" area, or  
20 any other organization participating in the matching  
21 funds program on July 1, 2001,
  - 22 b. it is governed by a board of directors elected by the  
23 membership of the organization,

24

- c. it is governed by a board of directors which equitably represents the counties within the multiple-county region,
- d. it has an administrator of operations position who is not an elected director,
- e. it utilizes income from private sector sources as the basis for funding its administrative and promotion expenses, and
- f. it has provided to the Department an independent and certified financial audit for the preceding fiscal year;

2. "Administrative expenditure" means expenditures for the administration of fund raising and tourism promotion. Administrative expenditures shall include salaries, payroll taxes, insurance, personal services contracts, travel expenses not to exceed the amounts provided in the State Travel Reimbursement Act, rent, lease or purchase of facilities, office supplies, telephone and electronic communications and multicounty organization audit costs;

3. "Allowable expenditures" means expenditures by a multicounty organization submitted to the Department for matching funds in accordance with the provisions of this section and the rules promulgated by the Commission;

1       4. "Discretionary expenditure" means those expenditures by  
2 multicounty organizations for which matching funds are not  
3 requested. Discretionary expenditures are not subject to the  
4 limiting provisions of this section and the rules promulgated by the  
5 ~~Commission~~ Department;

6       5. "Independent and certified audit" means a financial audit  
7 performed in accordance with Generally Accepted Government Auditing  
8 Standards, issued by the Comptroller General of the United States.  
9 The scope of the audit shall, at a minimum, consist of a statement  
10 of revenue and expenditures and shall include the specific  
11 requirements identified in this section and the rules promulgated by  
12 the ~~Commission~~ Department; and

13       6. "Tourism promotion expenditure" means an expenditure for the  
14 preparation, printing, publication and distribution of media  
15 advertising in brochures, news and publicity materials, travel  
16 posters, mailing pieces, newspapers, magazines, television, radio,  
17 billboards, advertising and promotional specialties, exhibit space  
18 and displays at trade shows and conventions and the expenses for  
19 operating such exhibits, including travel expenses, not to exceed  
20 amounts provided for in the State Travel Reimbursement Act, the cost  
21 of a travel writer, travel agent, tour broker and tour operator  
22 familiarization tours into the State of Oklahoma, and registration  
23 fees for an annual tourism and recreation industry conference with  
24 the purpose of attracting tourists or generating travel or tourism



1 activity within the state or multicounty organization areas. The  
2 amount expended within the multicounty organization area for tourism  
3 promotion shall not exceed fifty percent (50%) of the total of  
4 allowable expenditures and allocated matching funds.

5 B. It is the intent of the Legislature to encourage the  
6 promotion of tourism by multicounty organizations in cooperation  
7 with the statewide program of the Department. Allowable  
8 administrative expenditures by multicounty organizations shall not  
9 exceed forty percent (40%) of the lesser of either the total amount  
10 allocated, including reallocations, to the organization from  
11 appropriations made by the Legislature or the total of the matched  
12 expenditures. The limitation on administrative expenditures applies  
13 only to those expenditures submitted for matching with state-  
14 appropriated funds.

15 C. With the exception of those organizations identified as  
16 "country" or "lake" associations participating in the matching funds  
17 program on July 1, 2001, not more than one organization representing  
18 a recognized "country" or "lake" area shall be eligible to receive  
19 matching funds.

20 D. Matching funds for the allowable expenditures shall be based  
21 upon actual expenditures by the multicounty organization less any  
22 discount, refund, or rebate to the multicounty organization.  
23 Multicounty organizations shall use a State of Oklahoma Notarized  
24

1 Claim Form with all applicable statements and affidavits to request  
2 matching funds for the allowable expenditures.

3 E. In order for a multicounty organization to receive matching  
4 funds for expenditures incurred to publish and distribute a  
5 promotional periodical emphasizing the attractions, landmarks,  
6 activities, geographical features and other characteristics of  
7 counties within the multicounty organization's area of  
8 responsibility, the multicounty organization shall be subject to the  
9 following requirements:

10 1. Maintain an account with a financial institution subject to  
11 the regulatory control of a state or federal financial regulatory  
12 entity for the deposit and withdrawal of all funds collected by or  
13 on behalf of the multicounty organization;

14 2. Prepare an annual Statement of Income and Expense showing  
15 all deposits to the account maintained with the financial  
16 institution and all withdrawals from the account with the financial  
17 institution for the period covered by the annual income and expense  
18 statement;

19 3. May enter into a contract with a person or legally organized  
20 business entity for the solicitation of advertising revenue in a  
21 promotional periodical publication and for the publication and  
22 distribution of the periodical emphasizing the attributes of sites,  
23 scenes, businesses and attractions located within the area for which  
24 the multicounty organization is responsible if:

- 1 a. the person or legally organized business entity  
2 provides a detailed written disclosure to the  
3 multicounty organization of its actual costs incurred  
4 in performance of the contract on a periodic basis  
5 during the period prescribed in the contract for  
6 performance which disclosure shall be at least  
7 quarterly,
- 8 b. the multicounty organization ensures that the actual  
9 cost of publication for the promotional periodical is  
10 printed in at least 10-point type somewhere in the  
11 body of the publication,
- 12 c. the multicounty organization ensures that the person  
13 or legally organized business entity performing  
14 services on behalf of the multicounty organization  
15 identifies to the multicounty organization each  
16 purchaser of advertising in the multicounty  
17 organization promotional periodical, the amount of  
18 money paid for advertising in the promotional  
19 periodical, and the size or other relevant  
20 characteristics of the material purchased for  
21 publication in the promotional periodical,
- 22 d. the person or legally organized business entity  
23 soliciting advertising revenue may not advance or  
24 deposit their own funds as a means of securing

1 matching state funds, and such acts shall be deemed as  
2 fraud, subject to prosecution, and

3 e. the multicounty organization and the person or legally  
4 organized business entity acting on behalf of the  
5 multicounty organization both execute a statement,  
6 upon a form to be prescribed by the State Auditor and  
7 Inspector, under oath, that any funds being requested  
8 from the Department for matching of an allowable  
9 expenditure as authorized by this section represent an  
10 amount of money equal to an amount of money that has  
11 previously been deposited into the account maintained  
12 by the multicounty organization as of the date the  
13 request for matching funds is made. The statement  
14 shall include the identity of each purchaser of  
15 advertising in the multicounty organization  
16 promotional periodical and the amount of money paid  
17 for advertising in the periodical together with the  
18 other information required by subparagraph c of this  
19 paragraph. The statement shall also include a  
20 verification that the funds collected by or on behalf  
21 of the multicounty organization were expended for:

22 (1) a legitimate operational expense of the  
23 multicounty organization,  
24

- 1 (2) the purpose of obtaining matching funds as  
2 authorized by this section, or  
3 (3) a promotional event sponsored, conducted or  
4 organized by the multicounty organization for  
5 attracting attention to a specific location or  
6 occasion in furtherance of a purpose of the  
7 multicounty organization.

8 F. 1. Each multicounty organization shall prepare and submit  
9 appropriate plans, including a budget work program, for the ensuing  
10 fiscal year to the ~~Commission~~ Department. Expenditures for  
11 obligations incurred before the ~~Commission~~ Department approves the  
12 multicounty organizations' plans and budget work programs and any  
13 changes thereto, and expenditures not in accordance with the  
14 multicounty organizations' plans and budget work programs, shall not  
15 be allowable expenditures. The approval by the ~~Commission~~  
16 Department of a multicounty organization budget work program  
17 constitutes a firm commitment of the multicounty organization's  
18 appropriated funds, subject to any fiscal year limitation, except  
19 that the ~~Commission~~ Department may reallocate unobligated funds as  
20 provided by law.

21 2. Any funds collected on behalf of the multicounty  
22 organization for advertisements in the promotional periodical shall  
23 be paid to the multicounty organization within twenty (20) working  
24 days after collection by any entity acting on behalf of the

1 multicounty organization for solicitation of advertising revenue.  
2 The multicounty organization shall deposit any funds paid to it  
3 within five (5) working days of receipt.

4 G. Each multicounty organization shall be required to submit an  
5 annual independent and certified audit of the multicounty  
6 organization. The audits shall encompass all funds available to the  
7 multicounty organization. The audit report shall include a  
8 statement of Income and Expense and, at a minimum, encompass all  
9 monies received by the multicounty organization and all matched  
10 expenditures reimbursed to the multicounty organization. Revenue  
11 reported shall include all advertising revenue received and define  
12 all other individual sources of revenue. The names and addresses of  
13 and amounts received from each advertiser shall be included as an  
14 unaudited supplemental schedule to the audit report.

15 H. The person or entity engaged to perform the audit required  
16 by subsection G of this section shall:

17 1. Not be the same person or entity that performs bookkeeping,  
18 controllership or management functions, or other accounting services  
19 for the multicounty organization;

20 2. Be registered with the Oklahoma Accountancy Board and  
21 possess a license to practice; and

22 3. File a copy of the audit performed on behalf of a  
23 multicounty organization with the State Auditor and Inspector.

24

1 I. Failure to submit an audit report shall be cause for  
2 withholding of matching funds to a multicounty organization. Audit  
3 reports showing matching by any amount in excess of the allowable  
4 expenditures, matching for unallowable expenditures, or  
5 noncompliance with statutes, procedures prescribed herein, or in  
6 rules promulgated by the Commission shall be cause for withholding  
7 of matching funds until such time as restitution is made to the  
8 Department.

9 J. The State Auditor and Inspector shall conduct an office  
10 examination of the audits filed pursuant to paragraph 3 of  
11 subsection H of this section on an annual basis. The examination  
12 shall include analysis of the quality of the audit performed and  
13 shall include written recommendations for modifications in future  
14 audits conducted on behalf of a multicounty organization.

15 SECTION 48. AMENDATORY 74 O.S. 2011, Section 2235, is  
16 amended to read as follows:

17 Section 2235. Prior to the expenditure of matching funds to any  
18 multicounty organization pursuant to the ~~Oklahoma Tourism, Parks and~~  
19 ~~Recreation Enhancement~~ Department of Economic Development and  
20 Tourism Act, the Department shall deduct from the matching funds the  
21 amount of any and all obligations due and owing to the state by the  
22 multicounty organization.

23

24

1 SECTION 49. AMENDATORY 74 O.S. 2011, Section 2236, as  
2 amended by Section 33, Chapter 227, O.S.L. 2013 (74 O.S. Supp. 2015,  
3 Section 2236), is amended to read as follows:

4 Section 2236. A. There is hereby created within the Department  
5 of Economic Development and Tourism, the Oklahoma Film and Music  
6 Office. The Office shall have the primary responsibility in state  
7 government for promoting the state as a location for producing  
8 motion pictures, television programs, videos and recording or  
9 performing music. The  
10 Office shall assist the motion picture, television and video film  
11 and music industries by providing production contacts in the state,  
12 suggesting possible filming, performing, publishing, and recording  
13 locations, and other activities that may be required to promote the  
14 state as a filming and music center. The Office shall develop  
15 resource guides, a database, and a web site. The Office shall  
16 develop listings of music festivals and music events being held in  
17 Oklahoma.

18 B. The Oklahoma Film and Music Office shall cooperate with  
19 other state and local offices as required to promote the film and  
20 music industries in this state.

21 C. The Oklahoma Film and Music Office shall establish a film  
22 production registration program. Under the program, film production  
23 companies shall be required to register with the Office prior to  
24 starting production on a film located in the state. The Office



1 shall not require production companies to pay a fee for  
2 registration. The purpose of the program shall be to allow the  
3 Office to accurately track the number of filming productions  
4 occurring in the state and the economic impact of those productions.

5 D. The Oklahoma Film and Music Office shall submit an annual  
6 report to the Governor, the Speaker of the House of Representatives,  
7 and the President Pro Tempore of the Senate prior to July 1 of each  
8 year regarding the activities of the Office. The report shall state  
9 the number of filming productions that the Office has helped bring  
10 to the state and the economic impact of those productions, and  
11 provide similar information concerning the efforts of the Office to  
12 promote the music industry in this state.

13 SECTION 50. AMENDATORY 74 O.S. 2011, Section 2237, is  
14 amended to read as follows:

15 Section 2237. A. There is hereby created within the ~~Oklahoma~~  
16 ~~Tourism and Recreation~~ Department of Economic Development and  
17 Tourism, the "Oklahoma Today Magazine" Division. The Division shall  
18 be responsible for the publication of the "Oklahoma Today Magazine"  
19 a minimum of six times per year.

20 B. "Oklahoma Today Magazine" is hereby authorized to sell  
21 advertising. All advertising shall be approved by the appropriate  
22 division director prior to acceptance for publication.

23 C. In addition to a regular salary, any employee of the  
24 "Oklahoma Today Magazine" who obtains advertising, bulk

1 subscription, newsstand, or ancillary product sales, for "Oklahoma  
2 Today Magazine", at the discretion of the Executive Director, may be  
3 awarded additional compensation in the form of a commission on net  
4 sales by the employee. The commission shall not exceed twenty-five  
5 percent (25%), with the commission percentage to be determined by  
6 the Executive Director. In no case shall the additional  
7 compensation, when combined with the salary of the employee, exceed  
8 ninety-five percent (95%) of the salary of the Executive Director.  
9 Commission payments shall be paid monthly, based on collected  
10 revenues from sales by the employee.

11 D. The sale of advertising and negotiation of rates for the  
12 advertising shall not be subject to The Oklahoma Central Purchasing  
13 Act of 1974 or the Administrative Procedures Act.

14 E. "Oklahoma Today Magazine" articles, and photographs produced  
15 by or for "Oklahoma Today Magazine", shall be available for public  
16 inspection during Department business hours. The Department shall  
17 not be required to provide copies or allow copying of the magazine,  
18 articles, or photographs other than as the Department provides  
19 copies of "Oklahoma Today Magazine" for newsstand and subscription  
20 sales.

21 SECTION 51. AMENDATORY 74 O.S. 2011, Section 2240, is  
22 amended to read as follows:

23 Section 2240. A. ~~The Oklahoma Tourism and Recreation~~  
24 Department of Economic Development and Tourism shall establish a

1 cost and revenue reporting system for all budget activities and  
2 subactivities of the Department.

3 B. 1. The State Auditor and Inspector or a designated agent of  
4 the State Auditor and Inspector shall perform an independent audit  
5 of the Department annually. The audit shall be conducted in  
6 accordance with the Generally Accepted Government Auditing Standards  
7 as issued by the Comptroller General of the United States. The cost  
8 of the audit shall be borne by the Department.

9 2. Matters to be considered in determining the types of  
10 activities to be audited and the scope of the audit shall be based  
11 on an analysis of:

- 12 a. the date and results of prior audits, reviews, and/or  
13 independent studies,
- 14 b. financial exposure,
- 15 c. potential loss and risk,
- 16 d. requests by the Commission and/or executive management  
17 of the Department,
- 18 e. major changes in operations, programs, systems, and  
19 controls, and
- 20 f. opportunities to achieve operating benefits.

21 The audit may be conducted in accordance with Section 213.2 of  
22 Title 74 of the Oklahoma Statutes.

23  
24

1           3. The internal auditors of the Department shall conduct  
2 internal audits of Department facilities and programs pursuant to  
3 the provisions of Section 228 of Title 74 of the Oklahoma Statutes.

4           4. The audits required by this section shall be completed on or  
5 before December 31 of each year and shall, upon distribution, become  
6 public record.

7           C. Any person who intentionally alters or destroys records  
8 needed for the performance of an audit as provided for in this  
9 section or intentionally causes or directs a subordinate to do such  
10 acts, shall be subject to immediate removal from office or  
11 employment.

12           D. The ~~Commission~~ Department shall provide notice to Department  
13 employees affected by this section of the prohibited acts and the  
14 penalties pursuant to the provisions of this section.

15           SECTION 52.           AMENDATORY           74 O.S. 2011, Section 2241, is  
16 amended to read as follows:

17           Section 2241. A. For the purposes of the ~~Oklahoma Tourism,~~  
18 ~~Parks and Recreation Enhancement~~ Department of Economic Development  
19 and Tourism Act, seasonal employees shall be unclassified employees  
20 employed by the ~~Oklahoma Tourism and Recreation~~ Department of  
21 Economic Development and Tourism who work less than one thousand six  
22 hundred (1,600) hours in any twelve-month period.

23           B. The Department may employ seasonal employees throughout the  
24 calendar year. Project labor employed by the Department for a

1 period of time necessary to complete a project shall be in the  
2 unclassified service of the state as provided by the Oklahoma  
3 Personnel Act of the Oklahoma Statutes. Such employees shall not be  
4 entitled to paid leave, paid holidays, retirement, health, dental or  
5 life insurance, and shall be exempt from any laws, rules or  
6 practices providing for such benefits.

7 C. The Department, in its annual budget request, shall include  
8 a summary of the use of project labor, which shall include the  
9 number of workers employed under the provisions of this section and  
10 the total wages paid to these employees.

11 SECTION 53. AMENDATORY 74 O.S. 2011, Section 2242, is  
12 amended to read as follows:

13 Section 2242. The following offices and positions in the  
14 ~~Oklahoma Tourism and Recreation~~ Department of Economic Development  
15 and Tourism shall be in the unclassified service and shall not be  
16 subject to the Merit System of Personnel Administration:

17 1. The Executive Director, the Deputy Director, directors of  
18 the divisions of the Department and administrative assistant of  
19 each, and not more than four positions involved in the executive  
20 management of the Department;

21 2. All positions in the Traveler Response Information Program;

22 3. All professional or managerial positions whose principal  
23 function is one of the following:

24

- a. marketing and promotion of travel and tourism to and within the state,
- b. promoting the state as a viable location for producing motion pictures and television programs and for recording music,
- c. developing, producing, and on-air broadcasting of "Discover Oklahoma", the weekly promotional television program,
- d. not more than fifteen positions performing financial management functions for the Department,
- e. not more than five positions performing human resources functions for the Department, and
- f. not more than two positions performing information services functions for the Department;

4. Any position associated with the development and production of "Oklahoma Today" magazine; and

5. Any position in the Division of State Parks utilized in the operation and administration of state resorts, cabins, lodges, and golf courses.

SECTION 54. AMENDATORY 74 O.S. 2011, Section 2242.1, is amended to read as follows:

Section 2242.1. Each employee at Murray State Park or Lake Murray Lodge who has a minimum of two (2) years' continuous service with the ~~Oklahoma Tourism and Recreation~~ Department of Economic

1 Development and Tourism at Murray State Park or Lake Murray Lodge on  
2 the date of closure of the facility shall have the opportunity to  
3 obtain employment with any successor operator of a resort or park  
4 facility located on the lands held by the ~~Oklahoma Tourism and~~  
5 ~~Recreation~~ Department, provided the employee is qualified and  
6 eligible for any such employment. Further, the ~~Oklahoma Tourism and~~  
7 ~~Recreation~~ Department is hereby directed to develop a severance  
8 package for all employees of the Department affected by the closure  
9 of any state lodge or park facility owned by the Department.

10 SECTION 55. AMENDATORY 74 O.S. 2011, Section 2243, is  
11 amended to read as follows:

12 Section 2243. Expenditure of funds for all purchases in excess  
13 of Fifty Thousand Dollars (\$50,000.00) shall not be contracted  
14 except upon approval of a majority of the ~~Oklahoma Tourism and~~  
15 ~~Recreation Commission~~ Department of Economic Development and  
16 Tourism. The amount exempted by paragraph 1 of subsection A of  
17 Section 85.7 of this title shall apply to each separate department  
18 facility as identified by the annual budget submitted to the Office  
19 of Management and Enterprise Services pursuant to Section 34.42 of  
20 Title 62 of the Oklahoma Statutes.

21 SECTION 56. AMENDATORY 74 O.S. 2011, Section 2244, as  
22 amended by Section 992, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
23 2015, Section 2244), is amended to read as follows:  
24

1 Section 2244. A. The Department of Economic Development and  
2 Tourism shall be exempt from any provision of Sections 85.1 through  
3 85.45k of this title requiring purchases to be made pursuant to a  
4 statewide contract for individual purchases of less than Two  
5 Thousand Five Hundred Dollars (\$2,500.00) when the following  
6 conditions are met:

7 1. The Department documents a cost savings to the state  
8 resulting from the purchase of the item(s) from a vendor not on the  
9 statewide contract;

10 2. The exempted purchase is made in the county where the  
11 purchasing facility, as identified in subsection B of this section,  
12 is located or in an adjacent county; and

13 3. The exempted purchase is approved by the Executive Director  
14 or a designee prior to the purchase.

15 B. The ~~Commission~~ Department shall promulgate rules,  
16 procedures, and forms necessary to adequately document the dollar  
17 savings resulting from the application of this section.

18 C. The exemption provided for in this section shall apply to  
19 individual department entities identified by the annual budget  
20 submitted to the Office of Management and Enterprise Services.

21 D. The Department shall not be required to purchase furniture,  
22 fixtures and equipment, and soft goods associated with the decor of  
23 the state parks, lodges, golf, and tourism information center  
24 facilities from Oklahoma prisons or reformatories.



1 E. Nothing in this section shall be construed to authorize bid  
2 splitting as prohibited by The Oklahoma Central Purchasing Act.

3 SECTION 57. AMENDATORY 74 O.S. 2011, Section 2245, is  
4 amended to read as follows:

5 Section 2245. A. The Department of Economic Development and  
6 Tourism may place uncollectible accounts receivable in a special  
7 account for accounting and budgetary purposes. An "uncollectible  
8 account receivable" shall have been uncollectible or due for at  
9 least one (1) year and possess at least one of the following  
10 characteristics:

- 11 1. The debtor has been discharged from bankruptcy or is  
12 insolvent;
- 13 2. The debtor cannot be found or is deceased; or
- 14 3. A collection agency has indicated its inability to collect  
15 the debt.

16 B. If uncollectible accounts receivable are placed in a special  
17 account, the following procedures shall be observed:

18 1. The proposed uncollectible accounts shall be forwarded to  
19 the Department by the appropriate divisions. The Department shall  
20 then submit the accounts to the ~~Commission and to the~~ State Auditor  
21 and Inspector once each fiscal year for placement into the special  
22 uncollectible account; and

23 2. The ~~Commission~~ Department and the State Auditor and  
24 Inspector shall certify those accounts which meet the requirements

1 of this section as "uncollectible accounts receivable" and shall  
2 place those accounts in the special account created by this section.

3 C. The special uncollectible accounts receivable account shall  
4 not be used for budgetary purposes in determining the assets of the  
5 Department or any of its divisions. The Department shall take all  
6 reasonable steps to collect all accounts, including those placed in  
7 the special account by operation of this section.

8 SECTION 58. AMENDATORY 74 O.S. 2011, Section 2248, is  
9 amended to read as follows:

10 Section 2248. The State Treasurer of Oklahoma shall be ex  
11 officio Treasurer of the ~~Commission~~ Department of Economic  
12 Development and Tourism for all purposes of the ~~Oklahoma Tourism,~~  
13 ~~Parks and Recreation Enhancement~~ Department of Economic Development  
14 and Tourism Act. All official action taken by the ~~Commission~~  
15 Department shall be taken through the adoption of appropriate  
16 resolutions.

17 SECTION 59. AMENDATORY 74 O.S. 2011, Section 2249, is  
18 amended to read as follows:

19 Section 2249. The monies of the ~~Commission~~ Department of  
20 Economic Development and Tourism, except monies appropriated by the  
21 Legislature, shall be disbursed only by checks, drafts, orders or  
22 other instruments signed by such persons as shall be authorized to  
23 sign the same by the bylaws or by appropriate resolution. The  
24 general manager, if any, and all other officers, agents and

1 employees of the ~~Commission~~ Department who shall be charged with the  
2 collection, custody, or payment of any funds of the ~~Commission~~  
3 Department shall give bond conditioned on the faithful performance  
4 of their duties and an accounting for all funds and properties of  
5 the ~~Commission~~ Department coming into their respective hands. Each  
6 bond, or if a blanket bond shall be prescribed, shall be in a form,  
7 amount, and with a surety approved by the ~~Commission~~ Department, and  
8 the premiums on the bonds shall be paid by the ~~Commission~~ Department  
9 and charged as an operating expense.

10 SECTION 60. AMENDATORY 74 O.S. 2011, Section 2250, is  
11 amended to read as follows:

12 Section 2250. The ~~Commission~~ Department of Economic Development  
13 and Tourism shall keep complete and accurate accounts of all  
14 transactions and affairs of the ~~Commission~~ Department, conforming to  
15 approved methods of bookkeeping. Such accounts and the contracts,  
16 documents and records of the ~~Commission~~ Department shall be kept at  
17 its principal office and shall be open to public inspection at all  
18 reasonable times.

19 SECTION 61. AMENDATORY 74 O.S. 2011, Section 2251, as  
20 amended by Section 993, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
21 2015, Section 2251), is amended to read as follows:

22 Section 2251. There is hereby created in the State Treasury a  
23 revolving fund for the Department of Economic Development and  
24 Tourism to be designated the "Oklahoma Tourism and Recreation

1 Department Revolving Fund". The fund shall consist of all monies  
2 received by the Department pursuant to the provisions of this act,  
3 monies derived from the sale or conveyance of real property under  
4 the jurisdiction of the Commission, and interest attributable to  
5 investment of money in the fund. The revolving fund shall be a  
6 continuing fund not subject to fiscal year limitations and shall be  
7 under the administrative direction of the Department. Expenditures  
8 from the fund created by this section shall be for the  
9 administration, operation, and maintenance expenses of the  
10 Department, for purchase of real property, and shall be made  
11 pursuant to the laws of this state and the statutes relating to the  
12 Department. Expenditures from said fund shall be made upon warrants  
13 issued by the State Treasurer against claims filed as prescribed by  
14 law with the Director of the Office of Management and Enterprise  
15 Services for approval and payment.

16 SECTION 62. AMENDATORY 74 O.S. 2011, Section 2252, as  
17 amended by Section 994, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
18 2015, Section 2252), is amended to read as follows:

19 Section 2252. There is hereby created in the State Treasury a  
20 revolving fund for the Department of Economic Development and  
21 Tourism to be designated the "Oklahoma Today Magazine Revolving  
22 Fund". The fund shall be a continuing fund, not subject to fiscal  
23 year limitations, and shall consist of all monies received by the  
24 Department from donations, gifts and bequests by individuals,

1 corporations, organizations, associations and foundations specifying  
2 that such monies be expended on "Oklahoma Today Magazine" and its  
3 ancillary products and activities. No state monies shall be  
4 deposited in this fund. From monies deposited in this fund, the  
5 Executive Director may reimburse the publisher of "Oklahoma Today  
6 Magazine" and its staff for all actual and necessary expenses for  
7 travel, subsistence and entertainment in order to gain advertising  
8 and promotion for "Oklahoma Today Magazine", pursuant to Section  
9 500.18 of this title. All monies accruing to the credit of said  
10 fund are hereby appropriated and may be budgeted and expended by the  
11 Department for the purpose of supporting and promoting "Oklahoma  
12 Today Magazine" and its ancillary products and activities, and for  
13 soliciting contributions for other expenses for "Oklahoma Today  
14 Magazine", so that the magazine can become self-supporting and not  
15 dependent on state-appropriated funds in the future. Expenditures  
16 from the fund shall be made upon warrants issued by the State  
17 Treasurer against claims filed as prescribed by law with the  
18 Director of the Office of Management and Enterprise Services for  
19 approval and payment.

20 SECTION 63. AMENDATORY 74 O.S. 2011, Section 2253, as  
21 amended by Section 995, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
22 2015, Section 2253), is amended to read as follows:

23 Section 2253. There is hereby created in the State Treasury a  
24 revolving fund for the ~~Oklahoma Tourism and Recreation~~ Department of of

1 Economic Development and Tourism to be designated the "Tourism and  
2 Recreation Environmental Loan Proceeds Revolving Fund". The fund  
3 shall be a continuing fund, not subject to fiscal year limitations,  
4 and shall consist of all monies received from the State Revolving  
5 Fund loan programs as administered by the Oklahoma Water Resources  
6 Board designated specifically for the purposes of reimbursements,  
7 construction, repair, remediation, or improvement of eligible  
8 facilities under the jurisdiction of the ~~Oklahoma Tourism and~~  
9 ~~Recreation Commission~~ Department. The fund shall be under the  
10 administrative direction of the ~~Oklahoma Tourism and Recreation~~  
11 Department. All monies accruing to the credit of the fund may be  
12 budgeted and expended by the ~~Oklahoma Tourism and Recreation~~  
13 Department for the purpose of constructing, repairing, remediating,  
14 improving loan eligible projects, reimbursing the Department for  
15 eligible planning and design expenses, or paying for associated loan  
16 financing requirements. Expenditures from the fund shall be made  
17 upon warrants issued by the State Treasurer against claims filed as  
18 prescribed by law with the Director of the Office of Management and  
19 Enterprise Services for approval and payment.

20 SECTION 64. AMENDATORY 74 O.S. 2011, Section 2254, as  
21 amended by Section 996, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
22 2015, Section 2254), is amended to read as follows:

23 Section 2254. There is hereby created in the State Treasury a  
24 revolving fund for the ~~Oklahoma Tourism and Recreation~~ Department of

1 Economic Development and Tourism to be designated the "State Park  
2 System Improvement Revolving Fund". The fund shall be a continuing  
3 fund not subject to fiscal year limitations. The fund shall consist  
4 of all monies that are received by the Department, from all entrance  
5 or day-use charges for the state park system, including charges for  
6 an annual pass for visitors to the state parks. All monies accruing  
7 to the fund are hereby appropriated and may be expended by the  
8 Department for the exclusive purpose of capital improvements at the  
9 state park where the charges were collected. Expenditures from the  
10 fund shall be made upon warrants issued by the State Treasurer  
11 against claims filed as prescribed by law with the Director of the  
12 Office of Management and Enterprise Services for approval and  
13 payment.

14 SECTION 65. AMENDATORY 74 O.S. 2011, Section 2254.1, as  
15 last amended by Section 1, Chapter 166, O.S.L. 2014 (74 O.S. Supp.  
16 2015, Section 2254.1), is amended to read as follows:

17 Section 2254.1. A. There is hereby created in the State  
18 Treasury a revolving fund for the ~~Oklahoma Tourism and Recreation~~  
19 Department of Economic Development and Tourism to be designated the  
20 "Oklahoma Tourism and Recreation Department Capital Expenditure  
21 Revolving Fund".

22 B. The fund shall be a continuing fund, not subject to fiscal  
23 year limitations, and shall consist of all monies received by the  
24 ~~Oklahoma Tourism and Recreation~~ Department from the apportionment of

1 gross production tax revenues as prescribed by Section 1004 of Title  
2 68 of the Oklahoma Statutes.

3 C. All monies accruing to the credit of said fund are hereby  
4 appropriated and may be budgeted and expended by the ~~Oklahoma~~  
5 ~~Tourism and Recreation~~ Department of Economic Development and  
6 Tourism for the purpose of one-time capital expenditures for capital  
7 assets owned, managed or controlled by the ~~Oklahoma Tourism and~~  
8 ~~Recreation~~ Department.

9 D. Expenditures from said fund shall be made upon warrants  
10 issued by the State Treasurer against claims filed as prescribed by  
11 law with the Director of the Office of Management and Enterprise  
12 Services for approval and payment.

13 E. No monies in the fund shall be used for the payment of  
14 administrative expenses, salary or any other continuing obligation  
15 of the ~~Oklahoma Tourism and Recreation~~ Department of Economic  
16 Development and Tourism.

17 ~~F. The provisions of this section shall cease to have the force~~  
18 ~~and effect of law on July 1, 2016. Any monies remaining in the fund~~  
19 ~~created by this section on July 1, 2016, which have been encumbered,~~  
20 ~~but not expended, may be expended according to the terms pursuant to~~  
21 ~~which the monies were encumbered.~~

22 SECTION 66. AMENDATORY 74 O.S. 2011, Section 2255, as  
23 amended by Section 998, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
24 2015, Section 2255), is amended to read as follows:



1 Section 2255. A. There is hereby created a petty cash fund in  
2 the revolving fund of each of the properties or activities with  
3 sales under the control of the Department of Economic Development  
4 and Tourism. The petty cash funds shall be such amounts as are  
5 determined to be necessary by the Director of the Office of  
6 Management and Enterprise Services and the Executive Director of the  
7 Department. Petty cash funds may be expended for the payment of  
8 emergency purchases, for postage due, for bank charges, for resale  
9 merchandise and firewood purchases under One Hundred Dollars  
10 (\$100.00), for refund of charges for returned merchandise, for  
11 refund of advance deposits, to reimburse lease concessions, for  
12 purchases charged to guests' statement of account, to reimburse  
13 employees for gratuities charged to guests' statement of accounts,  
14 to pay artisans the net proceeds resulting from the sale of  
15 consignment arts and crafts products, to  
16 purchase beverage and vending licenses, and to purchase low-point  
17 beer.

18 B. The petty cash funds may be reimbursed by the State  
19 Treasurer upon the filing of a claim with the proper receipts or  
20 from the agency clearing account if the petty cash disbursement was  
21 a refund of erroneous or excessive collections or credits. Petty  
22 cash funds may be reimbursed from the agency clearing account for  
23 shortages accruing to the account. Reimbursements are to be made  
24 from the revolving fund. The Director of the Office of Management

1 and Enterprise Services shall prescribe all forms, systems and  
2 procedures for administering the petty cash funds of the various  
3 properties or activities with sales of the Department.

4 SECTION 67. REPEALER 74 O.S. 2011, Section 5003.1, is  
5 hereby repealed.

6 SECTION 68. This act shall become effective July 1, 2015.

7 SECTION 69. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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