

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4162

By: Townley

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to the Tourism and Recreation
10 Department; amending 29 O.S. 2021, Section 7-304,
11 which relates to wildlife refuges; modifying entity
12 designation; amending 47 O.S. 2021, Sections 11-1116
13 and 1116.2, which relate to motor-driven vehicles;
14 modifying entity designation; amending 61 O.S. 2021,
15 Sections 121 and 130, which relate to change orders;
16 modifying entity designation; amending 64 O.S. 2021,
17 Section 1014, which relates to investments in real
18 property; modifying entity designation; amending 68
19 O.S. 2021, Sections 4405 and 50015, which relate to
20 the Tourism and Recreation Department; modifying
21 entity designation; amending 74 O.S. 2021, Sections
22 500.2, 500.18, 2202, 2205, 2207, 2208, 2210, 2211,
23 2212, 2213, 2214, 2215, 2216, 2219, 2220, 2221, 2222,
24 2223, 2224, 2225, 2226, 2228, 2229, 2232, 2234, 2240,
2243, 2244, 2245, 2248, 2249, 2250, 2251, 2253, 2256,
2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2267,
2268, 2269, 2271, 2272, 2273, 2274, 2276, 2276.1,
2276.2, 2278, 2280, 2281, 2282, and 2283, which
relate to the Tourism and Recreation Department;
changing entity designation; amending 82 O.S. 2021,
Section 875, which relates to fees; modifying entity
designation; and providing an effective date.

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

1 SECTION 1. AMENDATORY 29 O.S. 2021, Section 7-304, is
2 amended to read as follows:

3 Section 7-304. A. Except as otherwise provided by law, no
4 person may enter upon any state or federal wildlife refuge or
5 Wildlife Management Area with dog, gun or bow.

6 B. Exceptions to the above provisions are when the Commission
7 and/or the Tourism and Recreation ~~Commission~~ Department may by
8 resolution permit:

9 1. The holding of field trials by duly authorized sportsmen's
10 clubs; or

11 2. Such hunting, killing or trapping of wildlife from such
12 refuge or Wildlife Management Area; provided, however, that Lake
13 Murray State Park shall not be utilized for killing or trapping of
14 natural wildlife and shall remain a wildlife preserve.

15 C. Any person convicted of violating provisions of this section
16 shall be punished by a fine of not less than Twenty-five Dollars
17 (\$25.00) nor more than One Hundred Dollars (\$100.00), or by
18 imprisonment in the county jail for not less than ten (10) days nor
19 more than thirty (30) days, or by both such fine and imprisonment.

20 SECTION 2. AMENDATORY 47 O.S. 2021, Section 11-1116, is
21 amended to read as follows:

22 Section 11-1116. A. The self-propelled or motor-driven and
23 operated vehicles described in this section shall be prohibited from
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1 operating or shall be limited in operation on the streets and
2 highways of this state.

3 B. Self-propelled or motor-driven cycles, known and commonly
4 referred to as "minibikes" and other similar trade names, shall be
5 prohibited from operating on the streets and highways of this state,
6 except:

7 1. When used in a parade; or

8 2. When registered, as required by subsection E of Section 1151
9 of this title, and operated in this state by food vendor services
10 upon streets having a speed limit of thirty (30) miles per hour or
11 less.

12 All minibikes offered for sale in this state shall bear the
13 following notice to the customer: "This machine is not manufactured
14 or sold for operation on the public streets or highways. Since it
15 is not provided with equipment required by law for street or highway
16 use, all persons are cautioned that any operation of this vehicle
17 upon a public street or highway will be in violation of the motor
18 vehicle laws of this state and will subject the violator to arrest."

19 C. Golf carts and utility vehicles, as defined by Section 1102
20 of this title, shall not be operated on the streets and highways of
21 this state except:

22 1. Golf carts or utility vehicles owned by the Oklahoma Tourism
23 and Recreation Department, and operated by employees or agents of
24 the Department or employees of independent management companies

1 working on behalf of the Department, may be operated on the streets
2 and highways of this state during daylight hours or under rules
3 developed by the Oklahoma Tourism and Recreation ~~Commission~~
4 Department, when the streets and highways are located within the
5 boundaries of a state park. The Department shall have warning signs
6 placed at the entrance and other locations at those state parks
7 allowing golf carts or utility vehicles to be operated on the
8 streets and highways of this state located within the boundaries of
9 those state parks. The warning signs shall state that golf carts
10 and utility vehicles may be operating on streets and highways and
11 that motor vehicle operators shall take special precautions to be
12 alert for the presence of golf carts or utility vehicles on the
13 streets and highways;

14 2. The municipal governing body has adopted an ordinance
15 governing the operation of golf carts and/or utility vehicles on
16 city streets; provided, such ordinances shall include necessary
17 vehicle lighting and safety requirements;

18 3. Golf carts or utility vehicles may operate on state highways
19 only if making a perpendicular crossing of a state highway located
20 within the boundaries of a municipality which has adopted an
21 ordinance governing the operation of golf carts and/or utility
22 vehicles;

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1 4. The board of county commissioners of a county has approved
2 the operation of golf cart and/or utility vehicle traffic on
3 roadways within the county, and:

4 a. the roadway has a posted speed limit of twenty-five
5 (25) miles per hour or less,

6 b. the roadway is located in an unincorporated area, and

7 c. appropriate signage, cautioning motorists of the
8 possibility of golf cart or utility vehicle traffic,
9 is erected by the board of county commissioners; or

10 5. Street-legal utility vehicles that are registered as a motor
11 vehicle pursuant to subsection B of Section ~~±~~ 1-171.1 of this ~~act~~
12 title may be operated on the streets and highways of this state.

13 Provided, however, street-legal utility vehicles shall not be
14 operated on the National System of Interstate and Defense Highways
15 or U.S. highways.

16 D. All-terrain vehicles shall not be operated on the streets
17 and highways of this state, except:

18 1. On unpaved roads which are located within the boundaries of
19 any property of the Forest Service of the United States Department
20 of Agriculture;

21 2. On highways if:

22 a. the vehicle needs to make a direct crossing of the
23 highway while the vehicle is traveling upon a
24 regularly traveled trail and needs to continue travel

1 from one area of the trail to another and, if the
2 vehicle comes to a complete stop, yields the right-of-
3 way to all oncoming traffic that constitutes an
4 immediate hazard, and crosses the highway at an angle
5 of approximately ninety (90) degrees to the direction
6 of the street or highway. This exception shall not
7 apply to divided highways or highways with a posted
8 speed limit of more than thirty-five (35) miles per
9 hour in the area of the crossing,

10 b. the vehicle needs to travel on a highway in order to
11 cross a railroad track. In that event, the all-
12 terrain vehicle may travel for not more than three
13 hundred (300) feet on a highway to cross a railroad
14 track,

15 c. the operator of the all-terrain vehicle making the
16 crossing at a highway has a valid driver license, and

17 d. the operator of the vehicle makes a crossing on a
18 highway during daylight hours only;

19 3. On streets and highways within a municipality if the
20 municipal governing body has adopted an ordinance governing the
21 operation of golf carts, utility vehicles or all-terrain vehicles on
22 streets and highways within the municipality; or

23 4. On roadways within unincorporated areas of a county if those
24 roadways are not part of the state highway system or the National

1 System of Interstate and Defense Highways; provided, however, that
2 the driver is a licensed driver.

3 E. Mopeds, as defined by Section 1-133.2 of this title, may be
4 operated on the streets and highways of this state if:

5 1. The municipal governing body has adopted an ordinance
6 governing the operation of mopeds on city streets; provided, such
7 ordinances shall include necessary vehicle lighting and safety
8 requirements; or

9 2. The board of county commissioners of a county has approved
10 the operation of mopeds on roadways within the county, not including
11 roadways within a municipality.

12 SECTION 3. AMENDATORY 47 O.S. 2021, Section 1116.2, is
13 amended to read as follows:

14 Section 1116.2 A. Notwithstanding any other provision of law,
15 any person with a physical disability as defined by Section 15-112
16 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be authorized
17 to operate golf carts to the extent that the physically disabled
18 person is capable as determined by a physician as defined by Section
19 15-112 of ~~Title 47 of the Oklahoma Statutes~~ this title if:

20 1. Such operation is within the boundaries of a park owned by
21 this state;

22 2. Operation occurs during daylight hours only;

23 3. The golf cart does not exceed the speed limit in such area
24 as determined by the Oklahoma Tourism and Recreation Department;

1 4. The golf cart is not operated on roadways within park
2 boundaries with posted speed limits greater than twenty-five (25)
3 miles per hour;

4 5. The operator of such golf cart possesses a valid driver
5 license; and

6 6. The operator of such golf cart shall provide certified proof
7 of his or her disability.

8 B. The Tourism and Recreation ~~Commission~~ Department shall
9 designate areas of operation for golf carts in each state park as
10 appropriate, and establish rules for the safe operation of golf
11 carts pursuant to this act.

12 SECTION 4. AMENDATORY 61 O.S. 2021, Section 121, is
13 amended to read as follows:

14 Section 121. A. Change orders or addenda to public
15 construction contracts of One Million Dollars (\$1,000,000.00) or
16 less shall not exceed a fifteen percent (15%) cumulative increase in
17 the original contract amount.

18 B. Change orders or addenda to public construction contracts of
19 over One Million Dollars (\$1,000,000.00) shall not exceed the
20 greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten
21 percent (10%) cumulative increase in the original contract amount.

22 C. Change orders or cumulative change orders which exceed the
23 limits of subsection A or B of this section shall require a
24 readvertising for bids on the incomplete portions of the contract.

1 D. If the awarding public agency does not have a governing
2 body, the chief administrative officer of the awarding public agency
3 shall approve change orders. The State Construction Administrator
4 of the Construction and Properties Division of the Office of
5 Management and Enterprise Services, or the Administrator's designee,
6 shall sign and execute all contracts and change orders, as they
7 relate to state agencies.

8 E. If the awarding public agency has a governing body, all
9 change orders shall be formally approved by the governing body of
10 the awarding public agency and the reasons for approval recorded in
11 the permanent records of the governing body. The governing body of
12 a municipality or technology center may delegate approval of change
13 orders up to Forty Thousand Dollars (\$40,000.00) or ten percent
14 (10%) of any contract, whichever is less, to the chief
15 administrative officer of the municipality or technology center or
16 their designee, with any approved change orders reported to the
17 governing body at the next regularly scheduled meeting.

18 F. The Oklahoma Veterans Commission, as the governing body of
19 the Oklahoma Department of Veterans Affairs, is authorized to
20 delegate to the Director of the agency the authority to approve
21 change orders on a construction contract provided that the
22 individual change order does not exceed Forty Thousand Dollars
23 (\$40,000.00) in expenditure, and complies with the limits
24 established by this section. Change orders approved by the Director

1 pursuant to a delegation of authority shall be presented to the
2 Commission during the next regular meeting and the reasons for the
3 orders recorded in permanent records.

4 G. The governing body of the Oklahoma Tourism and Recreation
5 Department is authorized, ~~upon approval of a majority of all of the~~
6 ~~members of the Oklahoma Tourism and Recreation Commission,~~ to
7 delegate to the Director of the agency the authority to approve
8 change orders on a construction contract provided that the
9 individual change order does not exceed Twenty-five Thousand Dollars
10 (\$25,000.00) in expenditure and complies with the limits established
11 by this section. The Administrator of the Division shall sign and
12 execute all contracts and change orders.

13 H. The Transportation Commission may, by rule, authorize the
14 Director of the Department of Transportation to approve change
15 orders in an amount of not to exceed Five Hundred Thousand Dollars
16 (\$500,000.00). Change orders approved by the Director shall be
17 presented to the Transportation Commission during the next regular
18 meeting and the reasons therefor recorded in the permanent records.
19 The Oklahoma Turnpike Authority may authorize the Director of the
20 Authority to approve change orders in an amount not to exceed Two
21 Hundred Fifty Thousand Dollars (\$250,000.00). Change orders
22 approved by the Director of the Authority shall be presented to the
23 Authority during the next regular meeting and the reasons for the
24 orders recorded in permanent records.

1 I. All change orders for the Department of Transportation or
2 the Authority shall contain a unit price and total for each of the
3 following items:

4 1. All materials with cost per item;

5 2. Itemization of all labor with number of hours per operation
6 and cost per hour;

7 3. Itemization of all equipment with the type of equipment,
8 number of each type, cost per hour for each type, and number of
9 hours of actual operation for each type;

10 4. Itemization of insurance cost, bond cost, Social Security,
11 taxes, workers' compensation, employee fringe benefits and overhead
12 cost; and

13 5. Profit for the contractor.

14 J. 1. If a construction contract contains unit pricing, and
15 the change order pertains to the unit price, the change order will
16 not be subject to subsection A or B of this section.

17 2. When the unit price change does not exceed Twenty Thousand
18 Dollars (\$20,000.00), the unit price change order computation may be
19 based on an acceptable unit price basis in lieu of cost itemization
20 as required in paragraphs 1, 2, 3, 4 and 5 of subsection I of this
21 section.

22 3. When the unit price change exceeds Twenty Thousand Dollars
23 (\$20,000.00), any unit price for a new item established at or below
24 the average eighteen-month-price history for the new item may be

1 used in lieu of cost itemization as required in paragraphs 1, 2, 3,
2 4 and 5 of subsection I of this section.

3 K. Alternates or add items bid with the original bid and
4 contained in the awarded contract as options of the awarding public
5 agency shall not be construed as change orders under the provisions
6 of the Public Competitive Bidding Act of 1974.

7 L. Where construction management at-risk is the project
8 delivery method, the limits established by subsections A and B of
9 this section shall be based upon the total cost of the project
10 rather than the cost of the individual trade contracts.

11 SECTION 5. AMENDATORY 61 O.S. 2021, Section 130, is
12 amended to read as follows:

13 Section 130. A. The provisions of the Public Competitive
14 Bidding Act of 1974 with reference to notice and bids shall not
15 apply to an emergency if:

16 1. The governing body of a public agency declares by a two-
17 thirds (2/3) majority vote of all of the members of the governing
18 body that an emergency exists;

19 2. The Transportation Commission and the Oklahoma Tourism and
20 Recreation ~~Commission~~ Executive Director, by majority vote of all
21 the members of ~~each~~ the Commission, and by the authority granted to
22 the Executive Director of the Oklahoma Tourism and Recreation
23 Department, declare that an emergency exists; or

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1 3. The chief administrative officer of a public agency without
2 a governing body declares that an emergency exists.

3 B. The governing body of a public agency may, upon approval of
4 two-thirds (2/3) majority of all of the members of the governing
5 body, delegate to the chief administrative officer of a public
6 agency the authority to declare an emergency whereby the provisions
7 of the Public Competitive Bidding Act of 1974 with reference to
8 notice and bids shall not apply to contracts less than One Hundred
9 Fifty Thousand Dollars (\$150,000.00) in amount; provided, such
10 authority of the Department of Transportation and the Oklahoma
11 Turnpike Authority shall not extend to any contract exceeding Seven
12 Hundred Fifty Thousand Dollars (\$750,000.00) in amount and such
13 authority of the Department of Corrections shall not extend to any
14 contract exceeding Two Hundred Fifty Thousand Dollars (\$250,000.00)
15 in amount for situations in which the emergency impacts the
16 conditions of confinement, health and safety of correctional
17 officers and inmates in the custody of the Department of
18 Corrections.

19 C. Upon approval of a two-thirds (2/3) majority vote, the
20 Oklahoma Conservation Commission may delegate to the Executive
21 Director the authority to declare an emergency and set a monetary
22 limit for the declaration. The provisions of this subsection may
23 only be used for the purpose of responding to an emergency involving
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1 the reclamation of abandoned coal mines or the repair of damaged
2 upstream floodwater retarding structures.

3 D. An emergency declared by the Board of Corrections pursuant
4 to subsection C of Section 65 of this title shall exempt the
5 Department of Corrections from the limits which would otherwise be
6 imposed pursuant to subsection B of this section for the contracting
7 and construction of new or expanded correctional facilities.

8 E. The chief administrative officer of a public agency with a
9 governing body shall notify the governing body within ten (10) days
10 of the declaration of an emergency if the governing body did not
11 approve the emergency. The notification shall contain a statement
12 of the reasons for the action, and shall be recorded in the official
13 minutes of the governing body.

14 F. Emergency as used in this section shall be limited to
15 conditions resulting from a sudden unexpected happening or
16 unforeseen occurrence or condition whereby the public health or
17 safety is endangered.

18 G. The chief administrative officer of a public agency shall
19 report an emergency within ten (10) days of the emergency
20 declaration and include the official minutes of the governing body
21 of the public agency, if applicable, to the State Construction
22 Administrator of the Construction and Properties Division of the
23 Office of Management and Enterprise Services who shall compile an
24 annual report detailing all emergencies declared pursuant to this

1 section during the previous calendar year. The report shall be
2 submitted to the Governor, the President Pro Tempore of the Senate,
3 and the Speaker of the House of Representatives.

4 SECTION 6. AMENDATORY 64 O.S. 2021, Section 1014, is
5 amended to read as follows:

6 Section 1014. A. The Commissioners of the Land Office may
7 invest the permanent school funds in real property owned or acquired
8 by the State of Oklahoma or the Oklahoma Tourism and Recreation
9 Department and under the jurisdiction of the Oklahoma Tourism and
10 Recreation ~~Commission~~ Department. The Commissioners of the Land
11 Office shall not invest more than three percent (3%) of the total
12 value of the permanent school funds in connection with this
13 investment.

14 B. The Commissioners of the Land Office are authorized to
15 acquire, exchange, and grant any real property under its
16 jurisdiction as is necessary to carry out the investment in the real
17 property.

18 C. The Commissioners of the Land Office may carry out the
19 investment as authorized in this section only if the investment
20 complies with all provisions of the Oklahoma Constitution related to
21 preservation and use of the permanent school fund and with all other
22 trust requirements under law related to investment of the fund.

23 D. Any investment in or acquisition, exchange or grant of any
24 real property by the Commissioners of the Land Office relating to

1 the Texoma State Park, Lake Texoma Lodge or any real property in the
2 area owned by the Oklahoma Tourism and Recreation Department shall
3 be subject to the following provisions:

4 1. Employees at Texoma State Park and/or Lake Texoma Lodge who
5 have a minimum of two (2) years' continuous service with the
6 Oklahoma Tourism and Recreation Department at Texoma State Park
7 and/or Lake Texoma Lodge on the date of the facilities' closure
8 shall have the opportunity to obtain employment with any successor
9 operator of a resort or park facility located on the lands held by
10 the Oklahoma Tourism and Recreation Department on the effective date
11 of this act, provided such employees are qualified and eligible for
12 any such employment. Further, the Oklahoma Tourism and Recreation
13 Department is hereby directed to develop a severance package for all
14 such employees affected by any closure of facilities as provided for
15 in this section;

16 2. Any investment in or acquisition, exchange or grant of real
17 property authorized by this section shall ensure a fair return to
18 the Oklahoma Tourism and Recreation Department to be distributed as
19 provided for in paragraph 3 of this subsection;

20 3. All proceeds to the Oklahoma Tourism and Recreation
21 Department from any such investment in or acquisition, exchange or
22 grant of state property in the park shall be reinvested in the
23 Texoma area in projects that enhance the visitor experience or
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1 augment the public facilities available to visitors as provided for
2 in Section 1852.3 of Title 74 of the Oklahoma Statutes;

3 4. Any such investment in or acquisition, exchange or grant of
4 state property must lead to the highest and best use of the
5 property;

6 5. Existing concessionaires in and around the park shall be
7 consulted and given opportunities to participate in any and all
8 business opportunities and improvements resulting from such
9 investment in or acquisition, exchange or grant of real property.
10 The private investments of existing concessionaires in and around
11 the park shall be given due consideration by any state agency that
12 is a party to any investment in or acquisition, exchange or grant of
13 real property authorized by this act; and

14 6. Any such investment in or acquisition, exchange or grant of
15 any real property shall include a provision to ensure the Oklahoma
16 Department of Tourism and Recreation grants to the Lake Texoma
17 Association the real property that includes the association's
18 headquarters and that the association be allowed to remain at its
19 current location.

20 SECTION 7. AMENDATORY 68 O.S. 2021, Section 4405, is
21 amended to read as follows:

22 Section 4405. No proceeds from the levy of any sales tax
23 imposed by a county or a municipality shall be affected by the
24 provisions of the Lake Murray Area Infrastructure Support Act and

1 the proceeds from any such levy shall be collected and remitted as
2 required by the Oklahoma Sales Tax Code. The distribution of the
3 revenues shall be made in accordance with all applicable
4 requirements of law with respect to such sales tax levies. The
5 provisions of the Lake Murray Area Infrastructure Support Act shall
6 not be applicable and shall not have the force or effect of law
7 unless the Oklahoma Tourism and Recreation ~~Commission~~ Department
8 approves an agreement for the leasing of certain real property,
9 including, but not limited to the existing Lake Murray State Lodge
10 facility to another entity for the purpose of operation and
11 development of lodge facilities within the Lake Murray resort area.

12 SECTION 8. AMENDATORY 68 O.S. 2021, Section 50015, is
13 amended to read as follows:

14 Section 50015. A. There is hereby created an Oklahoma Tourism
15 Promotion Advisory Committee which shall advise the Oklahoma Tourism
16 and Recreation Department on matters of statewide tourism promotion.
17 The Committee shall consist of thirteen (13) members and one ex
18 officio nonvoting member as follows:

- 19 1. Chair of the Senate Tourism Committee, or designee;
- 20 2. Chair of the House of Representatives Tourism and Recreation
21 Committee, or designee;
- 22 3. President of the Oklahoma Travel Industry Association, or
23 designee;

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1 4. President of the Oklahoma Lakes and Countries Association,
2 or designee;

3 5. Member of the Oklahoma Tourism and Recreation Commission,
4 selected by the Oklahoma Tourism and Recreation ~~Commission~~ Executive
5 Director, whose occupation shall be in the tourism industry;

6 6. President of the Oklahoma Hotel/Motel Association, or
7 designee;

8 7. President of the Oklahoma Restaurant Association, or
9 designee;

10 8. Representative of the City Convention and Tourism Bureau or
11 a representative of a municipal chamber of commerce, appointed by
12 the Oklahoma Tourism and Recreation Commission;

13 9. Director of the Oklahoma Arts Council, or designee;

14 10. Representative of the tour operator or travel agent sector,
15 appointed by the Oklahoma Tourism and Recreation ~~Commission~~
16 Department;

17 11. Representative of the transportation sector, including but
18 not limited to, airlines, bus companies, car rental business,
19 appointed by the Oklahoma Tourism and Recreation ~~Commission~~
20 Department;

21 12. Executive Director of the Oklahoma Historical Society, or
22 designee; and

23 13. Director of the Native American Cultural and Educational
24 Authority, or designee.

1 The Director of the Travel Promotion Division of the Oklahoma
2 Tourism and Recreation Department, or designee, shall serve as the
3 ex officio nonvoting member.

4 B. The initial appointed members shall be appointed on or
5 before January 1, 1988. The term of office of each appointed member
6 shall be for one (1) year and end on December 31 of each year, but
7 all members shall hold office until their successors are appointed.

8 C. The membership shall annually elect a chair and vice-chair
9 of the Committee, each of whom shall serve for a term of one (1)
10 fiscal year and until their successor is elected, and who shall
11 perform such duties as the Committee directs.

12 D. The members of the Committee shall receive no compensation
13 for their services or reimbursements for any expenses incurred.

14 E. The Committee shall hold at least four regular meetings each
15 calendar year at a place and time to be fixed by the Oklahoma
16 Tourism and Recreation ~~Commission~~ Department.

17 SECTION 9. AMENDATORY 74 O.S. 2021, Section 500.2, is
18 amended to read as follows:

19 Section 500.2 A. Officials and employees of the state,
20 traveling on authorized state business, may be reimbursed for
21 expenses incurred in such travel in accordance with the provisions
22 of the State Travel Reimbursement Act and existing statutes relating
23 to state travel. Persons who are not state employees, but who are
24 performing substantial and necessary services to the state which

1 have been directed or approved by the appropriate department
2 official shall enjoy the protection of the sovereign immunity of the
3 state to the same extent as a paid employee. Such persons may be
4 reimbursed for expenses incurred during authorized official travel
5 under these same statutory provisions, provided it is indicated on
6 the claim the person is not a state employee, a description of
7 services performed is entered, and the agency head by approval of
8 the claim certifies such services were substantial and necessary,
9 and germane to the duties and functions of the reimbursing agency.
10 Travel expenses incurred by a person during the course of seeking
11 employment with a state agency, unless such travel is performed at
12 the request of the employing agency, shall not be considered
13 expenses incurred in performing substantial and necessary services
14 to the state and shall not be reimbursed under the provisions of the
15 State Travel Reimbursement Act.

16 B. The chief administrative officer of the Department of Public
17 Safety, the Oklahoma State Bureau of Investigation, the Oklahoma
18 State Bureau of Narcotics and Dangerous Drugs Control, the Military
19 Department of the State of Oklahoma, the Department of Corrections,
20 the Office of Management and Enterprise Services, the Alcoholic
21 Beverage Laws Enforcement Commission, the Oklahoma Department of
22 Agriculture, Food, and Forestry, the Oklahoma Department of
23 Emergency Management, the State Fire Marshal, and the State
24 Department of Health may arrange for and charge meals and lodging

1 for a contingent of state personnel moved into an area for the
2 purpose of preserving the public health, safety, or welfare or for
3 the protection of life or property. The cost for meals or lodging
4 so charged shall not exceed the amount authorized in the State
5 Travel Reimbursement Act. The chief administrative officer of each
6 agency involved in such an operation shall require the vendor
7 furnishing meals, lodging, or both meals and lodging to submit an
8 itemized statement for payment. When a claim for lodging is made
9 for a contingent of state personnel, individual members of the
10 contingent may not submit a claim for lodging. When a claim for
11 meals is made for a contingent of state personnel, individual
12 members of the contingent may not submit a claim for meals.

13 C. The Oklahoma Department of Commerce, the Oklahoma Center for
14 the Advancement of Science and Technology, and the Oklahoma
15 Department of Agriculture, Food, and Forestry are hereby authorized
16 to enter into contracts and agreements for the payment of food,
17 lodging, meeting facility and beverage expenses as may be necessary
18 for sponsoring seminars and receptions relating to economic
19 development and science and technology issues. Such expenses may be
20 paid directly to the contracting agency or business establishment.
21 The Director of the Oklahoma Department of Commerce, the President
22 of the Oklahoma Center for the Advancement of Science and
23 Technology, and the Commissioner of Agriculture shall each provide a
24 quarterly report of such expenditures to the Governor, the Speaker

1 of the House of Representatives and the President Pro Tempore of the
2 Senate.

3 D. The Native American Cultural and Educational Authority is
4 hereby authorized to enter into contracts and agreements for the
5 payment of food, lodging, and meeting facility as may be necessary
6 to pursue the promotion of fundraising, marketing, and development
7 of Native American educational programs and cultural projects, or to
8 sponsor luncheons, seminars, and receptions relating to Native
9 American educational, cultural, museum, and economic development
10 issues. Such expenses may be paid directly to the contracting
11 agency or business establishment. The Executive Director of the
12 Native American Cultural and Educational Authority shall provide a
13 monthly report of expenditures to the Native American Cultural and
14 Educational Authority Board.

15 E. For purposes of this section:

16 1. "State agency" means any constitutionally or statutorily
17 created state board, commission, or department, including the
18 Legislature and the Courts;

19 2. State agencies are authorized to enter into contracts and
20 agreements for the payment of food and lodging expenses as may be
21 necessary for employees or other persons who are performing
22 substantial and necessary services to the state by attending
23 official conferences, meetings, seminars, workshops, or training
24 sessions or in the performance of their duties. Such expenses may

1 be paid directly to the contracting agency or business
2 establishment, provided the meeting qualifies for overnight travel
3 for the employees and the cost for food and lodging for each
4 employee shall not exceed the total daily rate as provided in the
5 State Travel Reimbursement Act;

6 3. State agencies are authorized to enter into contracts and
7 agreements for the payment of conference registration expenses as
8 may be necessary for employees or other persons who are performing
9 substantial and necessary services to the state by attending
10 official conferences, meetings, seminars, workshops, or training
11 sessions. Such expenses may be paid directly to the contracting
12 agency or business establishment; and

13 4. State agencies are authorized to enter into contracts and
14 agreements for the payment of food and lodging expenses as may be
15 necessary for employees attending an official course of instruction
16 or training conducted or sponsored by any state agency. Expenses
17 may be paid directly to the contracting agency or business
18 establishment. The cost for food and lodging for each employee
19 shall not exceed the total daily rate as provided in the State
20 Travel Reimbursement Act.

21 F. State agencies are authorized to make direct purchases of
22 commercial airline tickets for use by employees in approved out-of-
23 state travel. Each claim or invoice submitted to the Director of
24 the Office of Management and Enterprise Services for the payment of

1 the purchase shall bear the airline identifying ticket number, the
2 name of the airline, total cost of each ticket purchased, class of
3 accommodation and name of the employee for whom the ticket was
4 purchased, and shall be filed on claim forms as prescribed by the
5 Director of the Office of Management and Enterprise Services. The
6 employee shall sign an affidavit stating that the employee used a
7 direct purchase commercial airline ticket received for his or her
8 approved out-of-state travel, or in lieu of the affidavit, the
9 employee may file a travel claim in connection with said airline
10 flight.

11 G. 1. The Director of the Office of Management and Enterprise
12 Services is hereby authorized to enter into contracts and agreements
13 for the payment of food, lodging, and other authorized expenses as
14 may be necessary to host, conduct, sponsor, or participate in
15 conferences, meetings, or training sessions. The Director may
16 establish accounts as necessary for the collection and distribution
17 of funds, including funds of sponsors and registration fees, related
18 to such conferences, meetings, and training sessions. Expenses
19 incurred may be paid directly to the contracting agency or business
20 establishment.

21 2. The cost of food for persons attending any conferences,
22 meetings, and training sessions that do not require overnight travel
23 shall not exceed the total daily rate as provided in the State
24 Travel Reimbursement Act.

1 H. 1. The Commissioner of the Department of Mental Health and
2 Substance Abuse Services is hereby authorized to enter into
3 contracts and agreements for the payment of food, lodging, and other
4 authorized expenses as may be necessary to host, conduct, sponsor,
5 or participate in conferences, meetings, or training sessions. The
6 Commissioner may establish accounts as necessary for the collection
7 and distribution of funds, including funds of sponsors and
8 registration fees, related to such conferences, meetings, and
9 training sessions. Any expenses incurred may be paid directly to
10 the contracting agency or business establishment.

11 2. The cost of food for persons attending any conferences,
12 meetings, and training sessions that do not require overnight travel
13 shall not exceed the total daily rate as provided in the State
14 Travel Reimbursement Act.

15 I. The Oklahoma Indigent Defense System is hereby authorized to
16 enter into contracts and agreements for the payment of lodging as
17 necessary for employees to carry out their duties in representing
18 any client whom the System has been properly appointed to represent.
19 Such expenses may be paid directly to the contracting agency or
20 business establishment. The cost for lodging for each employee
21 shall not exceed the daily rate as provided in the State Travel
22 Reimbursement Act.

23 J. The Oklahoma Tourism and Recreation Department is hereby
24 authorized to enter into contracts and agreements for the payment of

1 food, lodging, and meeting facility and beverage expenses as may be
2 necessary for seminars and receptions relating to familiarization
3 tours and tourism development. The expenses may be paid directly to
4 the contracting agency or business establishment. The Executive
5 Director of the Oklahoma Tourism and Recreation Department shall
6 provide a monthly report of any such expenditures to the Oklahoma
7 Tourism and Recreation ~~Commission~~ Department.

8 K. The Oklahoma Tourism and Recreation Department is hereby
9 authorized to enter into contracts and agreements for the payment of
10 exhibitor fees and display space charges at expositions to promote
11 the Department's recreational facilities and the tourism and
12 recreation industry. The expenses may be paid directly to the
13 contracting agency or business establishment; provided that no
14 payment shall be made prior to the event unless it conveys a
15 property right to the state for future availability and use.

16 L. 1. The Oklahoma Highway Safety Office of the Department of
17 Public Safety is hereby authorized to enter into contracts and
18 agreements for the payment of food, lodging, and other authorized
19 expenses as may be necessary, to host, conduct, sponsor, or
20 participate in highway-safety-related conferences, workshops,
21 seminars, meetings, or training sessions. The payments shall be for
22 all persons in attendance, including, but not limited to, employees
23 of political subdivisions or employees of the state or federal
24 government. For purposes specified in this paragraph, only federal

1 highway safety funds may be used in accordance with federal
2 guidelines and regulations, and no appropriated state funds shall be
3 used.

4 2. The cost of food for persons attending any highway safety
5 conferences, workshops, seminars, meetings, and training sessions
6 that do not require overnight travel shall not exceed the total
7 daily rate as provided in the State Travel Reimbursement Act.

8 M. 1. The Director of the Oklahoma State Bureau of
9 Investigation is hereby authorized to enter into contracts and
10 agreements for the payment of food, lodging and other authorized
11 expenses as may be necessary to host, conduct, sponsor or
12 participate in any conference, meeting, training session or
13 initiative to promote the mission and purposes of the Bureau. The
14 payments may be for all persons in attendance, including, but not
15 limited to, employees of political subdivisions or employees of the
16 state or federal government.

17 2. The cost of food for persons that do not require overnight
18 travel shall not exceed the total daily rate as provided in the
19 State Travel Reimbursement Act.

20 N. The Oklahoma Homeland Security Director is hereby authorized
21 to enter into contracts and agreements for the payment of food,
22 lodging and other authorized expenses as may be necessary to host,
23 conduct, sponsor, or participate in homeland-security-related
24 conferences, meetings, workshops, seminars, exercises or training

1 sessions. The expenses may be paid directly to the contracting
2 agency or business establishment.

3 O. The State Department of Education is hereby authorized to
4 enter into contracts and agreements for the payment of food, lodging
5 and other authorized expenses as may be necessary to host, conduct,
6 sponsor or participate in conferences, meetings or training
7 sessions. The State Department of Education may establish accounts
8 as necessary for the collection and distribution of funds, including
9 funds of sponsors and registration fees, related to such
10 conferences, meetings and training sessions. Any expenses incurred
11 may be paid directly to the contracting agency or business
12 establishment.

13 P. 1. The Insurance Commissioner of the Insurance Department
14 of the State of Oklahoma is hereby authorized to enter into
15 contracts and agreements for the payment of food, lodging, and other
16 authorized expenses as may be necessary to host, conduct, sponsor,
17 or participate in conferences, meetings, or training sessions. The
18 Commissioner may establish accounts as necessary for the collection
19 and distribution of funds, including funds of sponsors and
20 registration fees, related to such conferences, meetings, and
21 training sessions. Any expenses incurred may be paid directly to
22 the contracting agency or business establishment.

23 2. The cost of food for persons attending any conferences,
24 meetings, and training sessions that do not require overnight travel

1 shall not exceed the total daily rate as provided in the State
2 Travel Reimbursement Act.

3 Q. 1. The State Regents for Higher Education is hereby
4 authorized to enter into contracts and agreements for the payment of
5 food, lodging, and other authorized expenses as may be necessary to
6 host, conduct, sponsor, or participate in conferences, meetings, or
7 training sessions. The State Regents for Higher Education may
8 establish accounts as necessary for the collection and distribution
9 of funds, including funds of sponsors and registration fees, related
10 to such conferences, meetings, and training sessions. Any expenses
11 incurred may be paid directly to the contracting agency or business
12 establishment.

13 2. The cost of food for persons attending any conferences,
14 meetings, and training sessions that do not require overnight travel
15 shall not exceed the total daily rate as provided in the State
16 Travel Reimbursement Act.

17 R. 1. The Office of Educational Quality and Accountability is
18 hereby authorized to enter into contracts and agreements for the
19 payment of food, lodging, and other authorized expenses as may be
20 necessary to host, conduct, sponsor, or participate in conferences,
21 meetings, or training sessions. The Office of Educational Quality
22 and Accountability may establish accounts as necessary for the
23 collection and distribution of funds, including funds of sponsors
24 and registration fees, related to such conferences, meetings, and

1 training sessions. Any expenses incurred may be paid directly to
2 the contracting agency or business establishment.

3 2. The cost of food for persons attending any conferences,
4 meetings, and training sessions that do not require overnight travel
5 shall not exceed the total daily rate as provided in the State
6 Travel Reimbursement Act.

7 S. 1. The Department of Securities is hereby authorized to
8 enter into contracts and agreements for the payment of food,
9 lodging, meeting facility, facilitator fees and travel expenses,
10 exhibitor fees and other authorized expenses as may be necessary to
11 host, conduct, sponsor or participate in conferences, meetings,
12 training sessions or initiatives promoting or otherwise relating to
13 investor education. The Department of Securities may establish
14 accounts as necessary for the collection and distribution of funds,
15 including funds of sponsors and registration fees, relating to such
16 conferences, meetings, training sessions or initiatives. The
17 payments may be for all persons in attendance, including, but not
18 limited to, employees of the state or federal government or
19 employees of political subdivisions of the state, including
20 employees of boards of public education. Expenses incurred may be
21 paid directly to the contracting agency or business establishment.

22 2. The cost of food for persons attending any conferences,
23 meetings and training sessions that do not require overnight travel
24

1 shall not exceed the total daily rate as provided in the State
2 Travel Reimbursement Act.

3 3. The Department of Securities is hereby authorized to pay
4 stipends to teachers participating in the investor education program
5 and monetary achievement awards to select participating students.
6 No appropriated state funds shall be used.

7 T. 1. The Oklahoma Department of Veterans Affairs is hereby
8 authorized to enter into contracts and agreements for the payment of
9 food, lodging, meeting facility, beverage and other authorized
10 expenses as may be necessary to host, conduct, sponsor or
11 participate in seminars, receptions, conferences, meetings or
12 training sessions relating to the support of veterans and the
13 development of veterans' services. Expenses incurred may be paid
14 directly to the contracting agency or business establishment. The
15 Executive Director of the Oklahoma Department of Veterans Affairs
16 shall provide a monthly report of any such expenditures to the
17 Oklahoma Veterans Commission.

18 2. The cost of food for persons attending any conferences,
19 meetings and training sessions that do not require overnight travel
20 shall not exceed the total daily rate as provided in the State
21 Travel Reimbursement Act.

22 U. Whenever possible it shall be the policy of each state
23 agency to prepay airline fares and lodging expenses using a purchase
24 card issued to the agency. This policy shall apply to instances

1 where employees of the agency are traveling on behalf of state
2 government.

3 SECTION 10. AMENDATORY 74 O.S. 2021, Section 500.18, is
4 amended to read as follows:

5 Section 500.18 A. Except for members of the Legislature, the
6 Governor and the Lieutenant Governor, provisions of Sections 500.1
7 through 500.18 of this title shall be mandatory for all officials
8 and employees of all departments, boards, commissions and
9 institutions of the state, regardless of the provisions of any other
10 act of the Legislature, except as provided by this section. The
11 enactment of any measure in the future providing for travel
12 reimbursement of state officers and employees on the basis of
13 "actual and necessary" expenses or in any other manner inconsistent
14 with Sections 500.1 through 500.18 of this title shall be deemed to
15 provide for reimbursement in accordance with Sections 500.1 through
16 500.18 of this title unless a contrary intent is explicitly
17 expressed in this section. Sections 500.1 through 500.18 of this
18 title shall not apply, however, to travel reimbursements made by
19 political subdivisions of this state, except as otherwise provided
20 by law.

21 B. The agencies listed below are authorized certain exceptions
22 and/or exemptions to the provisions of Sections 500.1 through 500.18
23 of this title to the extent specified:

24 1. Oklahoma Department of Agriculture, Food, and Forestry:

1 a. The actual and reasonable expenses of travel and
2 subsistence in pursuing and developing markets for
3 Oklahoma agricultural products incurred by the
4 Commissioner, Deputy Commissioner and such employees
5 designated by the State Board of Agriculture within
6 the marketing development programs of the Oklahoma
7 Department of Agriculture, Food, and Forestry shall be
8 reimbursed to the employee incurring such expenses.
9 Reimbursement of such expenses shall be in accordance
10 with rules adopted by the Board. Expenses claimed
11 shall, prior to reimbursement, be reviewed by the
12 Board at a regular meeting and individually approved
13 or disapproved.

14 b. The actual and necessary expenses of out-of-state
15 travel and subsistence incurred by employees of the
16 Forestry Division authorized to evaluate and acquire
17 federal excess property or surplus property in other
18 states for use in its fire protection program, shall
19 be reimbursed to the employee incurring such expenses.

20 2. Department of Public Safety:

21 When traveling with the Governor or at the Governor's request,
22 personnel assigned by the Commissioner for executive security and
23 pilots on executive assignment shall be allowed their actual and
24

1 necessary traveling expenses, upon claims approved by the
2 Commissioner.

3 3. Department of Corrections:

4 The Department of Corrections shall be exempt from limitations
5 of reimbursement for rented automobiles, as set forth in Section
6 500.5 of this title, when the rental is by a Correctional Officer or
7 Transportation Officer for the limited purpose of transporting
8 inmates. Reimbursement for the expense shall be on the basis of
9 actual cost.

10 4. Oklahoma Tourism and Recreation Department:

11 The Oklahoma Tourism and Recreation Commission and Department
12 staff who promote in-state and out-of-state business for Oklahoma's
13 state-operated or state-owned parks, lodges, and golf courses and
14 the tourism and recreation industry, may be reimbursed for the
15 actual and necessary expense of travel, subsistence and
16 entertainment for this purpose. The Executive Director of the
17 Oklahoma Tourism and Recreation Department may reimburse the
18 Publisher of Oklahoma Today magazine and its staff for expenses for
19 meals and other entertainment in order to gain advertising and
20 promotion for Oklahoma Today magazine.

21 5. Oklahoma Department of Commerce:

22 a. The actual and necessary expenses incurred by the
23 Director and other employees of the Department
24 authorized by the Director for the purpose of business

1 recruitment shall be reimbursed. Reimbursement of
2 expenses shall be in accordance with rules adopted by
3 the Director of the Oklahoma Department of Commerce.
4 Expenses claimed shall, prior to reimbursement, be
5 reviewed by the Director and individually approved or
6 disapproved.

7 b. The Department, at the discretion of the Director, may
8 charter aircraft for the purposes of carrying out its
9 duties and responsibilities related to business
10 recruitment and performing the duties of the Director.
11 The cost of such charter shall be exempt from the
12 provisions of Section 500.6 of this title. Claims
13 filed with the Office of Management and Enterprise
14 Services shall bear the following certification:
15 The best interests of the citizens of Oklahoma were
16 better served in that conventional ground
17 transportation was not practical or feasible for this
18 trip, aircraft from the Department of Public Safety
19 were not available for this trip, and no other claim
20 has been or will be filed as a payment for the cost of
21 transportation in connection with this trip.

22 c. The Oklahoma Department of Commerce may reimburse the
23 Oklahoma Film and Music Office staff for the actual
24 and necessary expenses for meals and other

1 entertainment in order to promote the film and music
2 industries in this state. Reimbursement of all actual
3 and necessary expenses shall be in accordance with
4 rules adopted by the Oklahoma Department of Commerce.

5 6. Office of Management and Enterprise Services:

6 The actual and necessary expenses of travel and subsistence
7 incurred by the Director, any state employee approved by his or her
8 appointing authority, or state officials, for travel outside the
9 state in performance of duties related to bond financing shall be
10 reimbursed to the employee or state official incurring such
11 expenses. Reimbursement for lodging expenses shall be supported by
12 three telephone bids from hotels within a reasonable distance of the
13 activity for which the travel was approved.

14 7. Oklahoma Futures:

15 The actual and necessary expenses incurred by the members of
16 Oklahoma Futures in the performance of their duties shall be
17 reimbursed to the members incurring such expenses. Reimbursement of
18 all actual and necessary expenses shall be in accordance with rules
19 adopted by Oklahoma Futures.

20 8. Oklahoma Development Finance Authority:

21 The actual and necessary expenses incurred by the members and
22 employees of the Oklahoma Development Finance Authority in the
23 performance of their duties shall be reimbursed to the person
24

1 incurring such expenses. Reimbursement of all actual and necessary
2 expenses shall be in accordance with the bylaws of the Authority.

3 9. Oklahoma Center for the Advancement of Science and
4 Technology:

5 The actual and necessary expenses incurred by the members and
6 employees of the Oklahoma Center for the Advancement of Science and
7 Technology in the performance of their duties shall be reimbursed to
8 the person incurring such expenses. Reimbursement of all actual and
9 necessary expenses shall be in accordance with the bylaws of the
10 Center.

11 10. Center for International Trade Development:

12 The actual and necessary expenses of travel, lodging and
13 subsistence incurred by the Director and authorized employees of the
14 Center for International Trade Development for performance of their
15 duties for the purpose of business recruitment and assistance shall
16 be reimbursed to the person incurring such expenses. Reimbursement
17 of such expenses shall be in accordance with the rules adopted by
18 the Director of the Center for International Trade Development.
19 Expenses claimed shall be reviewed and individually approved or
20 disapproved, prior to reimbursement, first by the Director, and
21 finally by either the Vice President, Business and Finance of
22 Oklahoma State University or the President of Oklahoma State
23 University.

24 11. Oklahoma State Bureau of Investigation:

1 The actual and necessary expenses incurred by the Director and
2 other employees of the Bureau authorized by the Director as a result
3 of conducting investigations shall be reimbursed to each such
4 employee incurring the expenses. Reimbursement of the expenses
5 shall be in accordance with rules adopted by the Director of the
6 Oklahoma State Bureau of Investigation. Prior to reimbursement,
7 expenses claimed shall be reviewed by the Director and individually
8 approved or disapproved.

9 12. Department of Human Services:

10 a. The actual and necessary expenses of travel, lodging
11 and subsistence incurred by employees of the Legal
12 Division in the performance of their duties for the
13 purpose of representing the Department of Human
14 Services or any of its officials, employees,
15 institutions or hospitals at any proceeding including
16 depositions, held before any court, administrative
17 body or representative thereof, shall be reimbursed to
18 the employee incurring such expenses. Expenses
19 claimed shall be approved by the General Counsel and
20 the Director of Human Services prior to reimbursement.

21 b. The Department, at the discretion of the Director, may
22 charter aircraft when determined by the Director such
23 charter would be more practical or less expensive than
24 normal modes of transportation and when aircraft of

1 the Department of Public Safety are unavailable. The
2 costs of such charter shall be exempt from the
3 provisions of Section 500.6 of this title.

4 13. Oklahoma Health Care Authority:

5 The actual and necessary expenses of travel, lodging and
6 subsistence incurred by employees of the Legal Division in the
7 performance of their duties for the purpose of representing the
8 Authority or any of its officials or employees, at any proceeding
9 including depositions, held before any court, administrative body or
10 representative thereof, shall be reimbursed to the employee
11 incurring such expenses. Expenses claimed shall be approved by the
12 Administrator prior to reimbursement.

13 14. Oklahoma State Bureau of Narcotics and Dangerous Drugs
14 Control:

15 The actual and necessary expenses incurred by the Director and
16 other employees of the Bureau authorized by the Director as a result
17 of conducting investigations shall be reimbursed to each employee
18 incurring the expenses. Reimbursement of the expenses shall be in
19 accordance with rules adopted by the Director of the Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control. Prior to
21 reimbursement, expenses claimed shall be reviewed by the Director
22 and individually approved or disapproved.

23 15. University Hospitals:
24

1 The actual and necessary expenses of travel, lodging and
2 subsistence incurred by employees of the Legal Office in the
3 performance of their duties for the purpose of representing the
4 University Hospitals or any of its officials, employees,
5 institutions or hospitals at any proceeding including depositions,
6 held before any court, administrative body or representative
7 thereof, shall be reimbursed to the employee incurring such
8 expenses. Expenses shall be approved by the Chief Executive Officer
9 of the University Hospitals or by the University Hospitals
10 Authority.

11 16. Oklahoma Historical Society:

12 The actual and necessary expenses of travel, subsistence and
13 entertainment incurred by the Executive Director, Deputy Director
14 and any employees designated by the Executive Committee of the
15 Oklahoma Historical Society Board of Directors in pursuing and
16 developing programs and projects for the preservation and marketing
17 of Oklahoma history shall be reimbursed to the person incurring the
18 expenses. Reimbursement of expenses shall be in accordance with
19 rules adopted by the Oklahoma Historical Society Board of Directors.
20 Prior to reimbursement, expenses claimed shall be reviewed by the
21 Executive Committee at a regularly scheduled meeting and each claim
22 shall be individually approved or disapproved.

23 17. The Oklahoma Department of Mines:
24

1 The actual and necessary expenses of travel, lodging and
2 subsistence incurred by employees of the Department in the
3 performance of their duties for the purpose of representing the
4 Department or any of its officials or employees, at any proceeding,
5 hearing or meeting with federal agencies, boards, commissions,
6 congressional representatives, congressional committees or staff,
7 shall be reimbursed to the employee incurring such expenses.
8 Expenses claimed shall be approved by the Executive Director prior
9 to reimbursement.

10 18. The Office of Attorney General:

11 The actual and necessary expenses of travel, lodging and
12 subsistence incurred by its employees in the performance of their
13 duties for the purpose of representing the state, the Legislature,
14 any state board, agency or commission, or any employee or official
15 of the state entitled to representation, at any proceeding including
16 depositions, held before any court, administrative body or any
17 representative thereof, and the actual and necessary expenses
18 incurred by employees as a result of conducting investigations shall
19 be reimbursed to the employee incurring the expenses. The expenses
20 shall be approved by the Attorney General prior to reimbursement.

21 19. District Attorneys Council:

22 The actual and necessary expenses of travel, lodging and
23 subsistence incurred by each district attorney and other employees
24 of the district attorney authorized by the district attorney in the

1 performance of their duties for any district other than the district
2 for which they are employed for the purpose of representing the
3 state, any county, or any employee or official of the state entitled
4 to representation at any proceeding including depositions held
5 before any court, administrative body or any representative of a
6 court or administrative body, and the actual and necessary expenses
7 incurred as a result of conducting investigations shall be
8 reimbursed to each employee incurring the expenses. Reimbursement
9 of the expenses shall be in accordance with rules adopted by the
10 District Attorneys Council. Prior to reimbursement, expenses
11 claimed shall be reviewed by the Council and individually approved
12 or disapproved.

13 20. The Department of Securities:

14 The actual and necessary expenses of travel, lodging and
15 subsistence incurred by the Administrator and other employees of the
16 Department of Securities in the performance of their duties for the
17 purpose of representing the Department of Securities, at any
18 proceeding including depositions, held before any court,
19 administrative body or any representative thereof, conducting on-
20 site examinations, or conducting investigations, shall be reimbursed
21 to each employee incurring the expenses. The expenses shall be
22 approved by the Administrator of the Department of Securities prior
23 to reimbursement.

24 21. Corporation Commission:

1 The actual and necessary travel expenses incurred by the staff
2 of the Public Utility Division as a result of conducting audits
3 and/or reviews of utility service providers shall be reimbursed to
4 each such employee incurring the expense. Reimbursement of the
5 expenses shall be as set forth in procedures established by the
6 appointing authority.

7 22. The Department of Human Services:

8 Employees of the Department of Human Services shall be
9 reimbursed for their actual and necessary expenses of travel,
10 lodging and subsistence incurred in the performance of their duties
11 for the purpose of escorting and transporting children or adults in
12 the care or custody of the Department:

- 13 a. for out-of-state visitation, care, treatment and
14 placement of a child welfare client,
- 15 b. for out-of-state treatment for or placement of an
16 adult protective services client,
- 17 c. for out-of-state treatment for or placement of a
18 resident of a state resource center, or
- 19 d. for out-of-state treatment for or placement of an
20 individual with a developmental disability who is
21 living in the community in community residential
22 services.

23 Expenses claimed shall be approved by the appropriate Division
24 Administrator or Associate Director prior to reimbursement.

1 23. The Banking Department:

2 The actual and necessary expenses of travel and lodging incurred
3 by the Commissioner and other employees of the Banking Department in
4 the performance of their duties for the Banking Department shall be
5 paid or reimbursed by the Banking Department to each employee
6 incurring the expenses. The expenses shall be approved by the
7 Banking Commissioner prior to payment or reimbursement.

8 24. Oklahoma Office of Homeland Security:

9 The actual and necessary expenses of travel, lodging, and
10 subsistence incurred by the Oklahoma Homeland Security Director, as
11 a result of the duties and responsibilities of the Director, shall
12 be paid or reimbursed by the Oklahoma Office of Homeland Security.

13 25. The Grand River Dam Authority:

14 The actual and necessary expenses of travel and lodging incurred
15 by the Board of Directors and other employees of the district in the
16 performance of their duties for the Grand River Dam Authority shall
17 be paid or reimbursed by the district to each Director or employee
18 incurring the expenses. The expenses shall be approved by the
19 General Manager of the Grand River Dam Authority prior to payment or
20 reimbursement.

21 26. The Native American Cultural and Educational Authority:

22 The actual and necessary expenses incurred by the Directors and
23 employees of the Native American Cultural and Educational Authority
24

1 in performances of duties. The expenses shall be approved by the
2 Director prior to payment or reimbursement.

3 27. Oklahoma Department of Career and Technology Education:

4 The actual and necessary expenses incurred by the Director and
5 other employees of the Department, authorized by the Director, for
6 the purpose of business recruitment, training, and the provision of
7 technical assistance shall be reimbursed. Reimbursement of expenses
8 shall be in accordance with rules adopted by the State Board of
9 Career and Technology Education. Expenses claimed, prior to the
10 reimbursement, will be reviewed by the Board and individually
11 approved or disapproved.

12 C. The agencies listed in subsection B of this section shall be
13 required to report annually the actual expenses excepted or exempted
14 from Sections 500.1 through 500.18 of this title to the Governor,
15 the President Pro Tempore of the Senate, and the Speaker of the
16 House of Representatives. The report shall be submitted no later
17 than the first day of September following the end of each fiscal
18 year.

19 SECTION 11. AMENDATORY 74 O.S. 2021, Section 2202, is
20 amended to read as follows:

21 Section 2202. A. It shall be the purpose of the Commission and
22 the Department to:

23 1. Conserve and protect the parkland under the control of the
24 Commission;

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

3 3. Promote tourism by publicity and dissemination of
4 information;

5 4. Assist in promotion of events sponsored by municipalities,
6 associations, and organizations commemorating special events of
7 local or historical interest;

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

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

13 B. The ~~Commission~~ Executive Director shall determine or set
14 policy for the Department and shall determine the broad plans and
15 programs necessary to accomplish the duties and responsibilities in
16 the ~~Commission~~ Department.

17 SECTION 12. AMENDATORY 74 O.S. 2021, Section 2205, is
18 amended to read as follows:

19 Section 2205. The ~~Commission~~ Executive Director shall prepare
20 and submit to the Governor and to the Legislature on the first day
21 of each legislative session a report of the activities of the
22 Department, together with all information and data in the possession
23 of the Department as the ~~Commission~~ Executive Director shall deem of
24 value to the Governor, the Legislature and the people of the State

1 of Oklahoma. Each report may contain recommendations for
2 legislation as the ~~Commission~~ Executive Director may deem necessary
3 to give full effect to all the provisions of the Oklahoma Tourism,
4 Parks and Recreation Enhancement Act.

5 SECTION 13. AMENDATORY 74 O.S. 2021, Section 2207, is
6 amended to read as follows:

7 Section 2207. ~~Subject to the policies and rules of the~~
8 ~~Commission,~~ the The Executive Director shall:

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

11 2. Prepare and submit plans for administering the programs of
12 the ~~Commission~~ Department;

13 3. Prepare a personnel schedule, employ personnel, define
14 duties, appoint technicians and consultants, and fix salaries or
15 compensation;

16 4. Administer all policies formulated and adopted by the
17 ~~Commission~~ Department;

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

1 6. Develop and implement a pay incentive plan for employees of
2 the Department. Incentive pay shall not be included in the base
3 salary of an employee, and shall be based on the goals and
4 eligibility established by the ~~Commission~~ Executive Director on an
5 annual basis. Incentive pay shall not exceed ten percent (10%) of
6 the salary of each eligible employee or the total change in improved
7 financial performance for each facility over the previous fiscal
8 year. Such compensation shall not be subject to the requirements of
9 Section 840-2.17 of ~~Title 74 of the Oklahoma Statutes~~ this title.
10 The ~~Commission~~ Department shall promulgate rules for the
11 implementation of the plan; and

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

20 SECTION 14. AMENDATORY 74 O.S. 2021, Section 2208, is
21 amended to read as follows:

22 Section 2208. The Executive Director may authorize the use of
23 revolving fund income for entertainment and promotion expenses of
24 the Department, provided that the expenses are directly related to

1 business development for state-operated or state-owned facilities
2 and the furtherance of tourism in Oklahoma. In all cases, the
3 expenses shall be approved in advance by the Executive Director, be
4 audited by the fiscal officer for the Department on a monthly basis,
5 and submitted ~~to the Commission~~ as an item for information.

6 SECTION 15. AMENDATORY 74 O.S. 2021, Section 2210, is
7 amended to read as follows:

8 Section 2210. The Executive Director is hereby authorized to
9 employ an attorney as needed, within the total employee limit
10 authorized for the operation of the Department, on a full- or part-
11 time basis, to advise ~~the Commission,~~ the Executive Director and
12 other department personnel on legal matters and to appear for and
13 represent the ~~Commission~~ Department and the Executive Director in
14 administrative hearings and other legal actions and procedures
15 related to their official duties. Upon the request of the
16 ~~Commission or the~~ Executive Director, it shall be the duty of the
17 Office of the Attorney General to give an official opinion,
18 prosecute, and defend actions of the Commission or Department.

19 SECTION 16. AMENDATORY 74 O.S. 2021, Section 2211, is
20 amended to read as follows:

21 Section 2211. There are hereby created within the Oklahoma
22 Tourism and Recreation Department the Division of State Parks, the
23 Travel Promotion Division, "Oklahoma Today Magazine", and the
24 Division of Administrative Services; provided, however, the

1 ~~Commission~~ Executive Director shall have authority, by resolution,
2 to create other divisions and may, by resolution, combine or abolish
3 any or all such divisions, as deemed to be necessary to carry out
4 its duties under the Oklahoma Tourism, Parks and Recreation
5 Enhancement Act.

6 SECTION 17. AMENDATORY 74 O.S. 2021, Section 2212, is
7 amended to read as follows:

8 Section 2212. The ~~Commission~~ Department shall have the
9 authority to exercise the following powers, rights and privileges
10 related to state parks:

11 1. Have the exclusive possession and control of, and to operate
12 and maintain for the benefit of the people of the State of Oklahoma
13 all state parks and all lands and other properties now or hereafter
14 owned or leased by the state or Commission for park or recreational
15 purposes;

16 2. Acquire by purchase, exchange, lease, gift, condemnation, or
17 in any other manner and to maintain, use and operate any and all
18 property, real, personal or mixed, necessary or convenient to the
19 exercise of the powers, rights, privileges and functions conferred
20 upon it by the Oklahoma Tourism, Parks and Recreation Enhancement
21 Act. Title to all such property shall be vested in the State of
22 Oklahoma, although such property is sometimes herein referred to as
23 property "of the ~~Commission~~ Department". The power of condemnation
24 herein granted shall be exercised in the manner provided by the

1 general laws of the state for the condemnation of property by the
2 state;

3 3. Subject to the provisions of the Oklahoma Tourism, Parks and
4 Recreation Enhancement Act, from time to time lease, without
5 restriction as to term, any property which the ~~Commission~~ Department
6 shall determine to be necessary or convenient to more fully carry
7 into effect the duties and powers of said ~~Commission~~ Department; and

8 4. Acquire, conserve, protect, construct, extend, reduce,
9 improve, maintain and operate any and all facilities of all kinds
10 which in the judgment of the ~~Commission~~ Executive Director will
11 provide recreational or other facilities for the benefit of the
12 public, or which are necessary or convenient to the exercise of the
13 powers of the ~~Commission~~ Department.

14 SECTION 18. AMENDATORY 74 O.S. 2021, Section 2213, is
15 amended to read as follows:

16 Section 2213. The ~~Commission~~ Executive Director may contract
17 for the study, analysis, and planning as reasonably necessary to aid
18 in determining the feasibility of leasing, selling or privately
19 managing or developing the property or facilities under the control
20 of the ~~Commission~~ Department. The ~~Commission~~ Department shall be
21 exempt from the competitive bidding requirements of the Oklahoma
22 Central Purchasing Act for the purpose of soliciting, negotiating,
23 and effectuating such a contract or contracts.

24

1 SECTION 19. AMENDATORY 74 O.S. 2021, Section 2214, is
2 amended to read as follows:

3 Section 2214. A. Any person, natural or corporate, who submits
4 a bid on a contract for work or services, or for the furnishing of
5 materials, equipment, or supplies, or for the sale of any other
6 thing of value where a contract is involved, shall submit, at the
7 time of contract execution, a performance bond in such form and
8 amount as may be required by the ~~Commission~~ Executive Director, or
9 any existing statutory provision. Any lessee leasing any portion of
10 a state park, lake, or recreation area under the authority of any
11 law shall submit a performance bond in such form and amount as may
12 be required by the ~~Commission~~ Executive Director. All such bonds
13 shall be in such form as is approved by law for other performance
14 bonds made to the State of Oklahoma, and shall be deposited with the
15 Secretary of State. This section is cumulative to existing law, and
16 is intended to require performance security for contracts and leases
17 involving state parks, lakes, and recreation areas in those
18 instances where no such bonds or other securities are presently
19 required by law.

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

23 SECTION 20. AMENDATORY 74 O.S. 2021, Section 2215, is
24 amended to read as follows:

1 Section 2215. The Division of State Parks shall, subject to the
2 policies and rules of the ~~Commission~~ Department:

3 1. Conserve, preserve, plan, supervise, construct, enlarge,
4 reduce, improve, maintain, equip and operate parkland and public
5 recreation facilities including, but not limited to, lodges, cabins,
6 camping sites, scenic trails, picnic sites, golf courses, boating,
7 and swimming facilities under the jurisdiction and control of the
8 Commission. All facilities in state parks shall be reasonably
9 necessary and useful in promoting the public use of state parks and
10 shall be in accord with the resource management plan for the
11 respective park;

12 2. Supervise the management and use of state properties and
13 facilities under the jurisdiction of the ~~Commission~~ Department, with
14 an emphasis on conserving, protecting, and enhancing the natural,
15 ecological, historic, cultural, and other resources contained in
16 each park and to provide for the public enjoyment of and access to
17 these resources in a manner which will protect them for future
18 generations;

19 3. Formulate, establish, maintain, and periodically review with
20 public participation a resource management plan for each state park.
21 The resource management plan, upon approval by the ~~Commission~~
22 Executive Director, shall be considered a guide for the development,
23 utilization, protection, and management of the state park and its
24 natural, cultural, historic, and recreational resources;

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

6 5. Enforce the rules and policies governing the use of and
7 conduct of patrons in all recreational facilities and properties of
8 the ~~Commission~~ Department. The ~~Commission~~ Department may adopt
9 rules to lease concessions in any state-owned facility if the
10 ~~Commission~~ Department deems it feasible.

11 SECTION 21. AMENDATORY 74 O.S. 2021, Section 2216, is
12 amended to read as follows:

13 Section 2216. Park Rangers, subject to the policies of the
14 ~~Commission~~ Department, shall:

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

18 2. Secure the parks and property of the Department and maintain
19 law and order therein;

20 3. Maintain the powers of peace officers except the serving or
21 execution of civil process, have in all parts of the state the same
22 powers with respect to criminal matters and enforcement of the laws
23 relating thereto as sheriffs, highway patrolmen and police officers
24 in their respective jurisdictions and possess all immunities and

1 matters of defense now available or hereafter made available to
2 sheriffs, the highway patrol, and police officers in any suit
3 brought against them resulting from acts done in the course of their
4 employment;

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

7 5. Serve a probationary period of twelve (12) months. The
8 Division of State Parks Director may extend the probationary period
9 for up to three (3) additional months provided that the employee and
10 the Office of Management and Enterprise Services are notified in
11 writing as to such action and the reasons therefor. At any time
12 during a probationary period the employment of a park ranger may be
13 terminated in accordance with Department procedure and at the
14 discretion of the Director of State Parks. Retention of the
15 employee, after expiration of the probationary period, shall entitle
16 the employee to be classified as a permanent employee;

17 6. Provide law enforcement protection and enforcement pursuant
18 to the terms of interlocal agreements authorized by the ~~Commission~~
19 Department with other entities of government or federally recognized
20 tribes in the state; and

21 7. Remain in the Oklahoma Law Enforcement Retirement System if
22 promoted to the Park Manager job family classification series,
23 provided they maintain their certification specified in Section 3311
24 of Title 70 of the Oklahoma Statutes, perform the requisite training

1 required by the Chief Park Ranger, and meet all other requirements,
2 policies, and rules of the Department and laws of the state.

3 SECTION 22. AMENDATORY 74 O.S. 2021, Section 2219, is
4 amended to read as follows:

5 Section 2219. A. The ~~Commission~~ Department may offer for sale,
6 sell and execute oil and gas leases, and other mineral and mining
7 leases, on any of the lands of the state under the control and
8 supervision of the ~~Commission~~ Department, provided, the development
9 of land for the purpose leased shall not unduly interfere with the
10 purpose for which the land is being used by the state.

11 B. The ~~Commission~~ Department may promulgate additional rules,
12 as are necessary and for the best interest of the state to
13 facilitate the sale of the leases. The ~~Chair of the Commission~~
14 Executive Director shall execute the leases for and on behalf of the
15 ~~Commission~~ Department, and the ~~Chair~~ Executive Director shall be
16 liable on the official bond for failure to faithfully discharge such
17 duties. The sale of leases shall be made upon the basis of a
18 retained royalty of not less than one-eighth (1/8) of all oil, gas,
19 casinghead gas, and other minerals produced from the lands covered
20 by the leases and any additional cash bonus procured. Provided,
21 however, if the state owns less than one hundred percent (100%) of
22 the oil, gas, casinghead gas and other minerals covered by any such
23 lease, the royalty retained shall not be less than one-eighth (1/8)
24 of the mineral interest.

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

11 D. Revenues derived from the sale of oil and gas leases and
12 other mineral leases shall be dedicated to the improvement of state
13 park facilities and property to include, but not limited to, the
14 conservation, protection, and rehabilitation of state parkland, the
15 preservation of historic properties under the jurisdiction of the
16 ~~Commission~~ Department, and master planning of state park properties.

17 SECTION 23. AMENDATORY 74 O.S. 2021, Section 2220, is
18 amended to read as follows:

19 Section 2220. A. The ~~Commission~~ Department may prescribe and
20 collect reasonable rates and fees pursuant to the provisions of this
21 section for the services, facilities and commodities rendered by all
22 property of the ~~Commission~~ Department.

23 1. The ~~Commission~~ Department may establish maximum rates for
24 rooms at the state lodges and cabins, for recreational activities,

1 for recreational vehicles and camping sites, and for community
2 facilities under control of the ~~Commission~~ Department. The method
3 whereby the rates are determined shall be 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~~, the Department shall submit a copy of the proposed
7 rates, for informational purposes, to the Governor, Speaker of the
8 House of Representatives and President Pro Tempore of the Senate.
9 Any change in the rates during the year when the Legislature is not
10 in session shall be reported in writing to the Governor, Speaker of
11 the House of Representatives and President Pro Tempore of the Senate
12 within five (5) business days of such ~~Commission~~ action.

13 2. The ~~Commission~~ Department may establish maximum charges for
14 all activities at state-owned golf courses. The charges may vary
15 among the different golf courses according to the practices of the
16 golf industry. The method whereby the maximum charges are
17 determined shall be in accordance with rules promulgated pursuant to
18 Article I of the Administrative Procedures Act. At least twenty
19 (20) days prior to the adoption or approval of any rate changes ~~by~~
20 ~~the Commission~~, the Department shall submit a copy of such proposed
21 charges, for informational purposes, to the Governor, Speaker of the
22 House of Representatives and President Pro Tempore of the Senate.

23 3. The ~~Commission~~ Department may establish entrance or day-use
24 charges for the state park system. All monies collected from

1 entrance or day-use charges shall be used at the state parks where
2 the charges were collected. The ~~Commission~~ Department may establish
3 an annual pass, or other varied passes as appropriate to that park,
4 for visitors. The method whereby the maximum charges are
5 determined, sold, and collected shall be in accordance with rules
6 promulgated pursuant to Article I of the Administrative Procedures
7 Act. At least twenty (20) days prior to the adoption or approval of
8 any rate changes ~~by the Commission~~, the Department shall submit a
9 copy of such proposed charges, for informational purposes, to the
10 Governor, Speaker of the House of Representatives and President Pro
11 Tempore of the Senate.

12 4. Fees shall be promulgated pursuant to Article I of the
13 Administrative Procedures Act.

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

16 B. All fees, licenses and other charges shall be posted in a
17 convenient place in each park. Every person using any of the
18 facilities in a park shall be charged the same fees, licenses and
19 every other charge except:

20 1. Residents of this state sixty-two (62) years of age and over
21 and their spouses shall not be charged any admission fees for
22 entrance into any state-owned and -operated park. The ~~Commission~~
23 Department may promulgate rules establishing different fees for
24 residents and nonresidents sixty-two (62) years of age and over.

1 Identification may be established by presentation of proof of age,
2 residency, a state driver license, a state license for
3 identification only, birth certificate or any other form of
4 identification authorized ~~by the Commission;~~

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

9 3. Children's groups, volunteer groups as specified by the
10 ~~Commission~~ Department, or governmental entities that provide
11 beneficial services at the facility for which the fee may be reduced
12 or waived; and

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

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

19 SECTION 24. AMENDATORY 74 O.S. 2021, Section 2221, is
20 amended to read as follows:

21 Section 2221. A. The ~~Commission, through the Department,~~ is
22 authorized to promote state-owned, lleased, or operated facilities.
23 The Department may utilize specific promotion programs such as the
24 provision of complimentary rooms, package-rate plans, group rates,

1 guest incentive sales programs, entertainment of prospective guests,
2 employee-information programs, golf promotional programs as well as
3 other sales and promotion programs considered acceptable in the
4 hospitality industry, in the travel industry, or the regional
5 magazine industry are approved as necessary advertising and
6 promotion expenses.

7 B. In order to best carry out the duties and responsibilities
8 of the Department and to serve the people of the state in the
9 promotion of tourism and tourism economic development, the
10 Department may enter into partnerships for promotional programs and
11 projects with a private person, firm, corporation, organization or
12 association. The Department may enter into contracts or agreements
13 under terms to be mutually agreed upon to carry out the promotional
14 programs and projects, excluding the advertising contract by the
15 Department which utilizes the Tourism Promotion Tax or acquisition
16 of land or buildings. The contracts or agreements may be negotiated
17 and shall not be subject to the provisions of the Oklahoma Central
18 Purchasing Act or the Public Competitive Bidding Act of 1974.

19 C. All contracts or agreements entered into as partnerships for
20 promotional projects or programs by the Department shall be approved
21 by the ~~Commission~~ Executive Director.

22 SECTION 25. AMENDATORY 74 O.S. 2021, Section 2222, is
23 amended to read as follows:

24

1 Section 2222. A. The ~~Commission~~ Department may sell real
2 estate owned by the State of Oklahoma or the Department that is
3 surplus to its use and under the jurisdiction of the ~~Commission~~
4 Department located within McCurtain County and situated within the
5 Cedar Creek area of Hochatown State Park.

6 B. The ~~Commission and~~ Department shall not be subject to the
7 provisions of Section ~~129.4~~ 327 of Title ~~74~~ 61 of the Oklahoma
8 Statutes for the sale. All monies received from the sale of the
9 property, except those monies necessary to pay the expenses incurred
10 pursuant to the sale, shall be deposited in the Oklahoma Tourism and
11 Recreation Department Revolving Fund 215 ("215 Fund"). Revenue
12 derived from such real estate sale deposited to the fund shall be
13 utilized for the benefit of Hochatown State Park or Beavers Bend
14 State Park. Such real estate sale shall not be subject to the
15 provisions of Section 456.7 of ~~Title 74 of the Oklahoma Statutes~~
16 this title.

17 SECTION 26. AMENDATORY 74 O.S. 2021, Section 2223, is
18 amended to read as follows:

19 Section 2223. A. The ~~Commission~~ Department may sell real
20 estate and personal property owned or acquired by the State of
21 Oklahoma or the Department, now or in the future, and under the
22 jurisdiction of the Commission located within Marshall County and
23 situated within Texoma State Park.

24

1 B. The sale of real estate and personal property authorized
2 pursuant to subsection A of this section shall be subject to all
3 existing easements and reservations of record. The ~~Commission or~~
4 Department shall transfer any interests held including, but not
5 limited to licenses, operating permits and leasehold interests to a
6 subsequent purchaser.

7 C. The ~~Commission and~~ Department shall not be subject to the
8 provisions of ~~Section 129.4 of Title 74~~ Section 327 of Title 61 of
9 the Oklahoma Statutes for such sale. All monies received from the
10 sale of these properties, except those monies necessary to pay the
11 expenses incurred pursuant to the sale, shall be deposited in the
12 Oklahoma Tourism and Recreation Department Revolving Fund 215 ("215
13 Fund"). Revenue derived from such real estate and personal property
14 sale deposited to the fund shall be utilized for the benefit of the
15 state park system. Such real estate and personal property sale
16 shall not be subject to the provisions of Section 456.7 of ~~Title 74~~
17 ~~of the Oklahoma Statutes~~ this title.

18 D. For every developed acre of land containing recreational
19 vehicle campgrounds and other campgrounds that is sold pursuant to
20 this section, an equivalent amount of replacement land shall be
21 selected by the Oklahoma Tourism and Recreation Department in a
22 suitable area at Lake Texoma or in the vicinity, and developed to
23 provide comparable outdoor public recreation facilities for
24 operation as part of the Oklahoma state park system.

1 SECTION 27. AMENDATORY 74 O.S. 2021, Section 2224, is
2 amended to read as follows:

3 Section 2224. The ~~Commission~~ Department may transfer to any
4 city, county, or other agency of government, which is a willing
5 recipient, its interest in real and personal property owned by the
6 State of Oklahoma or the Department and operated and maintained
7 under the jurisdiction of the ~~Commission~~ Department. Such real
8 estate transfers shall not be subject to Section 456.7 ~~or 129.4~~ of
9 ~~Title 74~~ this title or Section 327 of Title 61 of the Oklahoma
10 Statutes or any provision of state law relative to disposition of
11 real estate. Such real estate transfers shall be subject to the
12 following provisions:

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

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

21 3. The ~~Commission~~ Department shall transfer the property to the
22 recipient by quit-claim deed or other instrument as may be
23 appropriate;

24

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

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

7 6. The ~~Commission~~ Executive Director shall provide written
8 notice to the President Pro Tempore of the Senate and the Speaker of
9 the House of Representatives detailing any such proposed transfer
10 agreement to be entered into pursuant to this section no later than
11 thirty (30) days prior to the first day of the legislative session.
12 The ~~Commission~~ Department shall approve such proposed transfer
13 during the legislative session to be effective at the beginning of
14 the next fiscal year, contingent upon the approval of the proposed
15 transfer by the Legislature.

16 SECTION 28. AMENDATORY 74 O.S. 2021, Section 2225, is
17 amended to read as follows:

18 Section 2225. A. The Oklahoma Tourism and Recreation
19 ~~Commission~~ Department is encouraged to explore the potential
20 benefits of not-for-profit foundations for support of state parks.
21 Such support from a not-for-profit foundation shall not substitute
22 for the obligation of the state to support the natural resources
23 infrastructure of the state, but shall serve only as a supplement to
24 state funding and as a means to further assist the Oklahoma Tourism

1 and Recreation Department in preserving the natural resources and
2 historical, educational, and cultural facilities of significance in
3 the state.

4 B. There is hereby authorized the establishment of a not-for-
5 profit state park foundation for the purpose of encouraging
6 contributions by private individuals, companies, foundations,
7 corporations, and others in the private and public sectors.
8 Contributions shall be utilized for the support, preservation, and
9 development of state park properties. This support, preservation,
10 and development shall include, but is not limited to, preservation
11 of historic facilities, development of educational and interpretive
12 programs, materials, and other means of support.

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

- 15 1. That solicits money or property in the name of any state
16 park under the jurisdiction of the Commission; and
- 17 2. Which is exempt from federal income taxes.

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

21 E. No employee of the Department shall be a voting member of a
22 state park foundation board. Members of the Commission may serve on
23 the board of a state park foundation, but shall not constitute a
24 majority of the members of the board of the foundation. No member

1 of the Commission serving on the board or an employee of the
2 Department serving as an ex officio member of the board shall be
3 compensated by the foundation for service as a member of the
4 foundation board.

5 F. A state park foundation created pursuant to this section
6 shall not be an entity of state government. No state funds shall be
7 deposited in any account owned or controlled by a state park
8 foundation.

9 SECTION 29. AMENDATORY 74 O.S. 2021, Section 2226, is
10 amended to read as follows:

11 Section 2226. The Oklahoma Transportation Commission shall
12 construct, maintain and repair those roads and parking areas in
13 state parks as specified by the ~~Commission~~ Executive Director.

14 SECTION 30. AMENDATORY 74 O.S. 2021, Section 2228, is
15 amended to read as follows:

16 Section 2228. The Oklahoma Wildlife Conservation Commission and
17 the Oklahoma Tourism and Recreation ~~Commission~~ Department may
18 authorize, by written agreement or agreements between the
19 ~~Commissions~~ Commission and Department, hunting in designated state
20 parks or designated portions of state parks under the administrative
21 control of the Oklahoma Tourism and Recreation ~~Commission~~
22 Department, excluding Lake Murray State Park. The agreement or
23 agreements shall be made with the advice of the Attorney General's
24 office and shall contain the duration, terms and conditions of the

1 hunting authorization, a list of species to be hunted and permitted
2 firearms, a map designating the specific land areas to be open to
3 hunting and shall provide for the administration of the designated
4 area or areas by the Oklahoma Wildlife Conservation Commission for
5 so long as hunting is authorized under the provisions of the
6 agreement or agreements. All areas to be open to hunting shall be
7 clearly marked by signs to designate the open and closed areas.

8 SECTION 31. AMENDATORY 74 O.S. 2021, Section 2229, is
9 amended to read as follows:

10 Section 2229. The ~~Commission~~ Executive Director is authorized
11 to negotiate with the duly constituted authorities of the municipal
12 corporation of Davis, in Murray County, to purchase from the
13 municipal corporation the property now owned by it and known as
14 Turner Falls, and other contiguous properties in Murray County, for
15 a state park, provided that said municipal authorities shall, by
16 resolution, declare said property no longer suitable for municipal
17 park purposes and beyond the fiscal means of the corporation
18 properly to maintain as such. In the event of said purchase, the
19 property shall be known as Turner Falls State Park.

20 SECTION 32. AMENDATORY 74 O.S. 2021, Section 2232, is
21 amended to read as follows:

22 Section 2232. The ~~Commission, through the Department,~~ may
23 sponsor, promote and implement an annual statewide tourism and
24 recreation industry conference to promote the tourism and recreation

1 industry. The Department is authorized to partner with private
2 entities for the administration and execution of the conference.
3 The Department is hereby authorized to charge registration and
4 exhibit space fees necessary to cover the costs of the conference
5 and shall deposit the fees plus any other conference proceeds,
6 including donated funds, into an agency special account to be
7 created by the Special Agency Account Board. Expenditure of monies
8 from the agency special account shall be for purposes incidental to
9 the tourism and recreation industry conference, and be approved by
10 the ~~Commission~~ Executive Director.

11 SECTION 33. AMENDATORY 74 O.S. 2021, Section 2234, is
12 amended to read as follows:

13 Section 2234. A. The Department, with the approval of the
14 ~~Commission~~ Executive Director, shall develop rules to administer any
15 of the matching funds derived from the Department for the allowable
16 expenditures of multicounty organizations. The rules shall be
17 developed in accordance with this section and shall be adopted by
18 the ~~Commission~~ Department. As used in the Oklahoma Tourism, Parks
19 and Recreation Enhancement Act:

20 1. "Multicounty organization" means a nonprofit organization
21 which satisfies the following requirements:

22 a. its primary purpose is to promote the tourism
23 attributes of a multiple-county region which is
24 identified as a tourism "country" or "lake" area, or

1 any other organization participating in the matching
2 funds program on July 1, 2001,

3 b. it is governed by a board of directors elected by the
4 membership of the organization,

5 c. it is governed by a board of directors which equitably
6 represents the counties within the multiple-county
7 region,

8 d. it has an administrator of operations position who is
9 not an elected director,

10 e. it utilizes income from private sector sources as the
11 basis for funding its administrative and promotion
12 expenses, and

13 f. it has provided to the Department an independent and
14 certified financial audit for the preceding fiscal
15 year;

16 2. "Administrative expenditure" means expenditures for the
17 administration of fund raising and tourism promotion.

18 Administrative expenditures shall include salaries, payroll taxes,
19 insurance, personal services contracts, travel expenses not to
20 exceed the amounts provided in the State Travel Reimbursement Act,
21 rent, lease or purchase of facilities, office supplies, telephone
22 and electronic communications and multicounty organization audit
23 costs;

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

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

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

17 6. "Tourism promotion expenditure" means an expenditure for the
18 preparation, printing, publication and distribution of media
19 advertising in brochures, news and publicity materials, travel
20 posters, mailing pieces, newspapers, magazines, television, radio,
21 billboards, advertising and promotional specialties, exhibit space
22 and displays at trade shows and conventions and the expenses for
23 operating such exhibits, including travel expenses, not to exceed
24 amounts provided for in the State Travel Reimbursement Act, the cost

1 of a travel writer, travel agent, tour broker and tour operator
2 familiarization tours into the State of Oklahoma, and registration
3 fees for an annual tourism and recreation industry conference with
4 the purpose of attracting tourists or generating travel or tourism
5 activity within the state or multicounty organization areas. The
6 amount expended within the multicounty organization area for tourism
7 promotion shall not exceed fifty percent (50%) of the total of
8 allowable expenditures and allocated matching funds.

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

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

24

1 D. Matching funds for the allowable expenditures shall be based
2 upon actual expenditures by the multicounty organization less any
3 discount, refund, or rebate to the multicounty organization.
4 Multicounty organizations shall use a State of Oklahoma Notarized
5 Claim Form with all applicable statements and affidavits to request
6 matching funds for the allowable expenditures.

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

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

18 2. Prepare an annual Statement of Income and Expense showing
19 all deposits to the account maintained with the financial
20 institution and all withdrawals from the account with the financial
21 institution for the period covered by the annual income and expense
22 statement;

23 3. May enter into a contract with a person or legally organized
24 business entity for the solicitation of advertising revenue in a

1 promotional periodical publication and for the publication and
2 distribution of the periodical emphasizing the attributes of sites,
3 scenes, businesses and attractions located within the area for which
4 the multicounty organization is responsible if:

5 a. the person or legally organized business entity
6 provides a detailed written disclosure to the
7 multicounty organization of its actual costs incurred
8 in performance of the contract on a periodic basis
9 during the period prescribed in the contract for
10 performance which disclosure shall be at least
11 quarterly,

12 b. the multicounty organization ensures that the actual
13 cost of publication for the promotional periodical is
14 printed in at least 10-point type somewhere in the
15 body of the publication,

16 c. the multicounty organization ensures that the person
17 or legally organized business entity performing
18 services on behalf of the multicounty organization
19 identifies to the multicounty organization each
20 purchaser of advertising in the multicounty
21 organization promotional periodical, the amount of
22 money paid for advertising in the promotional
23 periodical, and the size or other relevant
24

1 characteristics of the material purchased for
2 publication in the promotional periodical,

3 d. the person or legally organized business entity
4 soliciting advertising revenue may not advance or
5 deposit their own funds as a means of securing
6 matching state funds, and such acts shall be deemed as
7 fraud, subject to prosecution, and

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

1 verification that the funds collected by or on behalf
2 of the multicounty organization were expended for:

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

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

1 2. Any funds collected on behalf of the multicounty
2 organization for advertisements in the promotional periodical shall
3 be paid to the multicounty organization within twenty (20) working
4 days after collection by any entity acting on behalf of the
5 multicounty organization for solicitation of advertising revenue.
6 The multicounty organization shall deposit any funds paid to it
7 within five (5) working days of receipt.

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

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

21 1. Not be the same person or entity that performs bookkeeping,
22 controllership or management functions, or other accounting services
23 for the multicounty organization;

24

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

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

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

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

19 SECTION 34. AMENDATORY 74 O.S. 2021, Section 2240, is
20 amended to read as follows:

21 Section 2240. A. The Oklahoma Tourism and Recreation
22 Department shall establish a cost and revenue reporting system for
23 all budget activities and subactivities of the Department.

24

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

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

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

19 The audit may be conducted in accordance with Section 213.2 of
20 ~~Title 74 of the Oklahoma Statutes~~ this title.

21 3. The internal auditors of the Department shall conduct
22 internal audits of Department facilities and programs pursuant to
23 the provisions of Section 228 of ~~Title 74 of the Oklahoma Statutes~~
24 this title.

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

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

9 D. The ~~Commission~~ Executive Director shall provide notice to
10 Department employees affected by this section of the prohibited acts
11 and the penalties pursuant to the provisions of this section.

12 SECTION 35. AMENDATORY 74 O.S. 2021, Section 2243, is
13 amended to read as follows:

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

22 SECTION 36. AMENDATORY 74 O.S. 2021, Section 2244, is
23 amended to read as follows:

24

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

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

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

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

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

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

20 D. The Department shall not be required to purchase furniture,
21 fixtures and equipment, and soft goods associated with the decor of
22 the state parks, lodges, golf, and tourism information center
23 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 37. AMENDATORY 74 O.S. 2021, Section 2245, is
4 amended to read as follows:

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

10 1. The debtor has been discharged from bankruptcy or is
11 insolvent;

12 2. The debtor cannot be found or is deceased; or

13 3. A collection agency has indicated its inability to collect
14 the debt.

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

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

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

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 38. AMENDATORY 74 O.S. 2021, 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 for all purposes of
12 the Oklahoma Tourism, Parks and Recreation Enhancement Act. All
13 official action taken by the ~~Commission~~ Department shall be taken
14 through the adoption of appropriate resolutions.

15 SECTION 39. AMENDATORY 74 O.S. 2021, Section 2249, is
16 amended to read as follows:

17 Section 2249. The monies of the ~~Commission~~ Department, except
18 monies appropriated by the Legislature, shall be disbursed only by
19 checks, drafts, orders or other instruments signed by such persons
20 as shall be authorized to sign the same by the bylaws or by
21 appropriate resolution. The ~~general manager, if any,~~ Executive
22 Director and all other officers, agents and employees of the
23 ~~Commission~~ Department who shall be charged with the collection,
24 custody, or payment of any funds of the ~~Commission~~ Department shall

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

8 SECTION 40. AMENDATORY 74 O.S. 2021, Section 2250, is
9 amended to read as follows:

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

16 SECTION 41. AMENDATORY 74 O.S. 2021, Section 2251, is
17 amended to read as follows:

18 Section 2251. There is hereby created in the State Treasury a
19 revolving fund for the Department to be designated the "Oklahoma
20 Tourism and Recreation Department Revolving Fund". The fund shall
21 consist of all monies received by the Department pursuant to the
22 provisions of this act, monies derived from the sale or conveyance
23 of real property under the jurisdiction of the ~~Commission~~
24 Department, and interest attributable to investment of money in the

1 fund. The revolving fund shall be a continuing fund not subject to
2 fiscal year limitations and shall be under the administrative
3 direction of the Department. Expenditures from the fund created by
4 this section shall be for the administration, operation, and
5 maintenance expenses of the Department, for purchase of real
6 property, and shall be made pursuant to the laws of this state and
7 the statutes relating to the Department. Expenditures from said
8 fund shall be made upon warrants issued by the State Treasurer
9 against claims filed as prescribed by law with the Director of the
10 Office of Management and Enterprise Services for approval and
11 payment.

12 SECTION 42. AMENDATORY 74 O.S. 2021, Section 2253, is
13 amended to read as follows:

14 Section 2253. There is hereby created in the State Treasury a
15 revolving fund for the Oklahoma Tourism and Recreation Department to
16 be designated the "Tourism and Recreation Environmental Loan
17 Proceeds Revolving Fund". The fund shall be a continuing fund, not
18 subject to fiscal year limitations, and shall consist of all monies
19 received from the State Revolving Fund loan programs as administered
20 by the Oklahoma Water Resources Board designated specifically for
21 the purposes of reimbursements, construction, repair, remediation,
22 or improvement of eligible facilities under the jurisdiction of the
23 Oklahoma Tourism and Recreation ~~Commission~~ Department. The fund
24 shall be under the administrative direction of the Oklahoma Tourism

1 and Recreation Department. All monies accruing to the credit of the
2 fund may be budgeted and expended by the Oklahoma Tourism and
3 Recreation Department for the purpose of constructing, repairing,
4 remediating, improving loan eligible projects, reimbursing the
5 Department for eligible planning and design expenses, or paying for
6 associated loan financing requirements. Expenditures from the fund
7 shall be made upon warrants issued by the State Treasurer against
8 claims filed as prescribed by law with the Director of the Office of
9 Management and Enterprise Services for approval and payment.

10 SECTION 43. AMENDATORY 74 O.S. 2021, Section 2256, is
11 amended to read as follows:

12 Section 2256. A. The ~~Commission~~ Department shall have the
13 power and is authorized to issue negotiable bonds in anticipation of
14 the collection of all or any part of its revenues, not to exceed
15 Five Million Dollars (\$5,000,000.00), for the purpose of
16 constructing, reconstructing, improving, bettering or extending any
17 properties which it is authorized to maintain or operate hereunder.
18 The ~~Commission~~ Department shall pledge all or any part of the
19 revenues derived from the operation of the parks controlled and
20 operated by the ~~Commission~~ Department to the payment of the interest
21 and principal of such bonds.

22 B. The bonds authorized by this section shall be authorized by
23 ~~resolution of the Commission~~ the Executive Director and may, as
24 provided in such resolution:

- 1 1. Be issued in one or more series;
- 2 2. Bear such date or dates and may mature at such time not
- 3 exceeding twenty-five (25) years from their respective dates;
- 4 3. Bear interest at a rate or rates not exceeding ten percent
- 5 (10%) per annum; and
- 6 4. Contain such terms, covenants and conditions.

7 C. The bonds authorized by this section may be sold in a manner
8 and upon terms as determined by the ~~Commission~~ Executive Director.
9 The interest cost yield to maturity of any issue of bonds shall not
10 exceed ten percent (10%) per annum, payable semiannually.

11 D. Any resolution authorizing the issuance of bonds under this
12 act may contain covenants including, but not limited to:

13 1. The purpose or purposes to which the proceeds of the sale of
14 bonds may be applied, and the deposit, use, and disposition thereof;

15 2. The use, deposit, securing of deposits, and disposition of
16 the revenues of the ~~Commission~~ Department, including the creating
17 and maintenance of reserves;

18 3. The issuance of additional bonds payable from revenues of
19 the ~~Commission~~ Department;

20 4. The operation and maintenance of properties of the
21 ~~Commission~~ Department;

22 5. The insurance to be carried thereon, and the use, deposit
23 and disposition of insurance monies;

24

1 6. Books of account and the inspection and audit thereof and
2 the accounting methods of the ~~Commission~~ Department;

3 7. The nonrendering of any free service by the ~~Commission~~
4 Department except for promotional activities as deemed in this act;
5 and

6 8. The preservation of the properties of the ~~Commission~~
7 Department so long as any of the bonds remain outstanding, from any
8 mortgage, sale, lease or other encumbrances not specifically
9 permitted by the terms of the resolution.

10 E. At the discretion of the ~~Commission~~ Executive Director, any
11 bonds issued under the provisions of this act may be secured by a
12 trust indenture by and between the ~~Commission~~ Department and a
13 corporate trustee, which may be any trust company or bank having the
14 powers of a trust company within the state. Any trust indenture may
15 pledge or assign the revenues from the operation of properties of
16 the ~~Commission~~ Department, but shall not convey or mortgage any
17 properties, except such revenues. Any trust indenture or any
18 resolution providing for the issuance of such bonds may contain
19 provisions for protecting and enforcing the rights and remedies of
20 the bondholders as may be reasonable and proper and not in violation
21 of law, including covenants setting forth the duties of the
22 ~~Commission~~ Department in relation to:

1 1. The construction, improvement, maintenance, repair,
2 operation and insurance of the improvements in connection with which
3 such bonds shall have been authorized;

4 2. The custody, safeguarding and application of all monies; and

5 3. The employment of consulting engineers in connection with
6 the construction or operation of such improvements.

7 F. It shall be lawful for any bank or trust company
8 incorporated under the laws of the state, which may act as
9 depository of the proceeds of bonds or of revenues, to furnish
10 indemnifying bonds or to pledge securities as may be required by the
11 ~~Commission~~ Department. Any trust indenture may set forth the rights
12 and remedies of the bondholders and of the trustee, and may restrict
13 the individual right of action by bondholders as is customary in
14 trust agreements or trust indentures securing bonds and debentures
15 of corporations. In addition to the foregoing, any trust indenture
16 may contain other provisions as the ~~Commission~~ Executive Director
17 may deem reasonable and proper for the security of the bondholders.
18 All expenses incurred in carrying out the provisions of any trust
19 indenture may be treated as a part of the cost of operation of the
20 improvements for which the bonds are authorized.

21 G. Monies received pursuant to the authority of this act,
22 whether as proceeds from the sale of bonds or as revenues from the
23 operations of the properties which have been identified for bond
24 repayment purposes, shall be deemed to be trust funds, to be held

1 and applied solely as provided in this act. The resolution
2 authorizing the issuance of bonds of any issue, or the trust
3 indenture securing such bonds, shall provide that any officer to
4 whom, or any bank or trust company to which, the monies shall be
5 paid, shall act as trustee of the monies and shall hold and apply
6 the same for the purpose hereof, subject to such regulations as this
7 act and such resolution or trust indenture may provide.

8 SECTION 44. AMENDATORY 74 O.S. 2021, Section 2257, is
9 amended to read as follows:

10 Section 2257. The ~~Commission~~ Executive Director shall have the
11 power and is authorized to refund the outstanding series of the
12 revenue bonds authorized by this act. The ~~Commission~~ Department
13 shall pledge to the payment of the principal and interest of the
14 refunded bonds all or any part of the revenues derived from the
15 operation of the parks and lodges controlled and operated by the
16 ~~Commission~~ Department. If not prohibited by the terms of the
17 revenue bonds, interest earnings on construction funds may be
18 utilized by the ~~Commission~~ Department as provided by law.

19 SECTION 45. AMENDATORY 74 O.S. 2021, Section 2258, is
20 amended to read as follows:

21 Section 2258. Bonds bearing the ~~signatures~~ signature of
22 ~~Commission officers~~ the Executive Director on the date of the
23 signing thereof shall be valid and binding obligations,
24 notwithstanding that before the delivery of the bonds, any or all

1 the persons whose signatures appear thereon shall have ceased to be
2 ~~officers of the Commission~~ Executive Directors of the Department.
3 The validity of the bonds shall not be dependent upon nor affected
4 by the validity or regularity of any proceedings relating to the
5 construction, reconstruction, improvement, betterment or extension
6 of the properties for which the bonds are issued. The resolution
7 authorizing the bonds may provide that the bonds shall contain a
8 recital that they are issued pursuant to this act, which recital
9 shall be conclusive evidence of their validity and of the regularity
10 of their issuance.

11 SECTION 46. AMENDATORY 74 O.S. 2021, Section 2259, is
12 amended to read as follows:

13 Section 2259. A. The ~~Commission~~ Department shall prescribe and
14 collect reasonable rates, fees, tolls or charges for the services,
15 facilities and commodities rendered by all property of the
16 ~~Commission~~ Department, a portion of which, may be pledged to the
17 payment of bonds issued pursuant to this act. The ~~Commission~~
18 Department shall revise the rates, fees, tolls or charges from time
19 to time whenever necessary to ensure that the revenues to be derived
20 therefrom shall be fully sufficient to pay principal of and interest
21 on such bonds. The gross revenues derived by the ~~Commission~~
22 Department from the operation of any part or parts of the properties
23 of the ~~Commission~~ Department, but no revenues derived by the
24 ~~Commission~~ Department through legislative appropriation or from

1 sources other than operation of the properties of the ~~Commission~~
2 Department, may be pledged to the payment of principal and interest.
3 Notwithstanding any other provisions of law, the ~~Commission~~
4 Department may use money derived from annual legislative
5 appropriations on a year-to-year basis, as authorized by the
6 Legislature, to repay any obligations to the Oklahoma Water
7 Resources Board pursuant to Sections 1085.51 and 1085.71 et seq. of
8 Title 82 of the Oklahoma Statutes.

9 B. The ~~Commission~~ Department is hereby authorized to construct
10 improvements in several parks and authorize the issuance of bonds
11 for all such improvements, and to pledge for the payment of the
12 bonds and the interest thereon, revenues derived by the ~~Commission~~
13 Department from the operation of any or all of the parks in which
14 any consolidated bond issue has been authorized.

15 C. The ~~Commission~~ Department is further authorized to construct
16 state-of-the-art tourism information centers on interstate highways
17 including, but not limited to, entry points near the borders of the
18 state and major metropolitan areas, and authorize the issuance of
19 bonds for all construction projects, and to pledge for the payment
20 of such bonds and the interest thereon, revenues derived by the
21 ~~Commission~~ Department from the lease or operation of any or all of
22 the tourism information centers for which any such consolidated bond
23 issue has been authorized.

24

1 D. Any revenues which may be received by the ~~Commission~~
2 Department for the use of such buildings or improvements, in whole
3 or in part, shall be regarded as all other revenues of the
4 ~~Commission~~ Department and shall be subject to be pledged to the
5 payment of bonds issued hereunder. Each bond shall recite in
6 substance that such bond and the interest thereon is payable solely
7 from the revenues pledged to the payment thereof, and that such bond
8 does not constitute a debt of the ~~Commission~~ Department or of the
9 state within the meaning of any constitutional or statutory
10 limitation.

11 SECTION 47. AMENDATORY 74 O.S. 2021, Section 2260, is
12 amended to read as follows:

13 Section 2260. A. It may be provided in any resolution
14 authorizing bonds under this act that, in the event of a default in
15 the payment of principal or interest on the bonds or in the
16 performance of any agreement or covenant contained in the
17 resolution, and if such default shall have continued for a
18 prescribed period, then the holders of a specified percentage of the
19 outstanding bonds, or a trustee acting in their behalf, may for the
20 equal and proportional benefit of the holders of all of the bonds
21 and with or without possession thereof:

22 1. By mandamus or other suit, action or proceeding at law or in
23 equity, enforce all rights of the holders of the bonds;

24 2. Bring suit upon the defaulted bonds or coupons;

1 3. By action or suit in equity to require the ~~Commission~~
2 Department to act as if it were the trustee or an express trust for
3 the bondholders;

4 4. By action or suit in equity to enjoin any acts or things
5 which may be unlawful or in violation of the rights of the holders
6 of the bonds;

7 5. After notice to the ~~Commission~~ Department as the resolution
8 may provide, declare the principal of all of the bonds due and
9 payable; or

10 6. Apply as a matter of right for the appointment of a receiver
11 who may enter and take possession of all or any part of the
12 properties of the ~~Commission~~ Department and operate and maintain the
13 same and fix, collect and receive fees and charges for the use
14 thereof and services rendered thereby sufficient to provide revenues
15 adequate to carry out all of the provisions of the bond resolution
16 and the costs and disbursements of the proceeding and of the
17 receiver.

18 B. Subject to the provisions of the Constitution of the State
19 of Oklahoma, the courts of the county in which any of the real
20 estate controlled and operated by the ~~Commission~~ Department may be
21 located and the courts of Oklahoma County shall have jurisdiction of
22 any suit, action or proceeding and of all property involved therein.

23 SECTION 48. AMENDATORY 74 O.S. 2021, Section 2261, is
24 amended to read as follows:

1 Section 2261. Unless an action shall be filed in the Supreme
2 Court for validation of the bonds in the manner hereinafter
3 provided, no bonds shall be issued hereunder until a certified copy
4 of the proceedings authorizing the issuance thereof, together with
5 any other information which the Attorney General may require, shall
6 be submitted to the Attorney General. If the Attorney General finds
7 that such bonds have been authorized in accordance with law, the
8 Attorney General shall approve the bonds and shall execute a
9 certificate to that effect, which shall be filed in the office of
10 the State Auditor and Inspector. All bonds so approved by the
11 Attorney General, registered by the State Auditor and Inspector, and
12 issued in accordance with the approved proceedings shall be valid
13 and binding obligations of the ~~Commission~~ Department, and the bonds
14 and all of the provisions securing the bonds shall be incontestable
15 for any cause in any court in Oklahoma unless suit thereon shall be
16 brought in a court having jurisdiction within thirty (30) days from
17 the date of the approval.

18 SECTION 49. AMENDATORY 74 O.S. 2021, Section 2262, is
19 amended to read as follows:

20 Section 2262. Nothing in this act shall be construed to
21 authorize the ~~Commission~~ Department to mortgage or otherwise
22 encumber any of its property of any kind, except that the revenues
23 thereof may be pledged as herein provided.

24

1 SECTION 50. AMENDATORY 74 O.S. 2021, Section 2263, is
2 amended to read as follows:

3 Section 2263. All property controlled and operated by the
4 ~~Commission~~ Department shall at all times be exempted from forced
5 sale and nothing in this act shall authorize the sale of any
6 property under any judgment rendered in any suit, and such sales are
7 hereby prohibited.

8 SECTION 51. AMENDATORY 74 O.S. 2021, Section 2264, is
9 amended to read as follows:

10 Section 2264. All of the property controlled and operated by
11 the ~~Commission~~ Department and all bonds issued hereunder and the
12 interest thereon shall be exempt from taxation by the State of
13 Oklahoma or by any municipal corporation, county or other political
14 subdivision or taxing district of the state, except that the bonds
15 shall be subject to the payment of inheritance taxes.

16 SECTION 52. AMENDATORY 74 O.S. 2021, Section 2267, is
17 amended to read as follows:

18 Section 2267. The ~~Commission~~ Department may issue bonds under
19 this act for the purpose of refunding any obligations of the
20 ~~Commission~~ Department previously issued under this act, or may
21 authorize and deliver a single issue of bonds hereunder, in part for
22 the purpose of refunding such obligations and in part for the
23 acquisition of additional properties or improvements. Where bonds
24 are issued under this section solely for refunding purposes, such

1 bonds may either be sold as above provided or delivered in exchange
2 for the outstanding obligations. If sold, the proceeds may be
3 either applied to the payment of the obligations, refunded or
4 deposited in escrow for the retirement of the bond obligations.
5 Nothing contained in this act shall be construed to authorize the
6 refunding of any outstanding obligations which are not either
7 maturing, callable for redemption under their terms or voluntarily
8 surrendered by their holders for cancellation. All bonds issued
9 under this section shall in all respects be authorized, issued, and
10 secured in the manner provided for other bonds issued under this act
11 and shall have all of the attributes of such bonds. The ~~Commission~~
12 Department may provide that any refunding bonds shall have the same
13 priority of lien on the revenues pledged for their payment as was
14 enjoyed by the obligations which are refunded.

15 SECTION 53. AMENDATORY 74 O.S. 2021, Section 2268, is
16 amended to read as follows:

17 Section 2268. The ~~Commission~~ Department is authorized in its
18 discretion to file an application with the Supreme Court of Oklahoma
19 for the approval of any series of bonds to be issued hereunder, and
20 exclusive original jurisdiction is hereby conferred upon the Supreme
21 Court to hear and determine each such application. It shall be the
22 duty of the Court to give such applications precedence over the
23 other business of the Court and to consider and pass upon the
24 applications any protests which may be filed thereto as speedily as

1 possible. Notice of the hearing on each application shall be given
2 by a notice published in a newspaper of general circulation in the
3 state informing that, on a day named, the ~~Commission~~ Department will
4 ask the Court to hear its application and approve bonds. Such
5 notice shall inform all persons interested that they may file
6 protest against the issuance of the bonds and be present at the
7 hearing and contest the legality thereof. Such notice shall be
8 published one time not less than ten (10) days prior to the date
9 named for the hearing, and the hearing may be adjourned from time to
10 time in the discretion of the Court. If the Court shall be
11 satisfied that the bonds have been properly authorized in accordance
12 with this act and that when issued they will constitute valid
13 obligations in accordance with their terms, the Court shall render
14 its written opinion approving the bonds and shall fix the time
15 within which a petition for rehearing may be filed. The decision of
16 the Court shall be a judicial determination of the validity of the
17 bonds and shall be conclusive as to the ~~Commission~~ Department, its
18 officers and agents. Thereafter, the bonds so approved and the
19 revenue pledged to their payment and the provision and agreements
20 contained in the bond resolution for the security of such bonds
21 shall be incontestable in any court in the State of Oklahoma.

22 SECTION 54. AMENDATORY 74 O.S. 2021, Section 2269, is
23 amended to read as follows:

24

1 Section 2269. All revenues collected or received by the
2 ~~Commission~~ Department under the provisions hereof shall be held in a
3 separate fund or funds and deposited in a bank or banks as the
4 ~~Commission~~ Executive Director may direct, from time to time, and
5 need not be paid into the Oklahoma Tourism and Recreation Department
6 Revolving Fund. All revenues shall be subjected to payment out of
7 such fund or funds from time to time as the ~~Commission~~ Executive
8 Director may direct.

9 SECTION 55. AMENDATORY 74 O.S. 2021, Section 2271, is
10 amended to read as follows:

11 Section 2271. The ~~Commission~~ Department is hereby authorized
12 to:

13 1. Make and issue notes and bonds, and pledge revenues of the
14 ~~Commission~~ Department subject to the Oklahoma Bond Oversight and
15 Reform Act. The ~~Commission~~ Department revenue notes and bonds
16 issued under the provisions of this act shall not at any time be
17 deemed to constitute a debt of the state or of any political
18 subdivision thereof or a pledge of the faith and credit of the state
19 or of any political subdivision. Such notes and bonds shall be
20 payable solely from the revenues of the Department and any other
21 funds as may be provided by law for such payments and shall contain
22 on their face a statement to that effect; and

23
24

1 2. Arrange for guaranties or insurance of its notes and bonds
2 by the federal government or by any private insurer, and to pay any
3 premiums therefrom.

4 SECTION 56. AMENDATORY 74 O.S. 2021, Section 2272, is
5 amended to read as follows:

6 Section 2272. A. The ~~Commission~~ Department may provide by
7 resolution, from time to time, for the issuance of revenue notes and
8 bonds for its lawful purposes, in such amount or amounts as are
9 necessary, incidental, or convenient to the exercise of powers,
10 rights, privileges, and functions conferred upon it by this act or
11 other law. The principal of and interest on any indebtedness shall
12 be payable solely from the revenues of the Department and such other
13 funds as may be provided by law for such payments. The ~~Commission~~
14 Department may provide for credit enhancement as additional security
15 or liquidity for its notes and bonds and enter into such agreements
16 as may be necessary or appropriate to provide for the repayment of
17 any funds advanced by the provider of any such credit enhancement
18 including the payment of any fees and expenses incurred in
19 connection therewith. The notes and bonds of each issue shall bear
20 interest at fixed or variable rates and shall bear an average
21 interest rate comparable to other revenue notes and bonds of like
22 credit quality and maturity as prescribed by the State Bond Advisor
23 and shall mature at such time or times not exceeding thirty (30)
24 years from the date or dates of issue, as may be determined by the

1 ~~Commission~~ Department. The notes and bonds may be made redeemable
2 before maturity at the option of the ~~Commission~~ Department, at such
3 time or times and at such price or prices and pursuant to such terms
4 and conditions as may be fixed by the ~~Commission~~ Department prior to
5 the issuance of the notes and bonds. The ~~Commission~~ Department
6 shall determine the form of the notes and bonds and the manner of
7 execution thereof and shall fix the denominations of the notes and
8 bonds and the place or places of payment of principal and interest.
9 If any officer whose signature or facsimile of whose signature
10 appears on any notes and bonds shall cease to hold the office before
11 the delivery of the notes and bonds, the signature or the facsimile
12 shall nevertheless be valid and sufficient for all purposes, the
13 same as if the person had remained in the office until delivery.
14 All notes and bonds issued pursuant to the provisions of this act
15 shall have all the qualities and incidences of negotiable
16 instruments subject to the laws of this state. The ~~Commission~~
17 Department may sell the notes and bonds in such amounts and in such
18 manner, either at public or private sale, and for such price, as it
19 may determine to be in the best interests of the state. If the
20 notes and bonds are not sold by competitive bid, the sale must be
21 approved by the State Bond Advisor.

22 B. The ~~Commission~~ Department may, by resolution, provide for
23 the issuance of notes and bonds for the purpose of refunding notes
24 and bonds then outstanding, including the payment of any redemption

1 premium, any interest accrued to the date of redemption of the notes
2 and bonds, and for incurring additional indebtedness for its lawful
3 purposes. The issuance of such notes and bonds shall be governed by
4 the provisions of this act and the Oklahoma Bond Oversight and
5 Reform Act.

6 C. The ~~Commission~~ Department shall promulgate rules governing
7 the issuance of revenue bonds authorized pursuant to this act.

8 SECTION 57. AMENDATORY 74 O.S. 2021, Section 2273, is
9 amended to read as follows:

10 Section 2273. Before any bond shall be issued and delivered by
11 the ~~Commission~~ Department, a certified copy of the proceedings for
12 the issuance thereof, together with any other information which the
13 Attorney General of the State of Oklahoma may require shall be
14 submitted to the Attorney General. If the Attorney General shall
15 find that the notes and bonds have been issued in accordance with
16 the law, the Attorney General shall approve the notes and bonds and
17 execute a certificate to that effect. The Attorney General shall
18 file the certificates in the Office of the State Auditor and
19 Inspector, and the certificates shall be recorded in a record kept
20 for that purpose. All notes and bonds approved by the Attorney
21 General and issued in accordance with the approved proceedings shall
22 be valid and binding obligations of the ~~Commission~~ Department and
23 shall be incontestable from and after the date of such approval.

24

1 SECTION 58. AMENDATORY 74 O.S. 2021, Section 2274, is
2 amended to read as follows:

3 Section 2274. Revenue notes and bonds of the ~~Commission~~
4 Department issued pursuant to the provisions of this act shall not
5 constitute a debt of the state or of any political subdivision
6 thereof, or a pledge of the full faith and credit of the state, or
7 of any political subdivision thereof, but such notes and bonds shall
8 be payable solely from the funds provided therefrom. The forms of
9 the notes and bonds so issued shall contain on the face thereof a
10 statement to the effect that neither the state nor the ~~Commission~~
11 Department shall be obligated to pay the same or the interest
12 thereon except from the revenues of the Department pledged to the
13 payment of such notes and bonds and that neither the faith and
14 credit nor the taxing power of the state or any political
15 subdivision thereof is pledged, or may hereafter be pledged, to the
16 payment of the principal of or interest on the notes and bonds. The
17 notes and bonds so issued shall be exempt from taxation by the State
18 of Oklahoma and any political subdivision thereof, including the
19 income therefrom, and any gain from the sale thereof.

20 Notwithstanding any other provisions of law, the ~~Commission~~
21 Department may use money derived from annual legislative
22 appropriations on a year-to-year basis, as authorized by the
23 Legislature, to repay any obligations to the Oklahoma Water
24

1 Resources Board pursuant to Sections 1085.51 and 1085.71 et seq. of
2 Title 82 of the Oklahoma Statutes.

3 SECTION 59. AMENDATORY 74 O.S. 2021, Section 2276, is
4 amended to read as follows:

5 Section 2276. The ~~Commission~~ Department shall be subject to
6 blanket bond coverage as provided in Sections ~~85.26 through 85.31 of~~
7 ~~Title 74 of the Oklahoma Statutes~~ 85.58Q through 85.58V of this
8 title; provided, the ~~Commission~~ Department shall be authorized to
9 purchase increased amounts of fidelity bond coverage for those
10 employees deemed necessary by the ~~Commission~~ Executive Director.
11 When the amount listed in Section ~~85.29 of Title 74 of the Oklahoma~~
12 ~~Statutes~~ 85.58T of this title is deemed inadequate, the cost of
13 increased coverage shall be borne by the Department.

14 SECTION 60. AMENDATORY 74 O.S. 2021, Section 2276.1, is
15 amended to read as follows:

16 Section 2276.1 A. There is hereby created a trust fund to be
17 known as the "Oklahoma State Park Trust Fund". The Oklahoma Tourism
18 and Recreation ~~Commission~~ Department shall be the trustees of the
19 Trust Fund.

20 B. 1. The ~~Commission~~ Department may utilize five percent (5%)
21 of the principal of the Trust Fund annually to:

22 a. protect and conserve state park lands, but shall not
23 include routine maintenance expenses of the state
24 parks,

- 1 b. preserve historic properties under the jurisdiction of
2 the ~~Commission~~ Department,
- 3 c. provide for one-time capital upgrades and improvements
4 of state park resources, and
- 5 d. pay fees and expenses associated with the services of
6 a custodian of the Trust Fund.

7 2. Beginning July 1, 2012, and ending June 30, 2020, the
8 ~~Commission~~ Department may utilize funds not to exceed Fifteen
9 Million Dollars (\$15,000,000.00) from the principal of the Trust
10 Fund to construct and maintain a lodge and any associated facilities
11 deemed necessary by the ~~Commission~~ Executive Director at the Lake
12 Murray State Park.

13 C. The ~~Commission~~ Department shall give priority for funding to
14 the state park from which the revenues were initially derived.

15 D. The Trust Fund principal shall consist of monies from any
16 and all mineral lease payments, seismograph fees, royalty payments,
17 or other payments associated with oil and gas mineral operations at
18 state parks that are managed by the Oklahoma Tourism and Recreation
19 Department, any funds appropriated or transferred to the Trust Fund
20 by the Legislature, and any monies or assets contributed to the
21 Trust Fund from any other source, public or private.

22 E. Notwithstanding other provisions of law, income and
23 investment return on Trust Fund principal shall accrue to the Trust
24 Fund for use as provided by authorization of the trustees for the

1 purposes listed in subsection B of this section. Except as provided
2 for in subsection B of this section, no income or investment return
3 or principal shall be used for administrative expenses of the
4 Oklahoma Tourism and Recreation Department or expenses incurred ~~by~~
5 ~~the Commission~~ in the administration of the Trust Fund.

6 SECTION 61. AMENDATORY 74 O.S. 2021, Section 2276.2, is
7 amended to read as follows:

8 Section 2276.2 A. The Oklahoma Tourism and Recreation
9 ~~Commission~~ Department shall discharge ~~their~~ its duties as trustees
10 of the Oklahoma State Park Trust Fund created in Section 2276.1 of
11 this title, hereafter referred to as the "Trust Fund":

12 1. With the care, skill, prudence, and diligence under the
13 circumstances then prevailing that a prudent person acting in a like
14 capacity and familiar with such matters would use in the conduct of
15 an enterprise of a like character and with like aims;

16 2. By diversifying the investments of the Trust Fund so as to
17 minimize the risk of large losses, unless under the circumstances it
18 is clearly prudent not to do so; and

19 3. In accordance with the laws, documents and instruments
20 governing the Trust Fund.

21 B. The ~~Commission~~ Department may procure insurance indemnifying
22 ~~the members of the Commission~~ the Department from personal loss or
23 accountability from liability resulting from the action or inaction
24 of ~~a member~~ as a trustee.

1 C. The ~~Commission~~ Department may utilize the written investment
2 policy developed by the State Treasurer for the investment of public
3 funds for the investment and management of the Trust Fund.
4 Investments of the Trust Fund may be consistent with the guidelines
5 set forth in Section 89.2 of Title 62 of the Oklahoma Statutes which
6 establishes the investment requirements for public funds by the
7 State Treasurer.

8 D. Funds and revenues for investment by the ~~Commission~~
9 Department shall be placed with a custodian selected by the
10 ~~Commission~~ Executive Director. Payment of any fees for the services
11 of a custodian may be paid from the income and investment return on
12 the Trust Fund. The custodian may be the State Treasurer or a bank
13 or trust company offering pension fund master trustee and master
14 custodial services. If other than the State Treasurer is utilized,
15 the custodian shall be chosen by a solicitation of proposals on a
16 competitive bid basis pursuant to standards set by the ~~Commission~~
17 Executive Director. In compliance with the investment policy
18 guidelines of the ~~Commission~~ Executive Director, the custodian bank
19 or trust company shall be contractually responsible for ensuring
20 that all monies of the Trust Fund are invested in income-producing
21 investment vehicles at all times. If a custodian bank or trust
22 company has not received direction from the ~~Commission~~ Executive
23 Director as to the investment of the monies of the Trust Fund in
24 specific investment vehicles, the custodian bank or trust company

1 shall be contractually responsible to the ~~Commission~~ Department for
2 investing the monies in appropriately collateralized short-term
3 interest-bearing investment vehicles. If the State Treasurer is
4 utilized as the custodian and has not received direction from the
5 ~~Commission~~ Executive Director as to the investment of the monies of
6 the Trust Fund in specific investment vehicles, the State Treasurer
7 shall invest the monies in accordance with the investment policy
8 developed by the State Treasurer for investment of public funds and
9 in a manner consistent with the guidelines for the investment of
10 public funds set forth in Section 89.2 of Title 62 of the Oklahoma
11 Statutes.

12 E. By November 1, 2006, and prior to August 1 of each year
13 thereafter, the ~~Commission~~ Executive Director shall develop a
14 written investment plan for the Trust Fund.

15 F. The ~~Commission~~ Executive Director shall compile quarterly
16 financial reports of all the funds and accounts of the Trust Fund on
17 a fiscal year basis. The reports shall include several relevant
18 measures of investment value, including acquisition cost and current
19 fair market value with appropriate summaries of total holdings and
20 returns. The report shall be distributed to the Director of the
21 Legislative Service Bureau.

22 G. After July 1 and before October 1 of each year, the
23 ~~Commission~~ Department shall publish an annual report presented in
24 simple and easily understood language. The report shall be

1 submitted to the Governor, the Speaker of the House of
2 Representatives, the President Pro Tempore of the Senate, and the
3 Director of the Legislative Service Bureau. The annual report shall
4 cover the operation of the Trust Fund during the past fiscal year,
5 including income, disbursements, and the financial condition of the
6 Trust Fund at the end of the fiscal year. The annual report shall
7 also contain the information issued in the quarterly reports
8 required pursuant to subsection F of this section as well as a
9 summary of the results of the most recent actuarial valuation to
10 include total assets, total liabilities, unfunded liability or over-
11 funded status, contributions and any other information deemed
12 relevant by the ~~Commission~~ Department.

13 SECTION 62. AMENDATORY 74 O.S. 2021, Section 2278, is
14 amended to read as follows:

15 Section 2278. As used in the Oklahoma Trails System Act:

16 ~~1. "Commission" means the Oklahoma Tourism and Recreation~~
17 ~~Commission; and~~

18 ~~2.~~ "Political subdivision" means any county, municipality or
19 other subdivision of state or local government.

20 SECTION 63. AMENDATORY 74 O.S. 2021, Section 2280, is
21 amended to read as follows:

22 Section 2280. A. There is hereby created a state trails system
23 composed of:
24

1 1. State nature trails, which shall be trails designed to
2 deepen the public's awareness and understanding of various
3 ecological, geological or cultural qualities within the state by
4 means of an interpretive service program;

5 2. State hiking trails, which shall be extensive trails and
6 will serve to connect parks, scenic areas, historical points and
7 neighboring communities;

8 3. State special-use trails, which shall be trails designed to
9 provide for those trail activities which require special trail
10 definition and will include trails for bicycling, public riding and
11 motorcycle and minibike activities, as well as trails designed to
12 meet the needs of the handicapped, the blind and the elderly; and

13 4. State heritage trails, which shall be trails designed to
14 promote the identification and interpretation of significant
15 cultural and historic sites throughout the state.

16 B. The ~~Commission~~ Oklahoma Tourism and Recreation Department,
17 in accordance with appropriate federal, state and local governmental
18 organizations, shall establish a uniform marker for the trails
19 system.

20 C. In the planning and designation of trails, the ~~Commission~~
21 Department shall give due regard to the interest of federal or state
22 agencies, all political subdivisions, private land owners,
23 interested individuals and citizen groups. Furthermore, the
24 ~~Commission~~ Department encourages citizen participation in trail

1 acquisition, construction, development and maintenance where such
2 activities will not conflict with the purposes of the Oklahoma
3 Trails System Act.

4 SECTION 64. AMENDATORY 74 O.S. 2021, Section 2281, is
5 amended to read as follows:

6 Section 2281. A. The ~~Commission~~ Department shall be vested
7 with the responsibility and authority to:

8 1. Plan, purchase, develop, construct, maintain, operate and
9 protect the state trails system and shall prescribe the uses and
10 limits of each designated trail; and

11 2. Acquire, by lease, deed or contract, rights-of-way or
12 easements of trails across private, municipal, county, state or
13 federal lands. In selecting the rights-of-way, every effort will be
14 made to minimize any adverse effects on the adjacent landowner or
15 user and his or her operations. Acquisition shall be, whenever
16 possible, in the form of an easement obtained by gift, exchange or
17 purchase with donated funds. In cases where these attempts fail,
18 the ~~Commission~~ Department may authorize the expenditure of state
19 trail funds for acquisition in fee. Any agreement for acquisition
20 of rights in land shall be for terms of not less than twenty-five
21 (25) years whenever possible.

22 B. The ~~Commission~~ Department may abandon any portion or all of
23 a trail or easement acquired for trail purposes; or it may transfer
24 any trail or easement to a local government having jurisdiction over

1 the area in which the trail or easement is located, provided that
2 such local government agrees to maintain and operate the trail.

3 C. The ~~Commission~~ Department shall notify the owner of the
4 land, through which any trail or easement passes, prior to entering
5 into any agreement with local government for the operation of a
6 trail and shall secure the consent of the landowner prior to the
7 transfer of any trail or easement to a local government.

8 D. The ~~Commission~~ Department shall review all formal
9 declarations of railroad rights-of-way abandonment for possible
10 inclusion into the state trails system.

11 E. Within the boundaries of a right-of-way, the ~~Commission~~
12 Department may acquire, on behalf of the state, lands in fee title,
13 any interest in lands in the form of scenic or other easements or
14 any interest in lands under cooperative or other agreement.
15 Acquisition of land or of any interest in land may be by gift,
16 purchase or exchange. Acquisition may be through the use of funds
17 obtained by donation, federal grants, legislative appropriation or
18 otherwise. In acquiring real property or any interest therein, the
19 power of eminent domain shall not be used.

20 F. 1. The ~~Commission~~ Department shall encourage the provision
21 of bicycle routes within the rights-of-way of federal aid system
22 highways and on or along county and city roadways. These bicycle
23 routes shall be composed of three types of pathways: bicycle
24 trails, bicycle lanes and bicycle routes. Bicycle trails shall be

1 distinct pathways which separate bicycles from motorized vehicular
2 traffic by means of an open space or barrier. Bicycle lanes shall
3 use designated portions of existing roadways and will be clearly
4 marked and separated from automobile lanes. Bicycle routes shall be
5 existing, low-volume roads and will be designated by clearly marked
6 signs.

7 2. Prior to the designation and construction of the bicycle
8 pathway system, the ~~Commission~~ Department shall authorize the
9 development of a bicycle master plan. The plan shall be comprised
10 of a set of clearly defined goals, a statement of current and
11 projected demands, a proposed layout of routes, construction
12 specifications, cost projections and the scheduling of
13 implementation. The plan shall likewise devote serious
14 consideration to those design criteria which will help to ensure the
15 safety of bicyclist, pedestrian and motorist alike.

16 3. Funds received for this pathway program shall be expended in
17 amounts deemed reasonable and necessary by the ~~Commission~~ Executive
18 Director for the establishment of the bicycle pathway system.

19 SECTION 65. AMENDATORY 74 O.S. 2021, Section 2282, is
20 amended to read as follows:

21 Section 2282. A. The ~~Commission~~ Department may establish and
22 designate state trails on lands under the jurisdiction of a federal
23 agency when, in the opinion of the federal agency, such lands may be
24 so developed under the provisions of federal law.

1 B. Nothing in the Oklahoma Trails System Act shall prevent a
2 segment of the state trails system from being a part of the National
3 Scenic or Recreation Trails System. The ~~Commission~~ Department shall
4 coordinate the state trails system with the National Trails System
5 and will encourage and assist any federal studies for inclusion of
6 state trails into the National Trails System.

7 SECTION 66. AMENDATORY 74 O.S. 2021, Section 2283, is
8 amended to read as follows:

9 Section 2283. A. No hunting of wild game or the shooting of
10 firearms shall be permitted along the trail, with the exception of
11 those portions of the trail which traverse public hunting areas.
12 Such portions of the trail shall be closed to trail use, as listed
13 in the Oklahoma Trails System Act, during hunting season.

14 B. All horseback riding and motorcycling activities shall be
15 restricted to their designated special-use trails. Foot travel on
16 special-use trails shall be permitted; however, the special-use
17 activities shall have the right-of-way on the trails.

18 C. Each person is guilty of a misdemeanor, who shall:

19 1. Willfully mutilate, deface or destroy any guidepost, notice,
20 tablet or other work for the protection or ornamentation of any
21 state trail;

22 2. Place along any trail or affix to any object in the right-
23 of-way, without a written license from the ~~Commission~~ Department,

24

1 any word, character or device designed to advertise any business,
2 trade, profession, article, thing, matter or event; or

3 3. Willfully cause any damage to lands within or adjacent to
4 the state trails system.

5 SECTION 67. AMENDATORY 82 O.S. 2021, Section 875, is
6 amended to read as follows:

7 Section 875 A. Except as may be provided in this subsection,
8 the Grand River Dam Authority shall not prevent free public use of
9 its lands and lakes for recreation purposes and for hunting and
10 fishing, except at such points where, in the opinion of the Board of
11 Directors, such use would be dangerous or would interfere with the
12 proper conduct of its business. The Authority may, in the interest
13 of public health and safety, make reasonable regulations governing
14 such use and, in the interest of defraying costs associated with the
15 maintenance and policing of public lands administered by the
16 Authority, prescribe reasonable fees for camping and the use of
17 Authority facilities and for the use of off-road and all-terrain
18 vehicles on Authority lands.

19 B. All existing public rights-of-way to the areas to be flooded
20 by the impounded waters shall remain open as a way of free public
21 passage to and from the lakes created, and no charge shall ever be
22 made to the public for right to engage in hunting, fishing, boating
23 or swimming in the lakes, and no charges shall ever be made for a
24 permit to operate or use or for the inspection of boats and

1 equipment, except that the Authority may prescribe an annual fee for
2 the issuance or renewal of a permit for a private anchorage, wharf,
3 dock or boathouse. Such fee shall be used to defray the expenses of
4 operating and equipping the Authority's Lake Patrol. The public
5 shall have free use of and access to the waters of the lakes for
6 private use, and shall have the right to anchorage, wharf, dock,
7 boat dock, houseboat and landing privileges free of charge when used
8 for private boating, but such anchorage, wharf, dock, boat dock,
9 houseboat and landing privileges shall only be allowed after a
10 permit therefor has been issued. Provided that no permit for any
11 anchorage, wharf, dock, boat dock, houseboat and landing privileges
12 shall be issued which would deprive the owner of land adjacent to
13 the shoreland or lake front or abutting thereon of any anchorage,
14 wharf, dock, boat dock, houseboat and landing privileges. The
15 Authority may designate areas closed to such use, where in its
16 opinion such use would interfere with the health or safety of the
17 public, or with the proper conduct of the business of the Authority.
18 The Authority shall prescribe suitable rules for the use of firearms
19 on its lands and lakes and suitable rules and regulations and rules
20 of travel, in the interest of public safety, for the use of the
21 waters of the lakes.

22 C. The Authority shall prescribe, in the interest of public
23 safety, suitable rules and regulations governing the keeping for
24 hire or operations of a boat or boats, surfboards, aquaplanes, sea-

1 skis or similar devices for pecuniary profit or gain on the waters
2 of the lakes. The keeping for hire or operation of a boat or boats,
3 surfboards, aquaplanes, sea-skis or similar devices, for pecuniary
4 profit or gain, on the waters of the lake, shall only be allowed
5 after a permit therefor has been issued by the Authority.
6 Applications for such permits are to be in writing, upon a form
7 prescribed and furnished by the Authority, and containing such
8 information as is required by the Authority. For the issuance of
9 such a permit the Authority shall charge a fee in an amount as
10 specified by the Authority, and shall have the power to prescribe
11 the size and type of boat or boats allowed to operate under such
12 permit and the equipment necessary to such operation. A permit
13 shall be procured for the construction of wharves, docks, landings
14 and anchorages when constructed for commercial or rental purposes.
15 For the issuance of such a permit the Authority shall charge a fee
16 in an amount as specified by the Authority. The Authority shall
17 prescribe the type, style and location and equipment of wharves,
18 docks, anchorages and landings from which such boats operate and
19 their rules of travel. Issuance of permits is to be deferred and
20 withheld unless and until the applicant therefor has paid the permit
21 fee and procured and deposited with the Authority a good and
22 sufficient bond, either in cash, or by a surety company licensed to
23 do business in this state, or public liability and property damage
24 insurance, written by a company licensed to do business in Oklahoma,

1 in an amount and in such form as the Authority shall specify, so as
2 to assure compensation for injuries to or death of persons, and loss
3 or damage to property for which the holder of such permit may be
4 legally liable. Upon it being called to the attention of the
5 Attorney General of Oklahoma by any citizen of Oklahoma that this
6 section has not been complied with, it shall be the duty of the
7 Attorney General of Oklahoma to institute the proper legal
8 proceedings to require the Authority, or its successor, to comply
9 with the provisions of this section.

10 D. The Authority may acquire, by purchase, condemnation, or
11 otherwise, lands suitable for park purposes or roadways along the
12 shores of the lakes. After acquiring such lands the Authority may,
13 but shall not be required to, assign or lease the lands to the State
14 of Oklahoma for park or road purposes and if such assignment is made
15 the lands shall be under the supervision and control of the Oklahoma
16 Tourism and Recreation ~~Commission~~ Department or the Department of
17 Wildlife Conservation, which shall keep the lands so assigned open
18 to the public so that the public in general may have free access to
19 the lakes.

20 SECTION 68. This act shall become effective November 1, 2022.

21
22 COMMITTEE REPORT BY: COMMITTEE ON TOURISM, dated 02/17/2022 - DO
23 PASS, As Amended.

24