

1 **SENATE FLOOR VERSION**

2 April 7, 2022

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3647

By: Dills, Moore, Phillips,
Boles, and Davis of the
House

6 and

7 Leewright and Bergstrom of
8 the Senate

9
10 An Act relating to tourism and recreation; creating
11 the Oklahoma Golf Trail Creation Act; creating
12 Oklahoma Golf Trail Commission; creating Oklahoma
13 Golf Trail; providing for membership of Commission;
14 prescribing method of appointment; prescribing terms;
15 providing for initial terms; imposing requirements
16 for membership on Commission; authorizing removal for
17 cause; providing for filling of vacancies; providing
18 for quorum; providing for effect of lack of quorum;
19 providing for appointment of officers; providing for
20 adoption of administrative rules; prescribing
21 authorized meetings; requiring meetings to comply
22 with Oklahoma Open Meeting Act; making declaration
23 regarding rights, privileges, and functions of
24 Commission; requiring evaluation of golf courses;
providing for official listing; providing immunity
from liability; authorizing additional powers and
prescribing additional duties; prescribing mission of
Commission; specifying certain powers; imposing
responsibilities with respect to marketing options
for Oklahoma Golf Trail; prescribing duty with
respect to certain fees; requiring evaluations;
requiring certain collaborations; authorizing receipt
of private donations; providing for codification; and
declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2400 of Title 74, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Oklahoma Golf
6 Trail Creation Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2401 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 There is hereby created the Oklahoma Golf Trail Commission,
11 hereinafter referred to as the "Commission", and the Oklahoma Golf
12 Trail, hereinafter referred to as the "Golf Trail".

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2402 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Commission shall consist of nine (9) members, each of
17 whom shall serve a term of six (6) years following the expiration of
18 the initial term.

19 B. The Governor shall appoint members to the Commission with
20 the advice and consent of the Senate for terms of years as follows:

21 1. Three members whose initial terms of office shall expire
22 January 1, 2024; and

23 2. Two members whose initial terms of office shall expire
24 January 1, 2026.

1 C. The Lieutenant Governor shall appoint members to the
2 Commission with the advice and consent of the Senate for terms of
3 years as follows:

4 1. Two members whose initial terms of office shall expire
5 January 1, 2023; and

6 2. Two members whose initial terms of office shall expire
7 January 1, 2025.

8 D. Members selected to the Commission must be knowledgeable
9 about the Oklahoma golf industry including:

10 1. Golf course marketing;

11 2. Golf course ownership;

12 3. Golf course management; or

13 4. Tourism and commerce in Oklahoma.

14 E. Commission members may be removed for cause. Whenever a
15 vacancy on the Commission occurs by death, resignation, or
16 otherwise, the appointing authority shall fill the same by
17 appointment, and the appointee shall hold office during the
18 unexpired term. Each member shall hold office until a successor has
19 been appointed.

20 F. Five members of the Commission shall constitute a quorum,
21 and the vote of the majority of members present shall be necessary
22 for any action to be taken by the Commission.

1 G. No vacancy in the membership of the Commission shall impair
2 the rights of a quorum to exercise and perform all the rights and
3 duties of the Commission.

4 H. The Commission shall elect from among its membership a
5 chair, vice-chair, and secretary. The chair or vice-chair shall
6 preside at all meetings. The chair, vice-chair, and secretary shall
7 perform such duties as may be decided by the Commission in order to
8 effectively administer this act.

9 I. The Commission is authorized and directed to adopt rules
10 pursuant to the provisions of the Administrative Procedures Act to
11 execute the powers and duties of the Commission.

12 J. The Commission may meet monthly and shall meet at least
13 quarterly. The Commission may meet at such other times as it deems
14 necessary for effectively performing its duties and
15 responsibilities. Special meetings may be called by the chair or by
16 any three members of the Commission. The meetings of the Commission
17 shall be subject to the Oklahoma Open Meeting Act.

18 K. The Commission is hereby declared to be a governmental
19 agency and instrumentality of the State of Oklahoma with authority
20 to exercise the rights, privileges, and functions hereinafter
21 specified in addition to those it now has.

22 L. The Commission shall evaluate and approve a list of not less
23 than fifteen but not more than twenty-five golf courses annually to
24 be listed as the official Oklahoma Golf Trail for tourism and

1 marketing purposes. The list shall be reviewed every year for
2 renewal of approval.

3 M. Members of the Commission shall not be personally liable for
4 damages from actions in furtherance of the Commission.

5 N. Members of the Commission shall serve without compensation
6 but shall be reimbursed for all actual and necessary expenses
7 incurred in the performance of their duties in accordance with the
8 State Travel Reimbursement Act.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2403 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 A. There are hereby granted to and imposed on the Commission,
13 and in any commission or body which may hereafter succeed to the
14 powers, rights, and duties of the Commission, the additional powers,
15 rights, and duties hereinafter more specifically provided.

16 B. The mission of the Commission is to increase rounds of golf
17 played at the Oklahoma Golf Trail Member Courses to stimulate
18 economic development, enhance tourism, attract new residents and
19 retirees to the state, and to elevate the quality of life and
20 experience in Oklahoma.

21 C. The Commission is hereby authorized to:

22 1. Sue and be sued;

23 2. Adopt, use, and alter an official seal;

24

1 3. Make bylaws for the management and regulation of its
2 affairs;

3 4. Appoint, prescribe the duties, and fix the compensation for
4 officers, agents, and employees;

5 5. Make contracts and execute instruments as in the judgment of
6 the Commission are necessary or convenient to the exercise of the
7 powers conferred upon it by law;

8 6. Sell advertising; provided, that such advertising shall be
9 approved by the Commission prior to acceptance for publication; and

10 7. Promulgate rules and policies necessary and convenient to
11 the exercise of the powers conferred upon it by law.

12 D. The Commission shall be responsible for the following:

13 1. Evaluating and selecting marketing options for the Oklahoma
14 Golf Trail;

15 2. Setting membership fees for Golf Trail courses;

16 3. Evaluating courses based on condition, location, course
17 fees, and any other variable relevant for Golf Trail course
18 selection; and

19 4. Developing interagency, intra-agency, and public-private
20 collaborations to help advance the awareness and mission of the
21 Oklahoma Golf Trail.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2404 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 The Commission shall be able to accept private donations to fund
2 operations until permanent appropriations can be allocated.

3 SECTION 6. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
8 April 7, 2022 - DO PASS AS AMENDED
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