

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 4162

By: Townley

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5
6 AS INTRODUCED

7 An Act relating to the Tourism and Recreation
8 Department; amending 74 O.S. 2021, Sections 2202,
9 2205, 2207, 2208, 2210, 2211, 2212, 2213, 2214, 2215,
10 2216, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226,
11 2228, 2229, 2232, 2234, 2240, 2243, 2244, 2245, 2248,
12 2249, 2250, 2251, 2253, 2256, 2257, 2258, 2259, 2260,
13 2261, 2262, 2263, 2264, 2267, 2268, 2269, 2271, 2272,
14 2273, 2274, 2276, 2276.1, 2276.2, 2278, 2280, 2281,
15 2282, and 2283, which relate to the Tourism and
16 Recreation Department; changing entity designation;
17 and providing an effective date.

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

19 SECTION 1. 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;

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

1 3. Promote tourism by publicity and dissemination of
2 information;

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

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

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

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

15 SECTION 2. AMENDATORY 74 O.S. 2021, Section 2205, is
16 amended to read as follows:

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

1 to give full effect to all the provisions of the Oklahoma Tourism,
2 Parks and Recreation Enhancement Act.

3 SECTION 3. AMENDATORY 74 O.S. 2021, Section 2207, is
4 amended to read as follows:

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

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

9 2. Prepare and submit plans for administering the programs of
10 the ~~Commission~~ Department;

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

14 4. Administer all policies formulated and adopted by the
15 ~~Commission~~ Department;

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

23 6. Develop and implement a pay incentive plan for employees of
24 the Department. Incentive pay shall not be included in the base

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

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

18 SECTION 4. AMENDATORY 74 O.S. 2021, Section 2208, is
19 amended to read as follows:

20 Section 2208. The Executive Director may authorize the use of
21 revolving fund income for entertainment and promotion expenses of
22 the Department, provided that the expenses are directly related to
23 business development for state-operated or state-owned facilities
24 and the furtherance of tourism in Oklahoma. In all cases, the

1 expenses shall be approved in advance by the Executive Director, be
2 audited by the fiscal officer for the Department on a monthly basis,
3 and submitted ~~to the Commission~~ as an item for information.

4 SECTION 5. AMENDATORY 74 O.S. 2021, Section 2210, is
5 amended to read as follows:

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

17 SECTION 6. AMENDATORY 74 O.S. 2021, Section 2211, is
18 amended to read as follows:

19 Section 2211. There are hereby created within the Oklahoma
20 Tourism and Recreation Department the Division of State Parks, the
21 Travel Promotion Division, "Oklahoma Today Magazine", and the
22 Division of Administrative Services; provided, however, the
23 ~~Commission~~ Executive Director shall have authority, by resolution,
24 to create other divisions and may, by resolution, combine or abolish

1 any or all such divisions, as deemed to be necessary to carry out
2 its duties under the Oklahoma Tourism, Parks and Recreation
3 Enhancement Act.

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

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

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

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

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

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

12 SECTION 8. AMENDATORY 74 O.S. 2021, Section 2213, is
13 amended to read as follows:

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

22 SECTION 9. AMENDATORY 74 O.S. 2021, Section 2214, is
23 amended to read as follows:

24

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

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

21 SECTION 10. AMENDATORY 74 O.S. 2021, Section 2215, is
22 amended to read as follows:

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

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

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

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

23 4. Authorize those employees in the Park Manager job family
24 classification series, as established by the Office of Management

1 and Enterprise Services, to maintain administrative control over all
2 facilities, programs, operations, services, and employees in the
3 park to which they are assigned; and

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

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

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

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

16 2. Secure the parks and property of the Department and maintain
17 law and order therein;

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

1 brought against them resulting from acts done in the course of their
2 employment;

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

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

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

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

1 SECTION 12. AMENDATORY 74 O.S. 2021, Section 2219, is
2 amended to read as follows:

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

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

23 C. All leases shall contain a provision that in the event of
24 the discovery of natural gas, the gas shall be furnished free of

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

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

15 SECTION 13. AMENDATORY 74 O.S. 2021, Section 2220, is
16 amended to read as follows:

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

21 1. The ~~Commission~~ Department may establish maximum rates for
22 rooms at the state lodges and cabins, for recreational activities,
23 for recreational vehicles and camping sites, and for community
24 facilities under control of the ~~Commission~~ Department. The method

1 whereby the rates are determined shall be promulgated pursuant to
2 Article I of the Administrative Procedures Act. At least twenty
3 (20) days prior to the adoption or approval of any rate changes ~~by~~
4 ~~the Commission~~, the Department shall submit a copy of the proposed
5 rates, for informational purposes, to the Governor, Speaker of the
6 House of Representatives and President Pro Tempore of the Senate.
7 Any change in the rates during the year when the Legislature is not
8 in session shall be reported in writing to the Governor, Speaker of
9 the House of Representatives and President Pro Tempore of the Senate
10 within five (5) business days of such ~~Commission~~ action.

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

21 3. The ~~Commission~~ Department may establish entrance or day-use
22 charges for the state park system. All monies collected from
23 entrance or day-use charges shall be used at the state parks where
24 the charges were collected. The ~~Commission~~ Department may establish

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

10 4. Fees shall be promulgated pursuant to Article I of the
11 Administrative Procedures Act.

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

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

18 1. Residents of this state sixty-two (62) years of age and over
19 and their spouses shall not be charged any admission fees for
20 entrance into any state-owned and -operated park. The ~~Commission~~
21 Department may promulgate rules establishing different fees for
22 residents and nonresidents sixty-two (62) years of age and over.
23 Identification may be established by presentation of proof of age,
24 residency, a state driver license, a state license for

1 identification only, birth certificate or any other form of
2 identification authorized ~~by the Commission;~~

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

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

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

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

17 SECTION 14. AMENDATORY 74 O.S. 2021, Section 2221, is
18 amended to read as follows:

19 Section 2221. A. The ~~Commission, through the Department,~~ is
20 authorized to promote state-owned, lleased, or operated facilities.
21 The Department may utilize specific promotion programs such as the
22 provision of complimentary rooms, package-rate plans, group rates,
23 guest incentive sales programs, entertainment of prospective guests,
24 employee-information programs, golf promotional programs as well as

1 other sales and promotion programs considered acceptable in the
2 hospitality industry, in the travel industry, or the regional
3 magazine industry are approved as necessary advertising and
4 promotion expenses.

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

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

20 SECTION 15. AMENDATORY 74 O.S. 2021, Section 2222, is
21 amended to read as follows:

22 Section 2222. A. The ~~Commission~~ Department may sell real
23 estate owned by the State of Oklahoma or the Department that is
24 surplus to its use and under the jurisdiction of the ~~Commission~~

1 Department located within McCurtain County and situated within the
2 Cedar Creek area of Hochatown State Park.

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

14 SECTION 16. AMENDATORY 74 O.S. 2021, Section 2223, is
15 amended to read as follows:

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

21 B. The sale of real estate and personal property authorized
22 pursuant to subsection A of this section shall be subject to all
23 existing easements and reservations of record. The ~~Commission or~~
24 Department shall transfer any interests held including, but not

1 limited to licenses, operating permits and leasehold interests to a
2 subsequent purchaser.

3 C. The ~~Commission and~~ Department shall not be subject to the
4 provisions of ~~Section 129.4 of Title 74~~ Section 327 of Title 6 of
5 the Oklahoma Statutes for such sale. All monies received from the
6 sale of these properties, except those monies necessary to pay the
7 expenses incurred pursuant to the sale, shall be deposited in the
8 Oklahoma Tourism and Recreation Department Revolving Fund 215 ("215
9 Fund"). Revenue derived from such real estate and personal property
10 sale deposited to the fund shall be utilized for the benefit of the
11 state park system. Such real estate and personal property sale
12 shall not be subject to the provisions of Section 456.7 of ~~Title 74~~
13 ~~of the Oklahoma Statutes~~ this title.

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

21 SECTION 17. AMENDATORY 74 O.S. 2021, Section 2224, is
22 amended to read as follows:

23 Section 2224. The ~~Commission~~ Department may transfer to any
24 city, county, or other agency of government, which is a willing

1 recipient, its interest in real and personal property owned by the
2 State of Oklahoma or the Department and operated and maintained
3 under the jurisdiction of the ~~Commission~~ Department. Such real
4 estate transfers shall not be subject to Section 456.7 ~~or 129.4~~ of
5 ~~Title 74~~ this title or Section 327 of Title 61 of the Oklahoma
6 Statutes or any provision of state law relative to disposition of
7 real estate. Such real estate transfers shall be subject to the
8 following provisions:

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

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

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

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

24

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

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

12 SECTION 18. AMENDATORY 74 O.S. 2021, Section 2225, is
13 amended to read as follows:

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

24

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

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

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

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

18 E. No employee of the Department shall be a voting member of a
19 state park foundation board. Members of the Commission may serve on
20 the board of a state park foundation, but shall not constitute a
21 majority of the members of the board of the foundation. No member
22 of the Commission serving on the board or an employee of the
23 Department serving as an ex officio member of the board shall be
24

1 compensated by the foundation for service as a member of the
2 foundation board.

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

7 SECTION 19. AMENDATORY 74 O.S. 2021, Section 2226, is
8 amended to read as follows:

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

12 SECTION 20. AMENDATORY 74 O.S. 2021, Section 2228, is
13 amended to read as follows:

14 Section 2228. The Oklahoma Wildlife Conservation Commission and
15 the Oklahoma Tourism and Recreation ~~Commission~~ Department may
16 authorize, by written agreement or agreements between the
17 ~~Commissions~~ Commission and Department, hunting in designated state
18 parks or designated portions of state parks under the administrative
19 control of the Oklahoma Tourism and Recreation ~~Commission~~
20 Department, excluding Lake Murray State Park. The agreement or
21 agreements shall be made with the advice of the Attorney General's
22 office and shall contain the duration, terms and conditions of the
23 hunting authorization, a list of species to be hunted and permitted
24 firearms, a map designating the specific land areas to be open to

1 hunting and shall provide for the administration of the designated
2 area or areas by the Oklahoma Wildlife Conservation Commission for
3 so long as hunting is authorized under the provisions of the
4 agreement or agreements. All areas to be open to hunting shall be
5 clearly marked by signs to designate the open and closed areas.

6 SECTION 21. AMENDATORY 74 O.S. 2021, Section 2229, is
7 amended to read as follows:

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

18 SECTION 22. AMENDATORY 74 O.S. 2021, Section 2232, is
19 amended to read as follows:

20 Section 2232. The ~~Commission, through the Department,~~ may
21 sponsor, promote and implement an annual statewide tourism and
22 recreation industry conference to promote the tourism and recreation
23 industry. The Department is authorized to partner with private
24 entities for the administration and execution of the conference.

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

9 SECTION 23. AMENDATORY 74 O.S. 2021, Section 2234, is
10 amended to read as follows:

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

18 1. "Multicounty organization" means a nonprofit organization
19 which satisfies the following requirements:

20 a. its primary purpose is to promote the tourism
21 attributes of a multiple-county region which is
22 identified as a tourism "country" or "lake" area, or
23 any other organization participating in the matching
24 funds program on July 1, 2001,

- 1 b. it is governed by a board of directors elected by the
2 membership of the organization,
- 3 c. it is governed by a board of directors which equitably
4 represents the counties within the multiple-county
5 region,
- 6 d. it has an administrator of operations position who is
7 not an elected director,
- 8 e. it utilizes income from private sector sources as the
9 basis for funding its administrative and promotion
10 expenses, and
- 11 f. it has provided to the Department an independent and
12 certified financial audit for the preceding fiscal
13 year;

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

22 3. "Allowable expenditures" means expenditures by a multicounty
23 organization submitted to the Department for matching funds in
24

1 accordance with the provisions of this section and the rules
2 promulgated by the ~~Commission~~ Department;

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

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

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

1 fees for an annual tourism and recreation industry conference with
2 the purpose of attracting tourists or generating travel or tourism
3 activity within the state or multicounty organization areas. The
4 amount expended within the multicounty organization area for tourism
5 promotion shall not exceed fifty percent (50%) of the total of
6 allowable expenditures and allocated matching funds.

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

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

22 D. Matching funds for the allowable expenditures shall be based
23 upon actual expenditures by the multicounty organization less any
24 discount, refund, or rebate to the multicounty organization.

1 Multicounty organizations shall use a State of Oklahoma Notarized
2 Claim Form with all applicable statements and affidavits to request
3 matching funds for the allowable expenditures.

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

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

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

20 3. May enter into a contract with a person or legally organized
21 business entity for the solicitation of advertising revenue in a
22 promotional periodical publication and for the publication and
23 distribution of the periodical emphasizing the attributes of sites,
24

1 scenes, businesses and attractions located within the area for which
2 the multicounty organization is responsible if:

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

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

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

24

- 1 d. the person or legally organized business entity
2 soliciting advertising revenue may not advance or
3 deposit their own funds as a means of securing
4 matching state funds, and such acts shall be deemed as
5 fraud, subject to prosecution, and
- 6 e. the multicounty organization and the person or legally
7 organized business entity acting on behalf of the
8 multicounty organization both execute a statement,
9 upon a form to be prescribed by the State Auditor and
10 Inspector, under oath, that any funds being requested
11 from the Department for matching of an allowable
12 expenditure as authorized by this section represent an
13 amount of money equal to an amount of money that has
14 previously been deposited into the account maintained
15 by the multicounty organization as of the date the
16 request for matching funds is made. The statement
17 shall include the identity of each purchaser of
18 advertising in the multicounty organization
19 promotional periodical and the amount of money paid
20 for advertising in the periodical together with the
21 other information required by subparagraph c of this
22 paragraph. The statement shall also include a
23 verification that the funds collected by or on behalf
24 of the multicounty organization were expended for:

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

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

23 2. Any funds collected on behalf of the multicounty
24 organization for advertisements in the promotional periodical shall

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

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

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

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

22 2. Be registered with the Oklahoma Accountancy Board and
23 possess a license to practice; and
24

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

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

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

17 SECTION 24. AMENDATORY 74 O.S. 2021, Section 2240, is
18 amended to read as follows:

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

22 B. 1. The State Auditor and Inspector or a designated agent of
23 the State Auditor and Inspector shall perform an independent audit
24 of the Department annually. The audit shall be conducted in

1 accordance with the Generally Accepted Government Auditing Standards
2 as issued by the Comptroller General of the United States. The cost
3 of the audit shall be borne by the Department.

4 2. Matters to be considered in determining the types of
5 activities to be audited and the scope of the audit shall be based
6 on an analysis of:

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

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

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

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

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

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

9 SECTION 25. AMENDATORY 74 O.S. 2021, Section 2243, is
10 amended to read as follows:

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

19 SECTION 26. AMENDATORY 74 O.S. 2021, Section 2244, is
20 amended to read as follows:

21 Section 2244. A. The Department shall be exempt from any
22 provision of Sections 85.1 through 85.45k of this title requiring
23 purchases to be made pursuant to a statewide contract for individual
24

1 purchases of less than Two Thousand Five Hundred Dollars (\$2,500.00)
2 when the following conditions are met:

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

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

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

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

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

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

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

23 SECTION 27. AMENDATORY 74 O.S. 2021, Section 2245, is
24 amended to read as follows:

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

6 1. The debtor has been discharged from bankruptcy or is
7 insolvent;

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

9 3. A collection agency has indicated its inability to collect
10 the debt.

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

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

18 2. The ~~Commission~~ Executive Director and the State Auditor and
19 Inspector shall certify those accounts which meet the requirements
20 of this section as "uncollectible accounts receivable" and shall
21 place those accounts in the special account created by this section.

22 C. The special uncollectible accounts receivable account shall
23 not be used for budgetary purposes in determining the assets of the
24 Department or any of its divisions. The Department shall take all

1 reasonable steps to collect all accounts, including those placed in
2 the special account by operation of this section.

3 SECTION 28. AMENDATORY 74 O.S. 2021, Section 2248, is
4 amended to read as follows:

5 Section 2248. The State Treasurer of Oklahoma shall be ex
6 officio Treasurer of the ~~Commission~~ Department for all purposes of
7 the Oklahoma Tourism, Parks and Recreation Enhancement Act. All
8 official action taken by the ~~Commission~~ Department shall be taken
9 through the adoption of appropriate resolutions.

10 SECTION 29. AMENDATORY 74 O.S. 2021, Section 2249, is
11 amended to read as follows:

12 Section 2249. The monies of the ~~Commission~~ Department, except
13 monies appropriated by the Legislature, shall be disbursed only by
14 checks, drafts, orders or other instruments signed by such persons
15 as shall be authorized to sign the same by the bylaws or by
16 appropriate resolution. The ~~general manager, if any,~~ Executive
17 Director and all other officers, agents and employees of the
18 ~~Commission~~ Department who shall be charged with the collection,
19 custody, or payment of any funds of the ~~Commission~~ Department shall
20 give bond conditioned on the faithful performance of their duties
21 and an accounting for all funds and properties of the ~~Commission~~
22 Department coming into their respective hands. Each bond, or if a
23 blanket bond shall be prescribed, shall be in a form, amount, and
24 with a surety approved by the ~~Commission~~ Executive Director, and the

1 premiums on the bonds shall be paid by the ~~Commission~~ Department and
2 charged as an operating expense.

3 SECTION 30. AMENDATORY 74 O.S. 2021, Section 2250, is
4 amended to read as follows:

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

11 SECTION 31. AMENDATORY 74 O.S. 2021, Section 2251, is
12 amended to read as follows:

13 Section 2251. There is hereby created in the State Treasury a
14 revolving fund for the Department to be designated the "Oklahoma
15 Tourism and Recreation Department Revolving Fund". The fund shall
16 consist of all monies received by the Department pursuant to the
17 provisions of this act, monies derived from the sale or conveyance
18 of real property under the jurisdiction of the ~~Commission~~
19 Department, and interest attributable to investment of money in the
20 fund. The revolving fund shall be a continuing fund not subject to
21 fiscal year limitations and shall be under the administrative
22 direction of the Department. Expenditures from the fund created by
23 this section shall be for the administration, operation, and
24 maintenance expenses of the Department, for purchase of real

1 property, and shall be made pursuant to the laws of this state and
2 the statutes relating to the Department. Expenditures from said
3 fund shall be made upon warrants issued by the State Treasurer
4 against claims filed as prescribed by law with the Director of the
5 Office of Management and Enterprise Services for approval and
6 payment.

7 SECTION 32. AMENDATORY 74 O.S. 2021, Section 2253, is
8 amended to read as follows:

9 Section 2253. There is hereby created in the State Treasury a
10 revolving fund for the Oklahoma Tourism and Recreation Department to
11 be designated the "Tourism and Recreation Environmental Loan
12 Proceeds Revolving Fund". The fund shall be a continuing fund, not
13 subject to fiscal year limitations, and shall consist of all monies
14 received from the State Revolving Fund loan programs as administered
15 by the Oklahoma Water Resources Board designated specifically for
16 the purposes of reimbursements, construction, repair, remediation,
17 or improvement of eligible facilities under the jurisdiction of the
18 Oklahoma Tourism and Recreation ~~Commission~~ Department. The fund
19 shall be under the administrative direction of the Oklahoma Tourism
20 and Recreation Department. All monies accruing to the credit of the
21 fund may be budgeted and expended by the Oklahoma Tourism and
22 Recreation Department for the purpose of constructing, repairing,
23 remediating, improving loan eligible projects, reimbursing the
24 Department for eligible planning and design expenses, or paying for

1 associated loan financing requirements. Expenditures from the fund
2 shall be made upon warrants issued by the State Treasurer against
3 claims filed as prescribed by law with the Director of the Office of
4 Management and Enterprise Services for approval and payment.

5 SECTION 33. AMENDATORY 74 O.S. 2021, Section 2256, is
6 amended to read as follows:

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

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

- 20 1. Be issued in one or more series;
- 21 2. Bear such date or dates and may mature at such time not
22 exceeding twenty-five (25) years from their respective dates;
- 23 3. Bear interest at a rate or rates not exceeding ten percent
24 (10%) per annum; and

1 4. Contain such terms, covenants and conditions.

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

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

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

10 2. The use, deposit, securing of deposits, and disposition of
11 the revenues of the ~~Commission~~ Department, including the creating
12 and maintenance of reserves;

13 3. The issuance of additional bonds payable from revenues of
14 the ~~Commission~~ Department;

15 4. The operation and maintenance of properties of the
16 ~~Commission~~ Department;

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

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

21 7. The nonrendering of any free service by the ~~Commission~~
22 Department except for promotional activities as deemed in this act;

23 and
24

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

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

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

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

22 3. The employment of consulting engineers in connection with
23 the construction or operation of such improvements.
24

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

15 G. Monies received pursuant to the authority of this act,
16 whether as proceeds from the sale of bonds or as revenues from the
17 operations of the properties which have been identified for bond
18 repayment purposes, shall be deemed to be trust funds, to be held
19 and applied solely as provided in this act. The resolution
20 authorizing the issuance of bonds of any issue, or the trust
21 indenture securing such bonds, shall provide that any officer to
22 whom, or any bank or trust company to which, the monies shall be
23 paid, shall act as trustee of the monies and shall hold and apply
24

1 the same for the purpose hereof, subject to such regulations as this
2 act and such resolution or trust indenture may provide.

3 SECTION 34. AMENDATORY 74 O.S. 2021, Section 2257, is
4 amended to read as follows:

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

14 SECTION 35. AMENDATORY 74 O.S. 2021, Section 2258, is
15 amended to read as follows:

16 Section 2258. Bonds bearing the ~~signatures~~ signature of
17 ~~Commission officers~~ the Executive Director on the date of the
18 signing thereof shall be valid and binding obligations,
19 notwithstanding that before the delivery of the bonds, any or all
20 the persons whose signatures appear thereon shall have ceased to be
21 ~~officers of the Commission~~ Executive Directors of the Department.
22 The validity of the bonds shall not be dependent upon nor affected
23 by the validity or regularity of any proceedings relating to the
24 construction, reconstruction, improvement, betterment or extension

1 of the properties for which the bonds are issued. The resolution
2 authorizing the bonds may provide that the bonds shall contain a
3 recital that they are issued pursuant to this act, which recital
4 shall be conclusive evidence of their validity and of the regularity
5 of their issuance.

6 SECTION 36. AMENDATORY 74 O.S. 2021, Section 2259, is
7 amended to read as follows:

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

1 Legislature, to repay any obligations to the Oklahoma Water
2 Resources Board pursuant to Sections 1085.51 and 1085.71 et seq. of
3 Title 82 of the Oklahoma Statutes.

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

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

19 D. Any revenues which may be received by the ~~Commission~~
20 Department for the use of such buildings or improvements, in whole
21 or in part, shall be regarded as all other revenues of the
22 ~~Commission~~ Department and shall be subject to be pledged to the
23 payment of bonds issued hereunder. Each bond shall recite in
24 substance that such bond and the interest thereon is payable solely

1 from the revenues pledged to the payment thereof, and that such bond
2 does not constitute a debt of the ~~Commission~~ Department or of the
3 state within the meaning of any constitutional or statutory
4 limitation.

5 SECTION 37. AMENDATORY 74 O.S. 2021, Section 2260, is
6 amended to read as follows:

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

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

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

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

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

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

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

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

17 SECTION 38. AMENDATORY 74 O.S. 2021, Section 2261, is
18 amended to read as follows:

19 Section 2261. Unless an action shall be filed in the Supreme
20 Court for validation of the bonds in the manner hereinafter
21 provided, no bonds shall be issued hereunder until a certified copy
22 of the proceedings authorizing the issuance thereof, together with
23 any other information which the Attorney General may require, shall
24 be submitted to the Attorney General. If the Attorney General finds

1 that such bonds have been authorized in accordance with law, the
2 Attorney General shall approve the bonds and shall execute a
3 certificate to that effect, which shall be filed in the office of
4 the State Auditor and Inspector. All bonds so approved by the
5 Attorney General, registered by the State Auditor and Inspector, and
6 issued in accordance with the approved proceedings shall be valid
7 and binding obligations of the ~~Commission~~ Department, and the bonds
8 and all of the provisions securing the bonds shall be incontestable
9 for any cause in any court in Oklahoma unless suit thereon shall be
10 brought in a court having jurisdiction within thirty (30) days from
11 the date of the approval.

12 SECTION 39. AMENDATORY 74 O.S. 2021, Section 2262, is
13 amended to read as follows:

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

18 SECTION 40. AMENDATORY 74 O.S. 2021, Section 2263, is
19 amended to read as follows:

20 Section 2263. All property controlled and operated by the
21 ~~Commission~~ Department shall at all times be exempted from forced
22 sale and nothing in this act shall authorize the sale of any
23 property under any judgment rendered in any suit, and such sales are
24 hereby prohibited.

1 SECTION 41. AMENDATORY 74 O.S. 2021, Section 2264, is
2 amended to read as follows:

3 Section 2264. All of the property controlled and operated by
4 the ~~Commission~~ Department and all bonds issued hereunder and the
5 interest thereon shall be exempt from taxation by the State of
6 Oklahoma or by any municipal corporation, county or other political
7 subdivision or taxing district of the state, except that the bonds
8 shall be subject to the payment of inheritance taxes.

9 SECTION 42. AMENDATORY 74 O.S. 2021, Section 2267, is
10 amended to read as follows:

11 Section 2267. The ~~Commission~~ Department may issue bonds under
12 this act for the purpose of refunding any obligations of the
13 ~~Commission~~ Department previously issued under this act, or may
14 authorize and deliver a single issue of bonds hereunder, in part for
15 the purpose of refunding such obligations and in part for the
16 acquisition of additional properties or improvements. Where bonds
17 are issued under this section solely for refunding purposes, such
18 bonds may either be sold as above provided or delivered in exchange
19 for the outstanding obligations. If sold, the proceeds may be
20 either applied to the payment of the obligations, refunded or
21 deposited in escrow for the retirement of the bond obligations.
22 Nothing contained in this act shall be construed to authorize the
23 refunding of any outstanding obligations which are not either
24 maturing, callable for redemption under their terms or voluntarily

1 surrendered by their holders for cancellation. All bonds issued
2 under this section shall in all respects be authorized, issued, and
3 secured in the manner provided for other bonds issued under this act
4 and shall have all of the attributes of such bonds. The ~~Commission~~
5 Department may provide that any refunding bonds shall have the same
6 priority of lien on the revenues pledged for their payment as was
7 enjoyed by the obligations which are refunded.

8 SECTION 43. AMENDATORY 74 O.S. 2021, Section 2268, is
9 amended to read as follows:

10 Section 2268. The ~~Commission~~ Department is authorized in its
11 discretion to file an application with the Supreme Court of Oklahoma
12 for the approval of any series of bonds to be issued hereunder, and
13 exclusive original jurisdiction is hereby conferred upon the Supreme
14 Court to hear and determine each such application. It shall be the
15 duty of the Court to give such applications precedence over the
16 other business of the Court and to consider and pass upon the
17 applications any protests which may be filed thereto as speedily as
18 possible. Notice of the hearing on each application shall be given
19 by a notice published in a newspaper of general circulation in the
20 state informing that, on a day named, the ~~Commission~~ Department will
21 ask the Court to hear its application and approve bonds. Such
22 notice shall inform all persons interested that they may file
23 protest against the issuance of the bonds and be present at the
24 hearing and contest the legality thereof. Such notice shall be

1 published one time not less than ten (10) days prior to the date
2 named for the hearing, and the hearing may be adjourned from time to
3 time in the discretion of the Court. If the Court shall be
4 satisfied that the bonds have been properly authorized in accordance
5 with this act and that when issued they will constitute valid
6 obligations in accordance with their terms, the Court shall render
7 its written opinion approving the bonds and shall fix the time
8 within which a petition for rehearing may be filed. The decision of
9 the Court shall be a judicial determination of the validity of the
10 bonds and shall be conclusive as to the ~~Commission~~ Department, its
11 officers and agents. Thereafter, the bonds so approved and the
12 revenue pledged to their payment and the provision and agreements
13 contained in the bond resolution for the security of such bonds
14 shall be incontestable in any court in the State of Oklahoma.

15 SECTION 44. AMENDATORY 74 O.S. 2021, Section 2269, is
16 amended to read as follows:

17 Section 2269. All revenues collected or received by the
18 ~~Commission~~ Department under the provisions hereof shall be held in a
19 separate fund or funds and deposited in a bank or banks as the
20 ~~Commission~~ Executive Director may direct, from time to time, and
21 need not be paid into the Oklahoma Tourism and Recreation Department
22 Revolving Fund. All revenues shall be subjected to payment out of
23 such fund or funds from time to time as the ~~Commission~~ Executive
24 Director may direct.

1 SECTION 45. AMENDATORY 74 O.S. 2021, Section 2271, is
2 amended to read as follows:

3 Section 2271. The ~~Commission~~ Department is hereby authorized
4 to:

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

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

18 SECTION 46. AMENDATORY 74 O.S. 2021, Section 2272, is
19 amended to read as follows:

20 Section 2272. A. The ~~Commission~~ Department may provide by
21 resolution, from time to time, for the issuance of revenue notes and
22 bonds for its lawful purposes, in such amount or amounts as are
23 necessary, incidental, or convenient to the exercise of powers,
24 rights, privileges, and functions conferred upon it by this act or

1 other law. The principal of and interest on any indebtedness shall
2 be payable solely from the revenues of the Department and such other
3 funds as may be provided by law for such payments. The ~~Commission~~
4 Department may provide for credit enhancement as additional security
5 or liquidity for its notes and bonds and enter into such agreements
6 as may be necessary or appropriate to provide for the repayment of
7 any funds advanced by the provider of any such credit enhancement
8 including the payment of any fees and expenses incurred in
9 connection therewith. The notes and bonds of each issue shall bear
10 interest at fixed or variable rates and shall bear an average
11 interest rate comparable to other revenue notes and bonds of like
12 credit quality and maturity as prescribed by the State Bond Advisor
13 and shall mature at such time or times not exceeding thirty (30)
14 years from the date or dates of issue, as may be determined by the
15 ~~Commission~~ Department. The notes and bonds may be made redeemable
16 before maturity at the option of the ~~Commission~~ Department, at such
17 time or times and at such price or prices and pursuant to such terms
18 and conditions as may be fixed by the ~~Commission~~ Department prior to
19 the issuance of the notes and bonds. The ~~Commission~~ Department
20 shall determine the form of the notes and bonds and the manner of
21 execution thereof and shall fix the denominations of the notes and
22 bonds and the place or places of payment of principal and interest.
23 If any officer whose signature or facsimile of whose signature
24 appears on any notes and bonds shall cease to hold the office before

1 the delivery of the notes and bonds, the signature or the facsimile
2 shall nevertheless be valid and sufficient for all purposes, the
3 same as if the person had remained in the office until delivery.
4 All notes and bonds issued pursuant to the provisions of this act
5 shall have all the qualities and incidences of negotiable
6 instruments subject to the laws of this state. The ~~Commission~~
7 Department may sell the notes and bonds in such amounts and in such
8 manner, either at public or private sale, and for such price, as it
9 may determine to be in the best interests of the state. If the
10 notes and bonds are not sold by competitive bid, the sale must be
11 approved by the State Bond Advisor.

12 B. The ~~Commission~~ Department may, by resolution, provide for
13 the issuance of notes and bonds for the purpose of refunding notes
14 and bonds then outstanding, including the payment of any redemption
15 premium, any interest accrued to the date of redemption of the notes
16 and bonds, and for incurring additional indebtedness for its lawful
17 purposes. The issuance of such notes and bonds shall be governed by
18 the provisions of this act and the Oklahoma Bond Oversight and
19 Reform Act.

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

22 SECTION 47. AMENDATORY 74 O.S. 2021, Section 2273, is
23 amended to read as follows:

24

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

15 SECTION 48. AMENDATORY 74 O.S. 2021, Section 2274, is
16 amended to read as follows:

17 Section 2274. Revenue notes and bonds of the ~~Commission~~
18 Department issued pursuant to the provisions of this act shall not
19 constitute a debt of the state or of any political subdivision
20 thereof, or a pledge of the full faith and credit of the state, or
21 of any political subdivision thereof, but such notes and bonds shall
22 be payable solely from the funds provided therefrom. The forms of
23 the notes and bonds so issued shall contain on the face thereof a
24 statement to the effect that neither the state nor the ~~Commission~~

1 Department shall be obligated to pay the same or the interest
2 thereon except from the revenues of the Department pledged to the
3 payment of such notes and bonds and that neither the faith and
4 credit nor the taxing power of the state or any political
5 subdivision thereof is pledged, or may hereafter be pledged, to the
6 payment of the principal of or interest on the notes and bonds. The
7 notes and bonds so issued shall be exempt from taxation by the State
8 of Oklahoma and any political subdivision thereof, including the
9 income therefrom, and any gain from the sale thereof.
10 Notwithstanding any other provisions of law, the ~~Commission~~
11 Department may use money derived from annual legislative
12 appropriations on a year-to-year basis, as authorized by the
13 Legislature, to repay any obligations to the Oklahoma Water
14 Resources Board pursuant to Sections 1085.51 and 1085.71 et seq. of
15 Title 82 of the Oklahoma Statutes.

16 SECTION 49. AMENDATORY 74 O.S. 2021, Section 2276, is
17 amended to read as follows:

18 Section 2276. The ~~Commission~~ Department shall be subject to
19 blanket bond coverage as provided in Sections ~~85.26 through 85.31 of~~
20 ~~Title 74 of the Oklahoma Statutes~~ 85.58Q through 85.58V of this
21 title; provided, the ~~Commission~~ Department shall be authorized to
22 purchase increased amounts of fidelity bond coverage for those
23 employees deemed necessary by the ~~Commission~~ Executive Director.
24 When the amount listed in Section ~~85.29 of Title 74 of the Oklahoma~~

1 ~~Statutes~~ 85.58T of this title is deemed inadequate, the cost of
2 increased coverage shall be borne by the Department.

3 SECTION 50. AMENDATORY 74 O.S. 2021, Section 2276.1, is
4 amended to read as follows:

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

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

- 11 a. protect and conserve state park lands, but shall not
12 include routine maintenance expenses of the state
13 parks,
- 14 b. preserve historic properties under the jurisdiction of
15 the ~~Commission~~ Department,
- 16 c. provide for one-time capital upgrades and improvements
17 of state park resources, and
- 18 d. pay fees and expenses associated with the services of
19 a custodian of the Trust Fund.

20 2. Beginning July 1, 2012, and ending June 30, 2020, the
21 ~~Commission~~ Department may utilize funds not to exceed Fifteen
22 Million Dollars (\$15,000,000.00) from the principal of the Trust
23 Fund to construct and maintain a lodge and any associated facilities
24

1 deemed necessary by the ~~Commission~~ Executive Director at the Lake
2 Murray State Park.

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

5 D. The Trust Fund principal shall consist of monies from any
6 and all mineral lease payments, seismograph fees, royalty payments,
7 or other payments associated with oil and gas mineral operations at
8 state parks that are managed by the Oklahoma Tourism and Recreation
9 Department, any funds appropriated or transferred to the Trust Fund
10 by the Legislature, and any monies or assets contributed to the
11 Trust Fund from any other source, public or private.

12 E. Notwithstanding other provisions of law, income and
13 investment return on Trust Fund principal shall accrue to the Trust
14 Fund for use as provided by authorization of the trustees for the
15 purposes listed in subsection B of this section. Except as provided
16 for in subsection B of this section, no income or investment return
17 or principal shall be used for administrative expenses of the
18 Oklahoma Tourism and Recreation Department or expenses incurred ~~by~~
19 ~~the Commission~~ in the administration of the Trust Fund.

20 SECTION 51. AMENDATORY 74 O.S. 2021, Section 2276.2, is
21 amended to read as follows:

22 Section 2276.2 A. The Oklahoma Tourism and Recreation
23 ~~Commission~~ Department shall discharge ~~their~~ its duties as trustees
24

1 of the Oklahoma State Park Trust Fund created in Section 2276.1 of
2 this title, hereafter referred to as the "Trust Fund":

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

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

10 3. In accordance with the laws, documents and instruments
11 governing the Trust Fund.

12 B. The ~~Commission~~ Department may procure insurance indemnifying
13 ~~the members of the Commission~~ the Department from personal loss or
14 accountability from liability resulting from the action or inaction
15 of ~~a member~~ as a trustee.

16 C. The ~~Commission~~ Department may utilize the written investment
17 policy developed by the State Treasurer for the investment of public
18 funds for the investment and management of the Trust Fund.

19 Investments of the Trust Fund may be consistent with the guidelines
20 set forth in Section 89.2 of Title 62 of the Oklahoma Statutes which
21 establishes the investment requirements for public funds by the
22 State Treasurer.

23 D. Funds and revenues for investment by the ~~Commission~~
24 Department shall be placed with a custodian selected by the

1 ~~Commission~~ Executive Director. Payment of any fees for the services
2 of a custodian may be paid from the income and investment return on
3 the Trust Fund. The custodian may be the State Treasurer or a bank
4 or trust company offering pension fund master trustee and master
5 custodial services. If other than the State Treasurer is utilized,
6 the custodian shall be chosen by a solicitation of proposals on a
7 competitive bid basis pursuant to standards set by the ~~Commission~~
8 Executive Director. In compliance with the investment policy
9 guidelines of the ~~Commission~~ Executive Director, the custodian bank
10 or trust company shall be contractually responsible for ensuring
11 that all monies of the Trust Fund are invested in income-producing
12 investment vehicles at all times. If a custodian bank or trust
13 company has not received direction from the ~~Commission~~ Executive
14 Director as to the investment of the monies of the Trust Fund in
15 specific investment vehicles, the custodian bank or trust company
16 shall be contractually responsible to the ~~Commission~~ Department for
17 investing the monies in appropriately collateralized short-term
18 interest-bearing investment vehicles. If the State Treasurer is
19 utilized as the custodian and has not received direction from the
20 ~~Commission~~ Executive Director as to the investment of the monies of
21 the Trust Fund in specific investment vehicles, the State Treasurer
22 shall invest the monies in accordance with the investment policy
23 developed by the State Treasurer for investment of public funds and
24 in a manner consistent with the guidelines for the investment of

1 public funds set forth in Section 89.2 of Title 62 of the Oklahoma
2 Statutes.

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

6 F. The ~~Commission~~ Executive Director shall compile quarterly
7 financial reports of all the funds and accounts of the Trust Fund on
8 a fiscal year basis. The reports shall include several relevant
9 measures of investment value, including acquisition cost and current
10 fair market value with appropriate summaries of total holdings and
11 returns. The report shall be distributed to the Director of the
12 Legislative Service Bureau.

13 G. After July 1 and before October 1 of each year, the
14 ~~Commission~~ Department shall publish an annual report presented in
15 simple and easily understood language. The report shall be
16 submitted to the Governor, the Speaker of the House of
17 Representatives, the President Pro Tempore of the Senate, and the
18 Director of the Legislative Service Bureau. The annual report shall
19 cover the operation of the Trust Fund during the past fiscal year,
20 including income, disbursements, and the financial condition of the
21 Trust Fund at the end of the fiscal year. The annual report shall
22 also contain the information issued in the quarterly reports
23 required pursuant to subsection F of this section as well as a
24 summary of the results of the most recent actuarial valuation to

1 include total assets, total liabilities, unfunded liability or over-
2 funded status, contributions and any other information deemed
3 relevant by the ~~Commission~~ Department.

4 SECTION 52. AMENDATORY 74 O.S. 2021, Section 2278, is
5 amended to read as follows:

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

7 ~~1. "Commission" means the Oklahoma Tourism and Recreation~~
8 ~~Commission; and~~

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

11 SECTION 53. AMENDATORY 74 O.S. 2021, Section 2280, is
12 amended to read as follows:

13 Section 2280. A. There is hereby created a state trails system
14 composed of:

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

19 2. State hiking trails, which shall be extensive trails and
20 will serve to connect parks, scenic areas, historical points and
21 neighboring communities;

22 3. State special-use trails, which shall be trails designed to
23 provide for those trail activities which require special trail
24 definition and will include trails for bicycling, public riding and

1 motorcycle and minibike activities, as well as trails designed to
2 meet the needs of the handicapped, the blind and the elderly; and

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

6 B. The ~~Commission~~ Oklahoma Tourism and Recreation Department,
7 in accordance with appropriate federal, state and local governmental
8 organizations, shall establish a uniform marker for the trails
9 system.

10 C. In the planning and designation of trails, the ~~Commission~~
11 Department shall give due regard to the interest of federal or state
12 agencies, all political subdivisions, private land owners,
13 interested individuals and citizen groups. Furthermore, the
14 ~~Commission~~ Department encourages citizen participation in trail
15 acquisition, construction, development and maintenance where such
16 activities will not conflict with the purposes of the Oklahoma
17 Trails System Act.

18 SECTION 54. AMENDATORY 74 O.S. 2021, Section 2281, is
19 amended to read as follows:

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

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

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

12 B. The ~~Commission~~ Department may abandon any portion or all of
13 a trail or easement acquired for trail purposes; or it may transfer
14 any trail or easement to a local government having jurisdiction over
15 the area in which the trail or easement is located, provided that
16 such local government agrees to maintain and operate the trail.

17 C. The ~~Commission~~ Department shall notify the owner of the
18 land, through which any trail or easement passes, prior to entering
19 into any agreement with local government for the operation of a
20 trail and shall secure the consent of the landowner prior to the
21 transfer of any trail or easement to a local government.

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

1 E. Within the boundaries of a right-of-way, the ~~Commission~~
2 Department may acquire, on behalf of the state, lands in fee title,
3 any interest in lands in the form of scenic or other easements or
4 any interest in lands under cooperative or other agreement.
5 Acquisition of land or of any interest in land may be by gift,
6 purchase or exchange. Acquisition may be through the use of funds
7 obtained by donation, federal grants, legislative appropriation or
8 otherwise. In acquiring real property or any interest therein, the
9 power of eminent domain shall not be used.

10 F. 1. The ~~Commission~~ Department shall encourage the provision
11 of bicycle routes within the rights-of-way of federal aid system
12 highways and on or along county and city roadways. These bicycle
13 routes shall be composed of three types of pathways: bicycle
14 trails, bicycle lanes and bicycle routes. Bicycle trails shall be
15 distinct pathways which separate bicycles from motorized vehicular
16 traffic by means of an open space or barrier. Bicycle lanes shall
17 use designated portions of existing roadways and will be clearly
18 marked and separated from automobile lanes. Bicycle routes shall be
19 existing, low-volume roads and will be designated by clearly marked
20 signs.

21 2. Prior to the designation and construction of the bicycle
22 pathway system, the ~~Commission~~ Department shall authorize the
23 development of a bicycle master plan. The plan shall be comprised
24 of a set of clearly defined goals, a statement of current and

1 projected demands, a proposed layout of routes, construction
2 specifications, cost projections and the scheduling of
3 implementation. The plan shall likewise devote serious
4 consideration to those design criteria which will help to ensure the
5 safety of bicyclist, pedestrian and motorist alike.

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

9 SECTION 55. AMENDATORY 74 O.S. 2021, Section 2282, is
10 amended to read as follows:

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

15 B. Nothing in the Oklahoma Trails System Act shall prevent a
16 segment of the state trails system from being a part of the National
17 Scenic or Recreation Trails System. The ~~Commission~~ Department shall
18 coordinate the state trails system with the National Trails System
19 and will encourage and assist any federal studies for inclusion of
20 state trails into the National Trails System.

21 SECTION 56. AMENDATORY 74 O.S. 2021, Section 2283, is
22 amended to read as follows:

23 Section 2283. A. No hunting of wild game or the shooting of
24 firearms shall be permitted along the trail, with the exception of

1 those portions of the trail which traverse public hunting areas.
2 Such portions of the trail shall be closed to trail use, as listed
3 in the Oklahoma Trails System Act, during hunting season.

4 B. All horseback riding and motorcycling activities shall be
5 restricted to their designated special-use trails. Foot travel on
6 special-use trails shall be permitted; however, the special-use
7 activities shall have the right-of-way on the trails.

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

9 1. Willfully mutilate, deface or destroy any guidepost, notice,
10 tablet or other work for the protection or ornamentation of any
11 state trail;

12 2. Place along any trail or affix to any object in the right-
13 of-way, without a written license from the ~~Commission~~ Department,
14 any word, character or device designed to advertise any business,
15 trade, profession, article, thing, matter or event; or

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

18 SECTION 57. This act shall become effective November 1, 2022.

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