

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 619

BY: HOOPER

AS INTRODUCED

AN ACT RELATING TO TOURISM AND RECREATION; CREATING THE OKLAHOMA TOURISM AND RECREATION DEVELOPMENT AND LAND ACQUISITION TRUST FUND ACT; PROVIDING SHORT TITLE; PROVIDING DEFINITIONS; ESTABLISHING THE OKLAHOMA TOURISM AND RECREATION DEVELOPMENT AND LAND ACQUISITION TRUST FUND IN THE STATE TREASURY; PROVIDING SOURCES OF INCOME FOR FUND; PROVIDING FOR INVESTMENT OF FUND; ESTABLISHING GUIDELINES FOR EXPENDITURE OF TRUST FUND; PROVIDING EXCEPTIONS; LIMITING ACCUMULATIONS; ESTABLISHING THE PARK MAINTENANCE TRUST FUND; PROVIDING FOR DISPOSITION OF CERTAIN INCOME; ESTABLISHING THE OKLAHOMA TOURISM AND RECREATION DEVELOPMENT AND LAND ACQUISITION TRUST FUND BOARD OF TRUSTEES; SETTING QUALIFICATIONS; SETTING TERMS OF TRUSTEES; PROVIDING FOR CERTAIN REIMBURSEMENTS; PROVIDING FOR OFFICERS OF TRUST FUND BOARD; PRESCRIBING THE BOARD'S POWERS AND DUTIES; PROVIDING FOR ALLOCATION OF INTEREST AND EARNINGS; ESTABLISHING A TRUST FUND ACCOUNT WITHIN THE DEPARTMENT OF TOURISM AND RECREATION; DIRECTING TRANSFER OF FUNDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1901 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1902 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" shall mean the Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund Board of Trustees established in Section 6 of this act.

2. "Department" shall mean the Oklahoma Tourism and Recreation Department;

3. "Local government" shall mean a county, city, village, town, or any authority within the State of Oklahoma composed of counties, cities, villages, towns, or any combination thereof, which authority is legally constituted to provide public recreation; and

4. "Sponsor" shall mean a state agency, a nonprofit organization, a local unit of government, or an Indian tribe which is eligible for funding assistance through this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1903 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund is hereby established in the State Treasury. Said fund shall consist of all bonuses, rentals, delayed rentals,

royalties and other receipts collected, transferred or reserved by the state from the following sources:

1. All proceeds from mineral development on lands owned by the Department but not leased for mineral development on the effective date of this act;

2. All proceeds from mineral development on lands owned by the Department where expanded or renewed mineral development is undertaken after the effective date of this act;

3. Fifty percent (50%) of any general state appropriation made to any agency of state government for the purpose of developing or improving tourism or recreation facilities but not intended for utilization by that agency of state government, excluding multicounty and lake association funding;

4. That percentage of motor fuel tax levied pursuant to Section 501 et seq. of Title 68 of the Oklahoma Statutes which is reasonably attributable to the volume of motor fuels purchased for use by off-road vehicles and boats; and

5. All proceeds from state park entrance fee collections, provided the Department is granted the statutory authorization to collect such fees.

B. In addition to the contents of the Trust Fund described in this section, the Trust Fund shall consist of money transferred to the Trust Fund pursuant to Section 10 of this act.

C. The Trust Fund may receive appropriations, money, donations or other things of value.

D. The State Treasurer shall direct the investment of the Trust Fund, under the direction of the Board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1904 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Subject to the limitations of this act, the interest and earnings of the Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund may be expended for the following purposes:

1. The acquisition of land or rights in land for tourism or recreation uses or protection of the land because of its environmental importance or its scenic beauty;
2. The development of public tourism and recreation facilities;
3. The preparation of planning documents for tourism and recreation facilities; and
4. The administration of the Trust Fund.

B. In addition to the money described in this section, thirty-three and one-third percent (33 1/3%) of the money, exclusive of interest and earnings, received by the Trust Fund in any state fiscal year may be expended in the following state fiscal year for the purposes described in this section. However, the authorization for the expenditure of money provided in this section shall not apply after the fiscal year in which the total amount of money in the Trust Fund, exclusive of interest and earnings, exceeds the limitation on the Trust Fund prescribed in Section 5 of this act.

C. An expenditure from the Trust Fund may be made in the form of a grant to a sponsor, subject to the following conditions:

1. The grant is used for the purposes described in paragraph 1, 2, or 3 of subsection A of this section; and
2. The grant shall be matched by the sponsor with at least twenty-five percent (25%) of the total cost of the project. Of the twenty-five percent (25%) match percentage, at least fifteen percent (15%) must be cash.

D. The total expenditures from the Trust Fund in any fiscal year for the acquisition of land or rights in land, development of public tourism and recreation facilities and planning studies shall be allotted in accordance with the needs assessment as outlined in the Statewide Comprehensive Outdoor Recreation Plan. However, at

the request of the Legislature or the Governor, the Board may suspend the requirement of this section in order to permit the acquisition of land or rights in land of exceptional statewide significance.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1905 of Title 74, unless there is created a duplication in numbering, reads as follows:

The amount accumulated in the Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00) exclusive of interest and earnings. Any amount of money that would be a part of the Trust Fund but for the limitation stated in this section shall be deposited in the following funds in the order provided below:

1. Into a trust fund established at the State Treasurer's office, earmarked for the major maintenance needs of Department facilities. This trust fund shall be known as the Park Maintenance Trust Fund.

- a. The State Treasurer shall be responsible for investment of the Park Maintenance Trust Fund under direction of the Oklahoma Tourism and Recreation Commission, and
- b. Only the earnings and interest of the Park Maintenance Trust Fund may be allocated for major maintenance work within Department-owned-or-operated facilities, and
- c. The State Tourism and Recreation Commission shall be responsible for establishing the priorities for expenditures of this money, and
- d. The amount accumulated in the Park Maintenance Trust Fund shall not exceed Sixty Thousand Dollars (\$60,000.00) exclusive of interest and earnings.

2. Those funds derived from Commission facilities shall hereinafter be deposited as income into the appropriate Department

revolving fund and account. All other funds shall be deposited into the state general fund.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1906 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund Board of Trustees is hereby established within the Department. The Department shall offer its cooperation and aid to the Board and shall provide suitable offices, staff and equipment for the Board.

B. The Board shall consist of five (5) members. The members shall include the Director of the Oklahoma Tourism and Recreation Department, or a member of the Oklahoma Tourism and Recreation Commission, as determined by the Commission, and four regionally representative residents of the state to be appointed by the Governor with the advise and consent of the Senate.

C. The terms of the appointive members shall be four (4) years.

D. The appointive members may be removed by the Governor for inefficiency, neglect of duty, or malfeasance in office.

E. Vacancies on the Board shall be filled for the unexpired term in the same manner as the original appointments.

F. The Board may incur expenses necessary to carry out its powers and duties under this act and shall compensate its members for actual expenses incurred in carrying out their official duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

G. The Board shall be responsible for obtaining an annual audit of the activities of the Trust Fund.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1907 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund Board shall elect a chairperson and establish its administrative procedures and rules for fund disbursement in accordance with the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meetings Act. The Board shall meet not less than once every quarter of the year and shall record its proceedings.

B. On or before February 14 of each year, the Board shall report to the Governor detailing the operations of the Board for the preceding one-year period.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1908 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund Board shall determine which lands and rights in land within the state should be acquired, which public tourism and recreation facilities should be developed, and which planning studies should be performed with money from the Trust Fund, and shall submit to the Governor in February of each year a list of those lands and rights in land and those public tourism and recreation facilities and those planning studies that the Board has determined should be acquired, developed or performed with Trust Fund money, compiled in order of priority.

B. This list shall be accompanied by estimates of total costs for the proposed acquisitions, developments and planning projects.

C. The Board shall supply with each list a statement of the guidelines used in listing and assigning the priority of the proposed acquisitions, developments and planning projects.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1909 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. All interest and earnings on money appropriated to or otherwise deposited in the Trust Fund account shall be designated as Trust Fund proceeds which are available for distribution on projects.

B. Upon completion of a project funded with Trust Fund proceeds, any unexpended balance remaining after completion of the project for which the money was authorized shall be deposited in the Trust Fund and may be allocated for other projects.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1910 of Title 74, unless there is created a duplication in numbering, reads as follows:

On the effective date of this act, the State Treasurer shall do the following:

1. Establish a Trust Fund account and a Trust Fund proceeds account under the Oklahoma Tourism and Recreation Department; and
2. Transfer Five Hundred Thousand Dollars (\$500,000.00) from the Oil and Public Utility Overcharge Fund into the Oklahoma Tourism and Recreation Development and Land Acquisition Trust Fund.

SECTION 11. This act shall become effective September 1, 1992.

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