

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 956

BY: HOOPER

AS INTRODUCED

AN ACT RELATING TO TOURISM AND RECREATION;

AUTHORIZING ESTABLISHMENT OF CERTAIN NONPROFIT FOUNDATION; PROVIDING FOR BOARD OF TRUSTEES AND LIMITING MEMBERSHIP; REQUIRING BOARD TO DETERMINE DUTIES, RESPONSIBILITIES, AND POLICIES SUBJECT TO CERTAIN ORDERS OF COMMISSION; PROVIDING FOR EMPLOYEES, OFFICES, AND EXPENSES; PROHIBITING CERTAIN ACTIVITIES BY PUBLIC EMPLOYEES; AUTHORIZING RENTAL OF PUBLIC PROPERTY, REQUIRING CERTAIN MEETINGS AND RECORDS BE OPEN; PROHIBITING CERTAIN LOANS OR GIFTS; PROHIBITING CERTAIN ACTIONS WITHOUT ADEQUATE COMPENSATION; PROHIBITING CERTAIN WILLFUL VIOLATION; REQUIRING CERTAIN AUDITS AND REPORTS; PROHIBITING WITHHOLDING, ALTERATION OR DESTRUCTION OF CERTAIN RECORDS; MAKING CERTAIN VIOLATIONS FELONIES; PROVIDING PENALTIES; 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 1813.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Commission is authorized to establish a nonprofit foundation, to be known as the Friends of "Oklahoma Today" Magazine Foundation, for the purpose of obtaining private funding and other private support for "Oklahoma Today" magazine.

B. The Commission shall establish a Board of Trustees for said Foundation. Not more than one-third of the members of said Board shall be members of the Commission or officers or employees of this state or relatives of said Commission members or officers or employees within the third degree of consanguinity or affinity. Neither shall said Commission members, officers, employees or said relatives serve as officers of the Board.

C. The Board shall organize itself and shall determine its duties, responsibilities, and policies within the scope of the purpose stated in subsection A of this section but shall desist from any action or activity if so directed by the Commission. The Board shall provide for its own employees, office space, and office expenses. Public employees employed by the Board, if any, shall be paid by the Board for services performed for the Board. They shall not perform such services in the course of their duties as public employees or receive any compensation from this state for rendering services to the Board. The Commission is authorized to rent Oklahoma Tourism and Recreation Department office space and equipment to the Board at fair market value.

D. Meetings of the Board and of committees or other subordinate units of the Board which have policy-making powers shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. Records of the Board and of its committees or other subordinate units and of the Foundation shall, except for

names of donors, be subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

E. No member of the Board or officer or employee of the Commission or of the Oklahoma Department of Tourism and Recreation or relative of said member, officer, or employee within the third degree of consanguinity or affinity shall receive any gift or loan of Foundation funds or property.

F. No property or funds or other assets of this state shall be transferred to the Board or the Foundation, directly or indirectly, except in payment for goods or services received.

G. Every audit of the Oklahoma Tourism and Recreation Commission and every audit of the Oklahoma Department of Tourism and Recreation shall include an audit of the financial records and documents, including work papers, except for names of donors, of the Board and the Foundation. Each report of such audit, including findings of material weaknesses, qualifications, and defalcations, or a lack of such findings, shall be communicated in writing to the Board and the Commission and shall, within ten (10) days thereof, be communicated in writing to the State Auditor and Inspector and the Director of the Legislative Service Bureau together with such responses which the Board or the Commission may wish to provide.

H. Any person who willfully violates the prohibitions of subsections E or F of this section or who willfully withholds, alters or destroys records needed for the performance of an audit required by this section or causes or directs a subordinate to do so shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than five (5) years or by a fine of not more than Twenty Thousand Dollars (\$20,000.00), or by both such fine and imprisonment. Such person shall also be subject to immediate removal from office or employment as provided by law.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1879

WHT