SHORT TITLE: Tourism and recreation; modifying statutory reference.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 964 By: Kerr

AS INTRODUCED

An Act relating to tourism and recreation; amending 74 O.S. 1991, Section 1830, as amended by Section 1, Chapter 274, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1830), which relates to multicounty organizations; modifying statutory reference.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1830, as amended by Section 1, Chapter 274, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1830), is amended to read as follows:

Section 1830. The Oklahoma Tourism and Recreation Department, with the approval of the Tourism and Recreation Commission, shall develop rules and regulations to administer any of the matching funds derived from the Department for the allowable expenditures of multicounty organizations. Such rules and regulations shall be developed in accordance with this section. As used in this section:

1. "Administrative expenditure" shall mean those expenditures for the administration of fund raising and tourism promotion. Administrative expenditures shall include salaries and payroll taxes, personal services contracts, travel expenses not to exceed the amounts provided in the State Travel Reimbursement Act, ~~Section 500.1 et seq. of this title,~~ rent of facilities, office supplies, telephone and telegraph and multicounty organization audit costs;

2. "Allowable expenditure" shall mean those expenditures by multicounty organizations submitted to the Department of Tourism and Recreation for matching funds in accordance with the provisions of this section and the rules and regulations promulgated by the Tourism and Recreation Commission;

3. "Discretionary expenditure" shall mean those expenditures by multicounty organizations for which matching funds are not requested. Discretionary expenditures are not subject to the limiting provisions of this section and the rules and regulations promulgated by the Tourism and Recreation Commission;

4. "Independent and certified audit" shall mean an audit performed by a public accountant or certified public accountant registered with the Oklahoma Board of Public Accountancy. The audit shall be to the standards established by the Board of Public Accountancy for audits and shall include the specific requirements identified in this section and in Tourism and Recreation rules and regulations; and

5. "Tourism promotion expenditure" shall mean those expenditures for the preparation, printing, publication and distribution of media advertising in brochures, news and publicity materials, travel posters, mailing pieces, newspapers, magazines, television, radio, billboards, advertising and promotional specialties, exhibit space and displays at trade shows and conventions and the expenses for operating such exhibits, not to exceed amounts provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title, the cost of travel writer, travel agent, tour broker and tour operator familiarization tours into the State of Oklahoma and registration fees for the annual tourism and recreation industry conference for the purpose of attracting tourists or generating travel or tourism activity within the state or multicounty organization areas. The amount expended within the multicounty organization area for tourism promotion shall

not exceed fifty percent (50%) of the total of allowable expenditures and allocated matching funds.

It is the intent of the Legislature to encourage the promotion of tourism by multicounty organizations in cooperation with the Tourism and Recreation Department's statewide program. Allowable administrative expenditures by multicounty organizations shall not exceed forty percent (40%) of the lesser of either the total amount allocated (including reallocations) to the organization from appropriations made by the Legislature or the total of the matched expenditures. The limitation on administrative expenditures applies only to those expenditures submitted for matching with state appropriated funds.

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

Each multicounty organization shall prepare and submit appropriate plans, including a budget work program, for the ensuing fiscal year to the Tourism and Recreation Commission. Expenditures for obligations incurred before the Tourism and Recreation Commission approves the multicounty organizations' plans and budget work programs and any changes thereto, and expenditures not in accordance with the multicounty organizations' plans and budget work programs, shall not be allowable expenditures. The Tourism and Recreation Commission's approval of a multicounty organization budget work program constitutes a firm commitment of the multicounty organization's appropriated funds, subject to any fiscal year limitation, except that the Commission may reallocate unobligated funds as provided by law.

Each multicounty organization shall be required to submit an annual independent and certified audit of the multicounty organization. The audits shall encompass all funds available to the multicounty organization. The audit report shall include a statement showing the source of the funds and the fund raising method, and the disbursement of all allowable and discretionary expenditures. Failure to submit an audit report shall be cause for withholding of matching funds to a multicounty organization. Audit reports showing matching by any amount in excess of the allowable expenditures, matching for unallowable expenditures, or noncompliance with statutes, procedures prescribed herein, or Tourism and Recreation rules and regulations shall be cause for withholding of matching funds until such time as restitution is made to the Department of Tourism and Recreation.

44-2-1907 GH