ENGROSSED HOUSE
BILL NO. 2114

By: Hutchison, Pettigrew, Deutschendorf and Plunk of the House

and

Easley of the Senate

An Act relating to tourism; enacting the Oklahoma Recreation and Development Act; providing short title; defining terms; creating the Oklahoma Recreation and Development Revolving Fund; providing for deposits to and expenditures from such fund; stating purposes; providing procedures related to such fund; specifying expenditures of the fund and income from investment of monies from such fund; authorizing certain grants; specifying limits and matches relating to such grants; authorizing certain waivers; providing for the allotment of certain monies; limiting such allotments; establishing the Oklahoma Recreation and Development Revolving Fund Advisory Board; providing for technical assistance and support for such Board; providing for membership, officers, meetings and powers and duties of such Board; requiring the Board to provide a priority list of projects to the Commission; specifying information to be provided with such list; providing for certain monies to be available for distribution on projects; providing for unexpended project monies;

providing for codification; providing an effective date; and declaring an emergency.

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 Recreation and Development 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 the Oklahoma Recreation and Development Act:

1. "Board" means the Oklahoma Recreation and Development Revolving Fund Advisory Board;

2. "Department" means the Oklahoma Tourism and Recreation Department;

3. "Commission" means the Oklahoma Tourism and Recreation Commission;

4. "Local government" means a county, municipality or any authority within this state composed of counties, municipalities, or any combination thereof, which authority is legally constituted to provide for public recreation and tourism;

5. "Sponsor" means a state agency, a nonprofit organization, a local government, or an Indian tribe which is eligible for funding or other assistance through this act;

6. "State agency" means a department, commission or authority of this state which is legally constituted to provide for public recreation and tourism;

7. "Recipient" means the beneficiary of a project, not necessarily a sponsor. A recipient shall be a public entity, tribe or private entity. If the recipient is a private entity, project lands and improvements shall be leased or otherwise dedicated to a public purpose for not less than twenty-five (25) years;

8. "Nonprofit organization" means a corporation, trust or association which is duly recognized as an exempt organization under the Internal Revenue Code and which is legally constituted to provide public facility support;

9. "Indian tribe" means a Native American government, council or nation which is legally constituted to provide for public recreation and tourism;

10. "Total expenditures" means the amounts actually expended from the fund as authorized by this act;

11. "Fund" means the Oklahoma Recreation and Development Revolving Fund; and

12. "Project" means any scope of work eligible for funding under the Oklahoma Recreation and Development 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:

There shall be created in the State Treasury a revolving fund to be designated the "Oklahoma Recreation and Development Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies designated for the fund by statute, monies the Legislature may appropriate or transfer to the fund, monies contributed for the fund from any other sources public or private, and income from investment of the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Tourism and Recreation Commission, with advice from the Oklahoma Recreation and Development Revolving Fund Advisory Board. Expenditures from the

fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

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. The Oklahoma Recreation and Development Revolving Fund and income from investment of the monies of the fund may be expended for the following purposes:

1. The development of public recreation and tourism facilities;

2. The major maintenance and retrofitting of public recreation and tourism facilities for compliance with federal accessibility requirements;

3. The preparation of planning and research documents for public recreation and tourism facilities or products;

4. The protection or preservation of lands or rights in land for public recreational and tourism use or for environmental importance or scenic beauty;

5. The implementation of special demonstration projects which show merit for recreation and tourism, but do not fit explicitly into another category of eligibility;

6. The development of facilities that have a historical purpose and utilize historical resources, such as reenactments, interpretive exhibits and public accessibility; and

7. Costs of administering the fund which shall not exceed the greater of Fifty Thousand Dollars ($50,000.00) or two percent (2%) of the funds allocated to projects in a fiscal year.

B. Expenditures authorized in subsection A of this section may be made in the form of grants to sponsors legally constituted to provide public tourism or recreation, provided:

1. The grant is used for a purpose authorized by subsection A of this section; and

2. The grant is matched by the recipient entity to the extent of at least twenty-five percent (25%) of the total cost of the project, of which at least fifty percent (50%) of the match is in cash. A waiver of the match requirements is allowable with recommendation of the Oklahoma Recreation and Development Revolving Fund Advisory Board and approval of the Oklahoma Tourism and Recreation Commission.

C. The total expenditures from the Recreation and Development Revolving Fund in any fiscal year for the development of public recreation and tourism facilities, planning studies and other eligible projects shall be allotted in accordance with rules developed by the Board and adopted by the Commission. In no case shall greater than twenty percent (20%) of the available funds be allocated to the Department for project grants received either as a sponsor or as a recipient.

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:

A. The Oklahoma Recreation and Development Revolving Fund Advisory Board shall be established within the Oklahoma Tourism and Recreation Department. The Division of Planning and Development within the Department shall provide technical assistance and support to the Board in performing its duties and functions.

B. The Board shall consist of five (5) members. The members shall include the Director of the Oklahoma Tourism and Recreation Department, or a designee, as determined by the Commission; the President of the Oklahoma Historical Society or a designee; the Director of the Department of Wildlife Conservation or a designee; the President of the Oklahoma Recreation and Parks Society; and one member selected by the general membership of the Oklahoma Recreation and Parks Society.

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 Recreation and Development Revolving Fund Advisory Board shall elect a chairperson and establish proposed administrative procedures and rules for fund disbursement to be adopted by the Oklahoma Tourism and Recreation Commission in accordance with the Administrative Procedures Act. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meeting 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 Commission detailing the operations of the Board for the preceding one-year period.

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 Recreation and Development Revolving Fund Advisory Board shall determine and shall recommend to the Oklahoma Tourism and Recreation Commission projects within the state that should be performed with money from the Oklahoma Recreation and Development Revolving Fund, and shall submit to the Commission no later than February of each year a list of those projects that the Board has determined should be performed with money from the revolving fund, compiled in order of priority.

B. The list shall be accompanied by estimates of total costs for the proposed projects.

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

D. The Commission shall review the recommendations of the Board and shall determine, from the list provided by the Board, the projects to be funded.

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. All appropriated monies, interest, earnings and other monies appropriated to or monies deposited in the Oklahoma Recreation and Development Revolving Fund shall be designated as proceeds of the revolving fund which are available for distribution on projects.

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

SECTION 9. This act shall become effective July 1, 1996.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 28th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate