

ENROLLED HOUSE
BILL NO. 1053

By: Seikel of the House

and

Herbert of the Senate

An Act relating to the Oklahoma Tourism Promotion Act; amending 68 O.S. 1991, Sections 50011, as amended by Section 50, Chapter 366, O.S.L. 1993, 50014 and 50015, as last amended by Section 2, Chapter 334, O.S.L. 1994 (68 O.S. Supp. 1994, Sections 50011 and 50015), which relate to definitions, Oklahoma Tourism Promotion Revolving Fund and the Oklahoma Tourism Promotion Advisory Committee; modifying definition to include certain traveler response information program; specifying such program; limiting the amount of certain expenditures; adding Director of Indian Affairs Commission or designee to certain committee; clarifying statutory references; modifying gender references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 50011, as amended by Section 50, Chapter 366, O.S.L. 1993 (68 O.S. Supp. 1994, Section 50011), is amended to read as follows:

Section 50011. A. As used in the Oklahoma Tourism Promotion Act, Section 50010 et seq. of this title:

1. "Commission" or "Tax Commission" means the Oklahoma Tax Commission.

2. "Committee" means the Oklahoma Tourism Promotion Advisory Committee.

3. "Department" means the Oklahoma Tourism and Recreation Department.

4. "Gross receipts" means the total amount of consideration received from any sale specified in Section 50012 of this title, whether in money or otherwise.

5. "Person" means and includes any individual, company, partnership, joint venture, joint agreement, association, mutual or otherwise, limited liability company, corporation, estate, public trust, business trust, or other trust, receiver or trustee appointed by any state or federal court or otherwise or syndicate or group or combination acting as a unit, in the plural or singular number; but does not include this state, any county, city, municipality, school district or any other political subdivision of the state, except as otherwise provided by this act, Section 50010 et seq. of this title.

6. "Private tourist attraction" means any commercial activity which appeals to the recreational desires and tastes of the public through the presentation of services or devices designed to entertain or educate. The private tourist attractions for which the tax is levied shall be limited to the following:

- a. carnivals, private booths and concessions at state fairs, and amusement parks, except those amusement parks operated on a nonprofit basis by those entities exempt from taxation under subsection (c)(3) of Section 501 of the Internal Revenue Code,
- b. commercial animal, reptile, and zoological exhibits,
- c. water parks and services provided by marinas, excluding water vessel sales,
- d. water sports equipment, boats, canoes, and other water vessel rentals and tours,
- e. historic structures and tours,
- f. commercial horse shows and rodeos, except those operated by those entities exempt from taxation under subsection (c) of Section 501 of the Internal Revenue Code,
- g. commercial museums,
- h. motor vehicle, bicycle, horse and other racing events, excluding parking for such events, and
- i. seasonal events and attractions.

7. "Sale" means the furnishing or rendering of services or the transfer of title or possession of tangible personal property specified in Section 50012 of this title.

8. "Taxpayer" means any person making sales as specified in Section 50012 of this title.

9. "Tourism promotion" or "promote Oklahoma tourism" means and is limited to:

- a. the cost of producing advertisements, placement of those advertisements with the media (newspapers, magazines, radio, television, billboard, and direct mail) and the production and printing of collateral materials designed specifically to support and fulfill information requests generated by the media advertising campaigns, and the production, printing and distribution of brochures and promotions for regional, national and international tourism conferences, and
- b. the cost of providing a computerized consumer-oriented traveler response information program. Such program shall include a comprehensive state data base containing up-to-date information on state travel attractions and facilities, including but not limited to, lodging facilities, restaurants, chambers of commerce, convention and visitors bureaus, golf courses, campgrounds, events, regional tourism organizations and all other attractions. Oklahoma travel attractions and facilities shall be included on such data base free of charge.

B. "Tourism promotion" and "promote Oklahoma tourism" shall not include expenses for travel or lodging.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 50014, is amended to read as follows:

Section 50014. A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Tourism and Recreation Department, to be designated the "Oklahoma Tourism Promotion Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Tourism and Recreation Department from the tax levied pursuant to the provisions of the Oklahoma Tourism Promotion Act, Section 50010 et seq. of this title, and such other monies accredited to the fund pursuant to law.

B. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Tourism and Recreation Department for the purpose of promoting Oklahoma tourism as defined by Section ~~2~~ 50011 of this ~~act~~ title, provided that the Department shall ensure that all areas of the state will adequately be promoted.

C. Provided further, that the Department shall be limited to expending monies from said fund for the purpose of implementing the traveler response information program, as set forth in subparagraph b of paragraph 9 of subsection A of Section 50011 of this title, as follows: expenditures attributable to first-year start-up costs from this fund shall not exceed Five Hundred Fifty Thousand Dollars (\$550,000.00).

D. No monies from this revolving fund shall be transferred for any purpose to any other state agency or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. No monies from this revolving fund shall be expended for any wage or salary of any employee of any state agency. Expenditures from said 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 3. AMENDATORY 68 O.S. 1991, Section 50015, as last amended by Section 2, Chapter 334, O.S.L. 1994 (68 O.S. Supp. 1994, Section 50015), is amended to read as follows:

Section 50015. A. There is hereby created an Oklahoma Tourism Promotion Advisory Committee which shall advise the Oklahoma Tourism and Recreation Department on matters of statewide tourism promotion. The Committee shall consist of ~~twelve (12)~~ thirteen (13) members and one ex officio nonvoting member as follows:

1. ~~Chairman~~ Chair of the Senate Tourism Committee, or ~~his~~ designee;
2. ~~Chairman~~ Chair of the House of Representatives Tourism and Recreation Committee, or ~~his~~ designee;
3. President of the Oklahoma Travel Industry Association, or ~~his~~ designee;
4. President of the Oklahoma Lakes and Countries Association, or ~~his~~ designee;
5. Member of the Oklahoma Tourism and Recreation Commission, selected by the Oklahoma Tourism and Recreation Commission, whose occupation shall be in the tourism industry;
6. President of the Oklahoma Hotel/Motel Association, or ~~his~~ designee;
7. President of the Oklahoma Restaurant Association, or ~~his~~ designee;
8. Representative of the City Convention and Tourism Bureau or a representative of a municipal chamber of commerce, appointed by the Oklahoma Tourism and Recreation Commission;
9. Director of the State Arts Council of Oklahoma, or ~~his~~ designee;
10. Representative of the tour operator or travel agent sector, appointed by the Oklahoma Tourism and Recreation Commission;
11. Representative of the transportation sector, including but not limited to, airlines, bus companies, car rental business, appointed by the Oklahoma Tourism and Recreation Commission; ~~and~~
12. Executive Director of the Oklahoma Historical Society, or ~~his~~ designee; and
13. Director of the Indian Affairs Commission, or designee.

The Director of the Division of Travel and Tourism of the Oklahoma Tourism and Recreation Department, or ~~his~~ designee, shall serve as the ex officio nonvoting member.

B. The initial appointed members shall be appointed on or before January 1, 1988. The term of office of each appointed member shall be for one (1) year and end on December 31 of each year, but all members shall hold office until their successors are appointed.

C. The membership shall annually elect a ~~chairperson~~ chair and ~~vice-chairperson~~ vice-chair of the Committee, each of whom shall serve for a term of one (1) fiscal year and until their successor is elected, and who shall perform such duties as the Committee directs.

D. The members of the Committee shall receive no compensation for their services or reimbursements for any expenses incurred.

E. The Committee shall hold at least four ~~(4)~~ regular meetings each calendar year at a place and time to be fixed by the Oklahoma Tourism and Recreation Commission.

SECTION 4. This act shall become effective July 1, 1995.

SECTION 5. 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 22nd day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 24th day of May, 1995.

President of the Senate