

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 310

By: Herbert of the Senate
and
McCarter of the House

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Section 1810, as amended by Section 1, Chapter 97, O.S.L. 1992 (74 O.S. Supp. 1996, Section 1810), which relates to the Oklahoma Tourism and Recreation Commission; authorizing the Commission to lease, sell or contract for management services certain state lodges; removing certain prohibitions relating to certain state-owned lodges; authorizing disposal of recreational facilities; allowing the Commission to enter into certain contracts and agreements; providing exemption from the Oklahoma Central Purchasing Act; requiring certain legislative approval; providing for certain priority of sales subject to certain conditions; providing for certain mitigation in plans relating to any change in operations and displacement of state employees and outstanding bond indentures; creating the Tourism and Recreation Department Facility Sale and Lease Fund; requiring certain monies be deposited into certain

fund; requiring certain fund be used to pay
outstanding obligations; requiring certain proceeds
be deposited into the Department's general fund;
providing for codification; 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 1809.1 of Title 74, unless there
is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Commission may sell,
lease, or enter into a contract for management services for any
state-owned or operated recreational facility. "Recreational
facility", as used herein, means any state-owned or operated lodge,
park, golf course, real property, or any portion thereof, under the
jurisdiction of the Oklahoma Tourism and Recreation Department.

B. If the Commission determines it is in the best interest of
the state to sell, lease, or enter into a contract for the
management services of any state-owned recreational facility, the
Commission shall be exempt from the provisions of the Oklahoma
Central Purchasing Act, Section 85.1 et seq. of Title 74 of the
Oklahoma Statutes. The Commission shall promulgate rules describing
the method by which the state-owned recreational facilities may be
sold, conveyed, leased or managed by a private entity. Prior to any
sale of a recreational facility, the Legislature must approve the
sale by passage of a concurrent resolution.

C. In the event the Commission determines that sale of
recreational facilities is necessary, it shall prioritize the sale
of the facilities in terms of which facilities are operating at the
greatest loss. The Commission shall sell those facilities operating

at the greatest loss first, subject to any state, federal or municipal requirements and reversionary interests.

D. A lease or contract for management services may be entered into by the Commission for one-year periods, renewable at the sole option of the Commission, but not to exceed a cumulative period of fifty (50) years.

E. Prior to any change in operation that would result in displacement of a state employee, the Commission shall develop a plan to mitigate such change.

F. Prior to any sale, lease or contract for management services is entered into, all applicable provisions of any outstanding bond indenture(s) shall be complied with by the Commission.

G. All monies received from a sale, lease, or management contract of the recreational facility shall be paid into the Tourism and Recreation Department Facility Sale and Lease Fund, which is hereby created. All funds accruing to this fund are hereby appropriated and shall be used to pay the expenses incurred as a result of the sale, lease, or management contract, invested by the State Treasurer pursuant to Section 89.2 of Title 62 of the Oklahoma Statutes, which shall be used for the purpose of making lease payments on bond indebtedness or satisfying any other outstanding obligations on the recreational facility. Following the satisfaction of all outstanding obligations on the recreational facility, the remaining proceeds, if any, shall be deposited into the Department's general revolving fund.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1810, as amended by Section 1, Chapter 97, O.S.L. 1992 (74 O.S. Supp. 1996, Section 1810), is amended to read as follows:

Section 1810. The Division of Lodges shall, subject to the policies, and rules ~~and regulations~~ of the Oklahoma Tourism and Recreation Commission:

1. Plan, supervise, construct, enlarge, improve, equip and operate state-owned and state-operated lodges and cabins, under the jurisdiction and control of the Commission;

2. Adopt rules ~~and regulations~~ for the administration and use of state-owned lodges, ~~except that the five original state lodges, namely, Lake Murray Lodge, Quartz Mountain Lodge, Roman Nose Lodge, Western Hills Lodge and Texoma Lodge, shall be operated by the State of Oklahoma and shall not be leased to any person, firm or agency for the operation thereof; except~~ to include authorizing the State of Oklahoma ~~may~~ to lease concessions in any ~~of said~~ state-owned and operated lodges if the Commission deems it feasible;

3. Obligate and expend funds in conformity with the general state laws governing such activity; and

4. Exercise all authority and powers now vested in the Oklahoma Industrial Development and Park Commission and the Oklahoma Industrial Development and Park Department relating to state-owned lodges.

SECTION 3. 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.

46-1-7299

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