

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 1003

By: Herbert of the Senate

and

McCarter of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Sections 1810, as amended by Section 1 of Enrolled Senate Bill No. 850 of the 2nd Session of the 46th Oklahoma Legislature, and 1834, as amended by Section 1, Chapter 158, O.S.L. 1997 (74 O.S. Supp. 1997, Section 1834), which relates to Texoma Lodge; authorizing the Division of Lodges subject to the Oklahoma Tourism and Recreation Commission to enter into certain contract for management service at Texoma Lodge; authorizing certain leases; exempting the Commission from the Oklahoma Central Purchasing Act for certain purpose; requiring certain provisions to be complied with prior to entering into a contract of management services by the Commission; providing for certain state option, and providing for considerations related thereto; creating a revolving fund named the Texoma Lodge Management Fund; requiring certain monies to be deposited into fund; providing purpose; providing for expenses; providing for certain remaining proceeds to be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund; providing that certain programs are approved as necessary advertising and promotion expenses; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1810, as amended by Section 1 of Enrolled Senate Bill No. 850 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 1810. The Division of Lodges shall, subject to the policies, 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 for the administration and use of state-owned lodges, except that the following state lodges, namely, Lake Murray Lodge, Roman Nose Lodge, and 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 the Commission may adopt rules to lease concessions in any state-owned lodge 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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1803.1a of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Tourism and Recreation Commission may enter into a lease agreement or a contract for the management services of Texoma Lodge. The Commission shall be exempt from the provisions of the Oklahoma Central Purchasing Act when entering into such lease agreement or management contract. The Commission is further exempt from the Central Purchasing Act when making purchases for the purpose of effectuating the lease agreement or management contract. The lease agreement 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. Prior to entering into any lease agreement or contract for management services, all applicable provisions of any outstanding bond indenture(s) shall be complied with by the Commission.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1803.1b of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Tourism and Recreation Department to be designated as the Texoma Lodge Management Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from any lease agreement or contract for management services of Texoma Lodge. All monies accruing to the fund are hereby appropriated and shall be budgeted and expended by the Oklahoma Tourism and Recreation Department to pay the expenses incurred as a result of the contract and for the purpose of making lease payments on bond indebtedness or any other outstanding obligation on the Lodge. Following the satisfaction of all outstanding obligations on the Lodge, the remaining proceeds shall be deposited into the Oklahoma Tourism and Recreation Department Revolving Fund.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 1834, as last amended by Section 1, Chapter 158, O.S.L. 1997 (74 O.S. Supp. 1997, Section 1834), is amended to read as follows:

Section 1834. A. Authorization is given for the Oklahoma Tourism and Recreation Commission and the Oklahoma Tourism and Recreation Department staff and designated employees to promote the state-owned or state-leased and Department-operated facilities. Furthermore, specific promotion programs such as complimentary rooms, package rate plans, group rates, guest incentive sales programs, entertainment of prospective guests, employee information programs, golf promotional programs as well as other sales and promotion programs considered acceptable in the hospitality industry, in the travel industry, or the regional magazine industry are approved as necessary advertising and promotion expenses.

B. In order to best carry out the duties and responsibilities of the Oklahoma Tourism and Recreation Department and to serve the people of the state in the promotion of tourism and tourism economic development, the Department may enter into partnerships for promotional programs and projects with a private person, firm, corporation, organization or association. The Department may enter into contracts or agreements under terms to be mutually

agreed upon to carry out the programs and projects not including the Department's advertising contract which utilizes the Tourism Promotion Tax or acquisition of land or buildings. The contracts or agreements may be negotiated and shall not be subject to the provisions of the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title or the Public Competitive Bidding Act of 1974, Section 101 et seq. of Title 61 of the Oklahoma Statutes.

C. All contracts or agreements entered into as partnerships for promotional projects or programs by the Department shall be approved by the Oklahoma Tourism and Recreation Commission.

SECTION 5. This act shall become effective November 1, 1998.

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