

SHORT TITLE: State government; authorizing the Oklahoma Tourism and Recreation Commission to privatize recreational facilities; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 310

By: Herbert

AS INTRODUCED

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 certain state lodges; authorizing disposal of recreational facilities; allowing the Commission to enter into certain contracts or agreements; stipulating that certain contractor shall not be bound by state laws; 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 dispose of, lease, or enter into a contract for management services for any state-owned or operated recreational facility. "Recreational facility", as used herein, is defined as 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 of Title 74 of the Oklahoma Statutes, and may promulgate rules describing the method by which the state-owned recreational facilities may be sold, conveyed, leased or managed by a private entity.

C. 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.

D. A private management contractor shall not be bound by state laws or other legislative enactments governing the appointment, qualifications, duties, salaries, or benefits of state employees.

E. 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, and shall be used for the purpose of making payments on bond indebtedness or on 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 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~~ Tourism and Recreation Commission and the Oklahoma ~~Industrial Development and Park~~ Tourism and Recreation 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.

