ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1089 By: Herbert of the Senate

and

Hutchison of the House

An Act relating to tourism, amending 74 O.S. 1991 Sections 500.18, as last amended by Section 1, Chapter 387, O.S.L. 1999, Section 1, Chapter 115, O.S.L. 1993, as amended by Section 1, Chapter 64, O.S.L. 1998 and 5026, as last amended by Section 2, Chapter 11, O.S.L. 1995 (74 O.S. Supp. 1999, Sections 500.18, 1852.1 and 5026), which relate to the State Travel Reimbursement Act, cost and revenue reporting system for state parks and the Oklahoma Film Office; clarifying persons eligible for travel reimbursement; * * * and providing an effective date.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"(tourism - amending 74 O.S. 1991, Sections 500.18, as last amended by Section 1, Chapter 387, O.S.L. 1999, Section 1, Chapter 115, O.S.L. 1993, as amended by Section 1, Chapter 64, O.S.L. 1998 and 5026, as last amended by Section 2, Chapter 11, O.S.L. 1995 (74 O.S. Supp. 1999, Sections 500.18, 1852.1 and 5026) - State Travel Reimbursement Act - Oklahoma Film and Music Office - Oklahoma Music Advisory Commission -

effective date)

SECTION 1. AMENDATORY 74 O.S. 1991, Section 500.18, as last amended by Section 1, Chapter 387, O.S.L. 1999 (74 O.S. Supp. 1999, Section 500.18), is amended to read as follows:

Section 500.18 A. Except for members of the Legislature, the Governor and the Lieutenant Governor, provisions of Sections 500.1 through 500.18 of this title shall be mandatory for all officials and employees of all departments, boards, commissions and institutions of the state, regardless of the provisions of any other act of the Legislature, except as provided by this section. The enactment of any measure in the future providing for travel reimbursement of state officers and employees on the basis of "actual and necessary" expenses or in any other manner inconsistent with Sections 500.1 through 500.18 of this title shall be deemed to provide for reimbursement in accordance with Sections 500.1 through 500.18 of this title unless a contrary intent is explicitly expressed in this section. Sections 500.1 through 500.18 of this title shall not apply, however, to travel reimbursements made by political subdivisions of this state, except as otherwise provided by law.

B. The agencies listed below are authorized certain exceptions and/or exemptions to the provisions of Sections 500.1 through 500.18 of this title to the extent specified:

1. State Department of Agriculture:

The actual and reasonable expenses of travel and subsistence in pursuing and developing markets for Oklahoma agricultural products incurred by the Commissioner, Deputy Commissioner and such employees designated by the State Board of Agriculture within the marketing development programs of the State Department of Agriculture shall be reimbursed to the employee incurring such expenses. Reimbursement of such expenses shall be in accordance with rules adopted by the Board. Expenses claimed shall, prior to reimbursement, be reviewed by the Board at a regular meeting and individually approved or disapproved.

2. Wheat Utilization, Research and Market Development Commission:

The actual and reasonable expenses of travel, lodging and subsistence in pursuing and developing markets for Oklahoma wheat and wheat products incurred by the Commission, staff and such persons authorized by the Commission shall be reimbursed to the person incurring such expenses. Expenses of wheat trade officials on wheat trade missions from foreign countries and from other states can be reimbursed to the person previously authorized by the Commission to incur the expense. No actual and reasonable expenses shall be paid except for time spent working with wheat trade officials on wheat trade missions. Reimbursement of such expenses shall be made in accordance with rules adopted by the Commission. Expenses claimed shall, prior to reimbursement, be reviewed by the Commission at each regular meeting and individually approved or disapproved.

3. Department of Public Safety:

When traveling with the Governor or at the Governor’s request, personnel assigned by the Commissioner for executive security and pilots on executive assignment shall be allowed their actual and necessary traveling expenses, upon claims approved by the Commissioner.

4. Department of Corrections:

The Department of Corrections shall be exempt from limitations of reimbursement for rented automobiles, as set forth in Section 500.5 of Title 74 of the Oklahoma Statutes, when the rental is by a Correctional Officer or Transportation Officer for the limited purpose of transporting inmates. Reimbursement for the expense shall be on the basis of actual cost.

5. Oklahoma Tourism and Recreation Department:

The Oklahoma Tourism and Recreation Commission and Department staff who promote in-state and out-of-state business for Oklahoma's state-operated <u>or state-owned</u> parks and lodges and the tourism and recreation industry, may be reimbursed for the actual and necessary

expense of travel, subsistence and entertainment for this purpose. The Director of the Oklahoma Tourism and Recreation Department may reimburse the Publisher of Oklahoma Today magazine and its staff for expenses for meals and other entertainment in order to gain advertising and promotion for Oklahoma Today magazine. The Oklahoma Tourism and Recreation Department may reimburse the Director of the Oklahoma Film and Music Office and staff for the actual and necessary expenses for meals and other entertainment in order to promote the film ~~industry~~ and music industries in ~~the~~ this state. Reimbursement of all actual and necessary expenses shall be in accordance with rules adopted by the Oklahoma Tourism and Recreation Commission.

6. Oklahoma Department of Commerce:

a. The actual and necessary expenses incurred by the Director and other employees of the Department authorized by the Director for the purpose of business recruitment shall be reimbursed. Reimbursement of expenses shall be in accordance with rules adopted by the Director of the Oklahoma Department of Commerce. Expenses claimed shall, prior to reimbursement, be reviewed by the Director and individually approved or disapproved.

b. The Department, at the discretion of the Director, may charter aircraft for the purposes of carrying out its duties and responsibilities related to business recruitment and performing the duties of the Director. The cost of such charter shall be exempt from the provisions of Section 500.6 of this title. Claims filed with the Office of State Finance shall bear the following certification:

The best interests of the citizens of Oklahoma were better served in that conventional ground

transportation was not practical or feasible for this trip, aircraft from the Department of Public Safety were not available for this trip, and no other claim has been or will be filed as a payment for the cost of transportation in connection with this trip.

7. Department of Central Services:

The actual and necessary expenses of travel and subsistence incurred by the Director, any state employee approved by his or her appointing authority, or state officials, for travel outside the state in performance of duties related to bond financing shall be reimbursed to the employee or state official incurring such expenses. Reimbursement for lodging expenses shall be supported by three telephone bids from hotels within a reasonable distance of the activity for which the travel was approved.

8. Oklahoma Futures:

The actual and necessary expenses incurred by the members of Oklahoma Futures in the performance of their duties shall be reimbursed to the members incurring such expenses. Reimbursement of all actual and necessary expenses shall be in accordance with rules adopted by Oklahoma Futures.

9. Oklahoma Development Finance Authority:

The actual and necessary expenses incurred by the members and employees of the Oklahoma Development Finance Authority in the performance of their duties shall be reimbursed to the person incurring such expenses. Reimbursement of all actual and necessary expenses shall be in accordance with the bylaws of the Authority.

10. Oklahoma Center for the Advancement of Science and Technology:

The actual and necessary expenses incurred by the members and employees of the Oklahoma Center for the Advancement of Science and Technology in the performance of their duties shall be reimbursed to the person incurring such expenses. Reimbursement of all actual and

necessary expenses shall be in accordance with the bylaws of the Center.

11. Center for International Trade Development:

The actual and necessary expenses of travel, lodging and subsistence incurred by the Director and authorized employees of the Center for International Trade Development for performance of their duties for the purpose of business recruitment and assistance shall be reimbursed to the person incurring such expenses. Reimbursement of such expenses shall be in accordance with the rules adopted by the Director of the Center for International Trade Development. Expenses claimed shall be reviewed and individually approved or disapproved, prior to reimbursement, first by the Director, and finally by either the Vice President, Business and Finance of Oklahoma State University or the President of Oklahoma State University.

12. Oklahoma State Bureau of Investigation:

The actual and necessary expenses incurred by the Director and other employees of the Bureau authorized by the Director as a result of conducting investigations shall be reimbursed to each such employee incurring the expenses. Reimbursement of the expenses shall be in accordance with rules adopted by the Director of the Oklahoma State Bureau of Investigation. Prior to reimbursement, expenses claimed shall be reviewed by the Director and individually approved or disapproved.

13. Department of Human Services:

a. The actual and necessary expenses of travel, lodging and subsistence incurred by employees of the Legal Division in the performance of their duties for the purpose of representing the Department of Human Services or any of its officials, employees, institutions or hospitals at any proceeding, including depositions, held before any court, administrative

body or representative thereof, shall be reimbursed to the employee incurring such expenses. Expenses claimed shall be approved by the General Counsel and the Director of Human Services prior to reimbursement.

b. The Department, at the discretion of the Director, may charter aircraft when determined by the Director such charter would be more practical or less expensive than normal modes of transportation and when aircraft of the Department of Public Safety are unavailable. The costs of such charter shall be exempt from the provisions of Section 500.6 of this title.

14. Oklahoma Health Care Authority:

The actual and necessary expenses of travel, lodging and subsistence incurred by employees of the Legal Division in the performance of their duties for the purpose of representing the Authority or any of its officials or employees, at any proceeding, including depositions, held before any court, administrative body or representative thereof, shall be reimbursed to the employee incurring such expenses. Expenses claimed shall be approved by the Administrator prior to reimbursement.

15. Oklahoma State Bureau of Narcotics and Dangerous Drugs Control:

The actual and necessary expenses incurred by the Director and other employees of the Bureau authorized by the Director as a result of conducting investigations shall be reimbursed to each employee incurring the expenses. Reimbursement of the expenses shall be in accordance with rules adopted by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Prior to reimbursement, expenses claimed shall be reviewed by the Director and individually approved or disapproved.

16. University Hospitals:

The actual and necessary expenses of travel, lodging and subsistence incurred by employees of the Legal Office in the performance of their duties for the purpose of representing the University Hospitals or any of its officials, employees, institutions or hospitals at any proceeding, including depositions, held before any court, administrative body or representative thereof, shall be reimbursed to the employee incurring such expenses. Expenses shall be approved by the Chief Executive Officer of the University Hospitals or by the University Hospitals Authority.

17. Oklahoma Historical Society:

The actual and necessary expenses of travel, subsistence and entertainment incurred by the Executive Director, Deputy Director and any employees designated by the Executive Committee of the Oklahoma Historical Society Board of Directors in pursuing and developing programs and projects for the preservation and marketing of Oklahoma history shall be reimbursed to the person incurring the expenses. Reimbursement of expenses shall be in accordance with rules adopted by the Oklahoma Historical Society Board of Directors. Prior to reimbursement, expenses claimed shall be reviewed by the Executive Committee at a regularly scheduled meeting and each claim shall be individually approved or disapproved.

18. The Oklahoma Department of Mines:

The actual and necessary expenses of travel, lodging and subsistence incurred by employees of the Department in the performance of their duties for the purpose of representing the Department or any of its officials or employees, at any proceeding, hearing or meeting with federal agencies, boards, commissions, congressional representatives, congressional committees or staff, shall be reimbursed to the employee incurring such expenses. Expenses claimed shall be approved by the executive Director prior to reimbursement.

19. The Office of Attorney General:

The actual and necessary expenses of travel, lodging and subsistence incurred by its employees in the performance of their duties for the purpose of representing the state, the Legislature, any state board, agency or commission, or any employee or official of the state entitled to representation, at any proceeding, including depositions, held before any court, administrative body or any representative thereof, shall be reimbursed to the employee incurring the expenses. The expenses shall be approved by the Attorney General prior to reimbursement.

20. District Attorneys Council:

The actual and necessary expenses incurred by each district attorney and other employees of the district attorney authorized by the district attorney as a result of conducting investigations shall be reimbursed to each employee incurring the expenses. Reimbursement of the expenses shall be in accordance with rules adopted by the District Attorneys Council. Prior to reimbursement, expenses claimed shall be reviewed by the Council and individually approved or disapproved.

21. The Department of Securities:

The actual and necessary expenses of travel, lodging and subsistence incurred by the Administrator and other employees of the Department of Securities in the performance of their duties for the purpose of representing the Department of Securities, at any proceeding, including depositions, held before any court, administrative body or any representative thereof, conducting on-site examinations, or conducting investigations, shall be reimbursed to each employee incurring the expenses. The expenses shall be approved by the Administrator of the Department of Securities prior to reimbursement.

C. The agencies listed in subsection B of this section shall be required to report annually the actual expenses excepted or exempted

from Sections 500.1 through 500.18 of this title to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The report shall be submitted no later than the first day of September following the end of each fiscal year.

SECTION 2. AMENDATORY Section 1, Chapter 115, O.S.L. 1993, as amended by Section 1, Chapter 64, O.S.L. 1998 (74 O.S. Supp. 1999, Section 1852.1), is amended to read as follows:

Section 1852.1 A. The Oklahoma Tourism and Recreation Department shall establish a cost and revenue reporting system for all budget activities and subactivities of the Department.

B. ~~In addition to such other audits as may be required of or desired by the Oklahoma Tourism and Recreation Department, the~~ 1. The Department shall annually have an independent audit performed by the State Auditor and Inspector or ~~his or her designated agent~~ an independent auditor. This audit shall be conducted in accordance with ~~the~~ Generally Accepted Government Auditing Standards ~~as~~ issued by the Comptroller General of the United States. The cost of the audit shall be borne by the Department.

~~The scope of the audit required by this section shall be a financial-related audit of the operation of the Department's lodges, golf courses and parks. On a rotating three-year basis, the audit scope shall include the lodges in the first year, the golf courses in the second year, and the parks in the third year.~~

~~The required audit reports shall be prepared in a comparable format as prescribed by the State Auditor and Inspector and shall include but not be limited to a schedule of cash flow activities of the lodges, golf courses and parks. In addition, the report shall address the adequacy of relevant and related statutes, policies, procedures and internal controls with emphasis on cash receipting activities.~~

2. Matters to be considered in determining the types of activities to be audited and the scope of the audit shall be based on an analysis of:

a. the date and results of prior audits, reviews, and/or independent studies,

b. financial exposure,

c. potential loss and risk,

d. requests by the Commission and/or Executive Management of the Department,

e. major changes in operations, programs, systems, and controls, and

f. opportunities to achieve operating benefits.

The audit may be conducted in accordance with Section 213.2 of this title or in lieu of such audit, the Oklahoma Tourism and Recreation Commission may direct that independent consultants conduct a review of certain Department activities.

3. The Department's internal auditors shall conduct internal audits of the Department's facilities and programs ~~that complement the audits required by this section. The internal audits shall be conducted in compliance with~~ pursuant to the provisions of Section 228 of this title.

4. The independent audits required by this section shall be completed on or before December 31 of each year and shall, upon distribution, become public record.

C. Any person who intentionally alters or destroys records needed for the performance of an audit as provided for in this section or intentionally causes or directs a subordinate to do such acts, shall be subject to immediate removal from office or employment ~~and all accrued benefits shall be terminated immediately~~.

D. The Oklahoma Tourism and Recreation Commission shall provide notice to Department employees affected by this section of the

prohibited acts and the penalties ~~provided for in~~ pursuant to the provisions of this section.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 5026, as last amended by Section 2, Chapter 11, O.S.L. 1995 (74 O.S. Supp. 1999, Section 5026), is amended to read as follows:

Section 5026. A. There is hereby created within the Oklahoma Tourism and Recreation Department, the Oklahoma Film and Music Office. The Office shall have the primary responsibility in state government for promoting the State of Oklahoma as a location for producing motion pictures, television programs ~~and~~, videos and recording or performing music. The office shall assist the motion picture, television and video film and music industries by providing production contacts in the state, suggesting possible filming, performing, and recording locations, and other activities that may be required to promote the state as a filming and music center. The office shall further assist the music industry by providing production contacts in the state, suggesting possible publishing, production and recording locations, and other activities that may be required to promote the state as a music center; developing resource guides, a data base, and a website; developing listings of music festivals and music events being held in Oklahoma.

B. 1. There is hereby established within the Oklahoma Tourism and Recreation Department, the Oklahoma Film Office Advisory Commission which shall consist of the Lieutenant Governor, who shall serve as an ex officio member and as Chairman of the Advisory Commission, and eight (8) members appointed by the Director of the Department. Appointed members shall serve two-year terms. Five appointed members shall have experience in the development and implementation of economic development programs. Three appointed members shall possess a broad working knowledge of the film industry.

2. The Oklahoma Film ~~Office~~ and Music Advisory Commission shall have the following responsibilities:

~~1. Focus~~

a. focus the activities and functions of the Oklahoma Film and Music Office to provide the maximum economic development impact to the State of Oklahoma~~;~~,

~~2. Promote~~

b. promote the film ~~industry~~ and music industries to local communities~~;~~,

~~3. Solicit~~

c. solicit input annually from a cross section of the public including industry, business, and community leaders~~;~~,

~~4. Assist~~

d. assist the Oklahoma Film and Music Office in developing a marketing plan and a production manual~~;~~, and

~~5. Assist~~

e. assist the Oklahoma Film and Music Office in the preparation of the annual report.

C. There is hereby established within the Oklahoma Tourism and Recreation Department, the Oklahoma Music Advisory Commission which shall consist of the Lieutenant Governor, who shall serve as an ex officio member and as Chairman of the Advisory Commission, and eleven (11) members appointed by the Director of the Department. Appointed members shall serve two-year terms. Six of the appointed members shall have experience in economic development. Five of the appointed members shall have knowledge of the music industry.

The Oklahoma Music Advisory Commission shall have the following responsibilities:

1. Focus the activities and functions of the Oklahoma Film and Music Office to provide the maximum economic development impact to the State of Oklahoma;

2. Promote the music industry to local communities;

3. Serve as a clearinghouse for the Oklahoma music industry using databases which it develops and maintains;

4. Promote Oklahoma music and musicians to a national and international audience;

5. Solicit input annually from a cross section of the public including industry, business and community leaders;

6. Assist the Oklahoma Film and Music Office in developing a marketing plan and a production and recording manual; and

7. Assist the Oklahoma Film and Music Office in the preparation of the annual report.

D. The Oklahoma Film and Music Office shall cooperate with other state and local offices as required to promote the film ~~industry~~ and music industries in ~~the~~ this state.

~~D.~~ E. The Oklahoma Film and Music Office shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate prior to February 1 of each year regarding the activities of the office. The report shall provide information about the number of filming productions that the office has helped bring to the state and the economic impact of those productions.

~~E. On September 1, 1993, the Oklahoma Film Office shall be transferred to the Oklahoma Department of Tourism and Recreation. The transfer shall include all personnel, equipment, files and funds necessary to operate the Oklahoma Film Office. The employees of the Oklahoma Film Office shall be transferred without a change in status and shall remain subject to the merit system of personnel administration as provided in the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes. All~~

~~transferring employees shall, except as otherwise provided for in this subsection, be exempt from any examination or other employment requirements for new employees.~~

SECTION 4. This act shall become effective November 1, 2000."

Passed the House of Representatives the 5th day of April, 2000.

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Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 2000.

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President of the Senate