STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1449 By: Herbert of the Senate

and

Hutchison of the House

COMMITTEE SUBSTITUTE

(Public finance - tourism and recreation - creating Oklahoma Golf Authority - amending 74 O.S. 1991, Section 500.18 -

effective date)

SECTION 1. AMENDATORY 62 O.S. 1991, Section 695.3, is amended to read as follows:

Section 695.3 As used in the Oklahoma Bond Oversight and Reform Act:

1. "Executive Commission" means the Executive Bond Oversight Commission;

2. "Legislative Commission" means the Legislative Bond Oversight Commission;

3. "Commissions" means the Executive Bond Oversight Commission and the Legislative Bond Oversight Commission;

4. "State Governmental Entity" means the State of Oklahoma or any agency, board, commission, authority, department, public trust of which the state is the beneficiary or other instrumentality of state government, other than a public trust with the state as beneficiary whose jurisdiction is limited to one county, including, but not limited to, the following:

a. Oklahoma Municipal Power Authority,

b. Oklahoma Development Authority,

c. Oklahoma Industrial Finance Authority,

d. Grand River Dam Authority,

e. Oklahoma Water Resources Board,

f. Northeast Oklahoma Public Facilities Authority,

g. Oklahoma ~~Turnpike~~ Transportation Authority,

h. Oklahoma Housing Finance Authority, ~~and~~

i. Oklahoma Public, Industrial and Cultural Facilities Authority, and

j. Oklahoma Golf Authority;

5. "Local Governmental Entity" means counties, cities and towns, school districts, public trusts of which a county, city or town or school district is the beneficiary or other political subdivision of the state; and

6. "Purpose" means the issuer's principal intended use of the funds derived from the issuance of bonds or other obligations.

SECTION 2. AMENDATORY 62 O.S. 1991, Section 7.1, as last amended by Section 2, Chapter 219, O.S.L. 1996 (62 O.S. Supp. 1999, Section 7.1), is amended to read as follows:

Section 7.1 A. There is hereby created in the official depository in the State Treasury an agency clearing account for each state officer, department, board, commission, institution or agency of the state, hereinafter referred to collectively as state agencies. An agency special account established under Section 7.2 of this title may be used for the purposes of an agency clearing account.

B. It shall be the duty of each state agency, officer or employee, to deposit in the agency clearing account, or agency special account, established under Section 7.2 of this title, all monies of every kind, including, but not limited to:

1. Tax revenues;

2. Receipts from licenses, examinations, per diem and all other reimbursements, fees, permits, fines, forfeitures and penalties; and

3. Income from money and property, grants and contracts, refunds, receipts, reimbursements, judgments, sales of materials and services of employees, and nonrevenue receipts, received by a state agency, officer or employee by reason of the existence of and/or operation of a state agency.

C. All such monies collected pursuant to this section shall be deposited as follows in the agency clearing account or agency special account established therefor:

1. Receipts of One Hundred Dollars ($100.00) or more shall be deposited on the same banking day as received.

2. Receipts of less than One Hundred Dollars ($100.00) may be held until accumulated receipts equal One Hundred Dollars ($100.00) or for five (5) business days, whichever occurs first, and shall then be deposited no later than the next business day.

a. Each state agency that has custody of receipts of less than One Hundred Dollars ($100.00) shall provide adequate safekeeping of such receipts,

b. No disbursements shall be made from such receipts prior to this deposit, and

c. All checks received must be restrictively endorsed immediately upon receipt.

D. The State Treasurer is authorized to accept deposits directly to State Treasury funds, consisting of cash, bank drafts, bank cashier's checks, federal treasury checks and other forms of remittance which are uniformly honored for payment. The State Treasurer is further authorized to accept checks deposited directly into State Treasury funds if the depositing state agency maintains sufficient balances in their agency clearing account to cover return items. Notwithstanding the provisions of subsection E of this section, state agencies are authorized to maintain sufficient

balances in their agency clearing account to cover returned checks, credit card adjustments, credit card returns, and other debit items. Amounts of said balances shall be subject to approval by the State Treasurer.

All checks, drafts, orders and vouchers so deposited shall be credited and cleared at par and should payment be refused on any such check, draft, order or voucher, or should the same prove otherwise worthless, the amount thereof shall be charged by the State Treasurer against the account or fund theretofore credited with the same; and the person issuing the check, draft, order or voucher shall be charged a fee of Twenty-five Dollars ($25.00) to cover the costs of processing each returned check; provided, such charge shall not be made unless efforts have been made to present such check, draft, order or voucher for payment a second time. Unless otherwise provided by law, such fee shall be deposited to the revolving fund of the state agency to which the check, draft, order or voucher was issued. If no revolving fund exists for the state agency, then such fee shall be deposited to the General Revenue Fund. The State Treasurer shall not accept for deposit to any agency clearing account, or any agency special account, created pursuant to the provisions of Section 7.2 of this title, any warrant, check, order or voucher drawn against any state fund or account in favor of any individual or other person except the state officer, department, institution or agency for which account or fund the deposit is made, or a bona fide student enrolled at any of the state institutions of higher learning when such warrant, check, order or voucher is endorsed to the institution as payment of any fees or other accounts due such institution.

E. At least once each month each state agency shall transfer monies deposited in agency clearing accounts to the various funds or accounts, subdivisions of the state, or functions as may be provided by statute and no money shall ever be disbursed from the agency

clearing account for any other purpose, except in refund of erroneous or excessive collections and credits. Provided, however, that state parks and lodges under the control of the Oklahoma Tourism and Recreation Department and district offices under the control of the Corporation Commission shall be permitted to make deposit of receipts on a monthly basis, provided that such receipts must be deposited within the month received or when such receipts equal or exceed Five Hundred Dollars ($500.00) for state parks and lodges under the control of the Oklahoma Tourism and Recreation Department, or One Hundred Dollars ($100.00) for district offices under the control of the Corporation Commission, whichever first occurs.

F. Funds and revenues of the Oklahoma Municipal Power Authority, the Grand River Dam Authority, the Oklahoma Ordnance Works Authority ~~and~~, the Midwestern Oklahoma Development Authority and the Oklahoma Golf Authority are exempt from the requirements of this section.

G. Monies used for investment purposes by the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System, the Teachers' Retirement System of Oklahoma, the Oklahoma State Regents for Higher Education, the State and Education Employees Group Insurance Board and the Commissioners of the Land Office are exempt from the requirements of this section, and shall be placed with the respective custodian bank or trust company.

SECTION 3. AMENDATORY 62 O.S. 1991, Section 7.2, as last amended by Section 12, Chapter 2, O.S.L. 1997 (62 O.S. Supp. 1999, Section 7.2), is amended to read as follows:

Section 7.2 A. There is hereby re-created, to continue until July 1, 2002, in accordance with the provisions of the Oklahoma

Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a Special Agency Account Board, to consist of the Director of State Finance, the State Treasurer and the Director of the Legislative Service Bureau. The Board shall have the authority to approve the establishment of agency special accounts in the official depository of the State Treasury. In the case of institutions of higher education, the Special Agency Account Board, acting in conjunction with the Oklahoma State Regents for Higher Education, shall establish special agency accounts as appropriate which shall be consistent with provisions of the Oklahoma Budget Law of 1947, Section 41.1 et seq. of this title, as it relates to institutions in The Oklahoma State System of Higher Education.

B. The Board, created by this section, shall adopt procedures including application forms, justification and other pertinent information as to the basis for a state agency application for the establishment of agency special accounts.

C. The Board may approve agency special accounts for money received by state agencies for the following purposes:

1. Benefit programs for individuals, including, but not limited to, unemployment compensation, workers' compensation and state retirement programs;

2. Revenues produced by activities or facilities ancillary to the operation of a state agency which receive no money, directly or indirectly, from or through that state agency, including, but not limited to, revenues from the sales of food at retail level, sales at canteens, sales at student unions, sales at student bookstores, receipts from athletic programs and receipts from housing. Provided, however, that a state institution of higher learning may purchase necessary equipment and instructional supplies and office supplies from a student bookstore, or, subject to authorization by the Oklahoma State Regents for Higher Education, may rent building space for institutional use in a building operated by an

organization or entity whose existence is ancillary to the operation of a state agency, and whose cost was financed in whole or in part with revenue-type bonds; provided, further, that the cost of such office supplies or space rental shall not exceed the cost of similar supplies or rentals available commercially;

3. Gifts, devises and bequests with an agency as beneficiary, unless otherwise provided by statute;

4. Evidence funds for law enforcement agencies;

5. Student loan funds and scholarship funds;

6. Funds held in escrow;

7. Land Commission funds;

8. Funds for which the state agency acts as custodian, including, but not limited to, fees from employee earnings approved by the governing board of the agency, funds of student organizations including student activity fees collected by an educational institution as a separate item in enrollment procedures, professional organizations, patients and inmates;

9. Funds used by the Oklahoma Tax Commission to pay for the filing of liens with the Federal Aviation Administration;

10. Temporary accounts for funds arising from new or amended legislation not otherwise provided for in statute or for other emergency situations. Such accounts are to be utilized only pending legislative action directing custody of such funds;

11. Payment of liability claims against the state;

12. Activities of the various Armory Boards of the Oklahoma Military Department to receive and dispense funds derived by the Armory Boards pursuant to Sections 232.6 and 232.7 of Title 44 of the Oklahoma Statutes; and

13. Payment of expenses incurred in connection with the acceptance of payments made with nationally recognized credit cards.

D. The State Treasurer is authorized to accept deposit of money made directly to agency special accounts approved by the Board. All

money received by a state agency, as described in Section 7.1 of this title, shall be deposited in State Treasury funds or accounts and no money shall be deposited in banks or other depositories unless the bank accounts are maintained by the State Treasurer or are for the deposit of authorized petty cash funds.

E. Money deposited in agency special accounts shall be disbursed on vouchers issued by the state agency concerned to accomplish the purpose for which the money was intended.

F. Funds and revenues of the Grand River Dam Authority are exempt from the requirements of this section.

G. Funds and revenues of the Oklahoma Municipal Power Authority are exempt from the requirements of this section.

H. Funds and revenues of the Oklahoma Golf Authority are exempt from the requirements of this section.

I. Monies used for investment purposes by the Oklahoma Firefighters Pension and Retirement System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, the Oklahoma Public Employees Retirement System, the Teachers' Retirement System of Oklahoma, the State Insurance Fund, the State and Education Employees Group Insurance Board, the Commissioners of the Land Office, and the Oklahoma State Regents for Higher Education for its Endowment Trust Fund are exempt from the requirements of this section, and shall be placed with the respective custodian bank or trust company.

SECTION 4. 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 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 Office and staff for the actual and necessary expenses for meals and other entertainment in order to promote the film industry in the 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.

22. The Oklahoma Golf Authority Board:

The actual and necessary expenses incurred by members of the Board and employees of the Authority in the performance of their duties including but limited to the promotion of state operated golf courses shall be reimbursed to each employee incurring the expenses. Reimbursement of the expenses shall be in accordance with rules adopted by the Board.

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 5. AMENDATORY 74 O.S. 1991, Section 1811, as last amended by Section 2, Chapter 165, O.S.L. 1999 (74 O.S. Supp. 1999, Section 1811), is amended to read as follows:

Section 1811. The Division of Parks shall, subject to the policies and rules of the Oklahoma Tourism and Recreation Commission:

1. Plan, supervise, acquire, construct, enlarge, erect, improve, equip, furnish, conserve and preserve public recreation facilities and resources in state parks, except lodges, but including cabins in parks where there is no state lodge, camping sites, scenic trails, picnic sites, ~~golf courses,~~ boating and bathing facilities and other similar facilities in state parks reasonably necessary and useful in promoting the public use of state parks under the jurisdiction and control of the Commission;

2. Administer state parks, establish rules and regulations for the use of public recreation facilities therein and establish rentals for the use of lands or interests therein; provided, however, nothing in this paragraph shall allow the charging of admission fees to any state park. Provided further, however, the Division of Parks may establish until July 1, 2001, a pilot entrance fee program and rates for entry into Natural Falls State Park in Delaware County. All monies collected shall be deposited to the Oklahoma Tourism and Recreation Department Revolving Fund; provided, not less than one hundred percent (100%) of such monies collected shall be spent on repairs, upkeep or improvement of park areas in

Natural Falls State Park in Delaware County. Within sixty (60) days of the end of the pilot program, the Division shall prepare an evaluation of the program and recommendations for continuation, termination or expansion of the program. The evaluation shall be submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives;

3. Exercise all authority and powers now vested in the Division of Parks and Recreation and derived from the Oklahoma Industrial Development and Park Department relating to parks and recreation, except as regards state-owned lodges; and

4. Commission any officer or employee who is certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes as a park ranger as the Department deems necessary to secure the parks and property of the Department and to maintain law and order therein.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 1811.1a, as last amended by Section 30, Chapter 268, O.S.L. 1993 (74 O.S. Supp. 1999, Section 1811.1a), is amended to read as follows:

Section 1811.1a There is hereby created in the State Treasury a revolving fund for the Oklahoma Tourism and Recreation Department, to be designated the "Golf Course Operations Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department, from all golf course admission fees, green fees, or other monies received directly from the operations of golf courses located at state lodges and state parks. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the exclusive purpose of direct and indirect expenses of operation and maintenance of such golf courses, for capital improvements at such golf courses, and for the purchase and maintenance of golf course equipment. Expenditures from ~~said~~ this 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. The fund shall terminate upon completion of the transfer of the fund balance and all existing obligations to the Oklahoma Golf Authority as provided by Section 9 of this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1920 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Golf Authority Act".

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1921 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Golf Authority Act:

1. "Authority" means the Oklahoma Golf Authority;

2. "Department" means the Oklahoma Tourism and Recreation Department;

3. "Commission" means the Oklahoma Tourism and Recreation Commission; and

4. “Board” means the governing board of the Oklahoma Golf Authority.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1922 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. On the effective date of this act all golf courses owned by the state and located at a state lodge or state park in this state are hereby transferred from the Oklahoma Tourism and Recreation Commission to the Oklahoma Golf Authority, for the continued operation of the golf courses as public recreational facilities.

B. The transfer shall include all properties, assets, fund balances, encumbrances, obligations, records, personnel, and liabilities, including, but not limited to, liability for all golf course employees' sick leave, annual leave, holidays, unemployment

benefits and workers' compensation benefits accruing to employees prior to the effective date of this act which are attributable to golf operations of the Oklahoma Tourism and Recreation Department; provided, however, that any claims arising under the Governmental Tort Claims Act and any other actions filed prior to the effective date of this act, shall remain the responsibility of the Oklahoma Tourism and Recreation Department and the Oklahoma Tourism and Recreation Commission. All claims arising prior to the effective date of this act for which no action has been filed on the effective date shall be paid by the Risk Management Program.

C. Appropriate conveyances shall be executed to effectuate the transfers specified by subsections A and B of this section.

D. At the end of each fiscal year, based on a determination by a majority of the members of the Oklahoma Golf Authority, net profits accruing to the Authority in excess of anticipated operational and capital improvement needs of the Authority shall be transferred to the credit of the Oklahoma Tourism and Recreation Department Revolving Fund, to be expended for capital improvement needs of the Oklahoma State Parks system.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1923 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Golf Authority, an agency of the State of Oklahoma, a body corporate and politic, with powers of government and with the authority to exercise the rights, privileges and functions specified in the Oklahoma Golf Authority Act. The Oklahoma Golf Authority is an agency of the State of Oklahoma covered by the Governmental Tort Claims Act. The State of Oklahoma shall be the beneficiary of the Oklahoma Golf Authority.

B. There is hereby created the Oklahoma Golf Authority Board. The Board shall consist of seven (7) members:

1. Five members shall be appointed by the Governor with the advice and consent of the Senate; and

2. Two members shall be appointed by the Oklahoma Tourism and Recreation Commission.

C. All Board members shall be appointed by September 1, 2000.

D. Each Board member, prior to appointment, shall be a resident of the state and a qualified elector.

E. Board members shall serve at the pleasure of the Governor.

F. Board members shall serve without compensation but may be reimbursed for all travel expenses incurred in performance of their duties in accordance with the provisions of the State Travel Reimbursement Act.

G. Each Board member shall serve until a successor has been qualified and appointed pursuant to the provisions of this section.

H. All Board members and employees of the Authority shall be subject to the provisions of the Oklahoma Ethics Commission Act.

I. A quorum of the Board shall be four voting members. The Board shall elect a chair and vice-chair from among its members.

J. The Board and the Authority shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act, except as otherwise provided by this act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1924 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. On and after the effective date of this act, the Authority, with approval of the Board, shall have the power and duty to:

1. Adopt bylaws and promulgate rules for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal;

3. Sue and be sued, subject to the provisions of the Governmental Tort Claims Act;

4. Enter into cooperative agreements with the Oklahoma Tourism and Recreation Department for services in support of golf-related activities consistent with the Interlocal Cooperation Act;

5. Make and enter into all contracts necessary or incidental to the performance of its duties and the execution of its powers pursuant to the Oklahoma Golf Authority Act;

6. Be exempt from the provisions of the Oklahoma Central Purchasing Act, the Public Building Construction and Planning Act and the Public Competitive Building Act of 1974;

7. Acquire by purchase, lease, gift, or other manner;

8. To maintain, use, and operate or to contract for the maintenance, use, and operation of or lease of any and all property of any kind, real, personal, or mixed or any interest therein unless otherwise provided by the Oklahoma Golf Authority Act;

9. Appoint such officers and attorneys as it deems necessary to operate and maintain the golf courses and prescribe their duties and fix their compensation. The Board shall employ and fix the duties and compensation of an administrator of the golf courses who shall be the chief executive officer and appointing officer;

10. Make and issue bonds and pledge revenues of the Authority subject to the Oklahoma Bond Oversight and Reform Act. Authority revenue bonds issued under the provisions of this act shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any political subdivision. Such bonds shall be payable solely from the funds herein provided and shall contain on their face a statement to that effect. The maximum amount of outstanding bonds at any time shall not exceed Ten Million Dollars ($10,000,000.00) unless a greater amount is expressly approved by the Legislature by a concurrent resolution adopted prior to commencing any action in anticipation of issuance of revenue bonds of the Oklahoma Golf Authority for the greater amount;

11. The Authority shall cause to be made and completed within ninety (90) days after the end of each fiscal year an audit of the books of account and financial records of the Authority for such fiscal year by an independent certified public accountant or firm of certified public accountants experienced in auditing golf courses. Copies of a written report of the audit shall be placed and kept on file with the Governor, State Treasurer, Oklahoma Tourism and Recreation Department, Oklahoma Department of Libraries, and the State Auditor and Inspector, and at the principal office of the Authority, and shall be open to public inspection at all reasonable times. The audit shall also be filed with the Director of State Finance, in accordance with the requirements set forth for financial statements in Section 212A of Title 74 of the Oklahoma Statutes;

12. Engage in long-term planning for the operation and management of the golf courses;

13. Establish petty cash funds utilizing bank checking accounts, and provide for appropriate accounting procedures and controls;

14. Enter into cooperative agreements and joint ventures to share services or to provide a benefit to the Authority;

15. Join or sponsor memberships in organizations or associations intended to benefit the golf courses;

16. Waive, by such means as the Authority deems appropriate, the exemption from federal income taxation of interest on the Authority's bonds provided by the Internal Revenue Code of 1986, as amended, or any other federal statute providing a similar exemption;

17. Arrange for guaranties or insurance of its bonds by the federal government or by any private insurer, and to pay any premiums therefor;

18. Have members of its governing body or its officers or administrators serve without pay as directors or officers of any

organization, association, or cooperative venture authorized pursuant to the Oklahoma Golf Authority Act;

19. Offer, directly or indirectly, products and services of the golf course, and any cooperative venture or organization to the general public;

20. Implement financial incentive plans for improved performance by facilities or employees; and

21. Establish bank accounts for the deposit and disbursement of its monies, and invest surplus funds.

B. All agreements and obligations undertaken, as permitted under this section, by the Oklahoma Golf Authority shall be for a public purpose. In addition to any other limitations, conditions or restrictions provided by law, the following conditions shall apply to contractual agreements entered into pursuant to this section:

1. Private and public funds shall be accounted for separately; and

2. The state does not assume any liability for private entities.

C. The Oklahoma Golf Authority shall be exempt from the Oklahoma Budget Law of 1947.

D. The Authority shall prepare monthly a "budget vs. actual" report which shows by budget activity the monthly and year-to-date revenues and expenditures compared to budgeted revenues and expenditures. The report shall be submitted to the Office of State Finance, to the Directors of the House of Representatives Fiscal Division and the Senate Fiscal Division and to the Executive Director of the Oklahoma Tourism and Recreation Department.

E. The Authority shall be subject to the Professional Risk Management Program provided for in Section 85.58A of Title 74 of the Oklahoma Statutes.

F. The Oklahoma Golf Authority is hereby prohibited from closing or disposing of any state golf course or entering into any

management agreement for the operation of any state golf course without the specific approval of the Legislature expressed by concurrent resolution. Provided, this shall not prohibit the temporary closure of any state golf course for reasons due to health, safety, or any natural disaster.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1925 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Employees of the Oklahoma Tourism and Recreation Department employed in the Division of Golf who are in the classified service of the State Merit System of Personnel Administration upon the effective date of this act, shall have the option to be transferred to the Oklahoma Golf Authority as unclassified employees without loss of pay or benefits.

B. Employees of the Oklahoma Tourism and Recreation Department employed in the Division of Golf, who are in the unclassified service of the State Merit System of Personnel Administration upon the effective date of this act, shall be transferred to the Authority without change or loss of pay, seniority, rights, privileges or benefits.

C. The Oklahoma Golf Authority shall be authorized to participate in the Oklahoma Public Employees Retirement System.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1926 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Authority shall be subject to blanket bond coverage as provided in Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes; provided, the Authority shall be authorized to purchase increased amounts of fidelity bond coverage for those employees deemed necessary by the Authority. When the amount listed in Section 85.29 of Title 74 of the Oklahoma Statutes is deemed

inadequate, the cost of increased coverage shall be borne by the Authority.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1927 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Subject to the provisions of paragraph 10 of subsection A of Section 11 of this act, the Oklahoma Golf Authority may provide by resolution, from time to time, for the issuance of revenue bonds for its lawful purposes, in such amount or amounts as are necessary, incidental, or convenient to the exercise of powers, rights, privileges, and functions conferred upon it by the Oklahoma Golf Authority Act or other law. The principal of and interest on any indebtedness shall be payable solely from the revenues of the Authority and such other funds as may be provided by law for such payments. The Authority may provide for credit enhancement as additional security or liquidity for its bonds and enter into such agreements as may be necessary or appropriate to provide for the repayment of any funds advanced by the provider of any such credit enhancement including the payment of any fees and expenses incurred in connection therewith. The bonds of each issue shall bear interest at fixed or variable rates and shall bear an average interest rate not to exceed eleven percent (11%) per annum, shall mature at such time or times not exceeding thirty (30) years from their date or dates of issue, as may be determined by the Authority, and may be made redeemable before maturity at the option of the Authority, at such time or times and at such price or prices and pursuant to such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds and the manner of execution thereof, and shall fix the denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank and trust company within or without this state. If any officer whose

signature or facsimile of whose signature appears on any bonds shall cease to hold the office before the delivery of the bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the person had remained in the office until delivery. All bonds issued pursuant to the provisions of the Oklahoma Golf Authority Act shall have all the qualities and incidences of negotiable instruments subject to the laws of this state. The Authority may sell the bonds in such amounts and in such manner, either at public or private sale, and for such price, as it may determine to be in the best interests of the state. If the bonds are not sold by competitive bid, the sale must be approved by the State Bond Advisor.

B. The Authority may, by resolution, provide for the issuance of bonds for the purpose of refunding bonds then outstanding, including the payment of any redemption premium, any interest accrued to the date of redemption of the bonds, and for incurring additional indebtedness for its lawful purposes. The issuance of such bonds shall be governed by the provisions of the Oklahoma Golf Authority Act.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1928 of Title 74, unless there is created a duplication in numbering, reads as follows:

Before any bond shall be issued and delivered by the Oklahoma Golf Authority, a certified copy of the proceedings for the issuance thereof, together with any other information which the Attorney General of the State of Oklahoma may require shall be submitted to the Attorney General. If the Attorney General shall find that the bonds have been issued in accordance with the law, the Attorney General shall approve the bonds and execute a certificate to that effect. The Attorney General shall file the certificates in the office of the State Auditor and Inspector, and the certificates shall be recorded in a record kept for that purpose. All bonds

approved by the Attorney General, and issued in accordance with the approved proceedings, shall be valid and binding obligations of the Authority and shall be incontestable from and after the date of such approval.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1929 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Golf Authority may file an application with the Supreme Court of Oklahoma for approval of any bonds to be issued under the provisions of the Oklahoma Golf Authority Act, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine such application. The Supreme Court shall give such applications precedence over the other business of the Court and consider and determine the validity of the bonds and consider the application and any protest which may be filed. Notice of the hearing on each application shall be given by notice published in a newspaper of general circulation in this state that on a day named the Authority will ask the Court to hear the application and approve the bonds. The notice shall inform all interested parties that they may file a protest against the issuance of the bonds, may be present at the hearing, and may contest the legality thereof. The notice shall be published one time, not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court is satisfied that the bonds have been properly authorized in accordance with the Oklahoma Golf Authority Act and that when issued the bonds will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Authority, its officers and agents,

and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court of this state.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1930 of Title 74, unless there is created a duplication in numbering, reads as follows:

Revenue bonds of the Oklahoma Golf Authority issued pursuant to the provisions of the Oklahoma Golf Authority Act shall not constitute a debt of the state or of any political subdivision thereof, or a pledge of the full faith and credit of the state, or of any political subdivision thereof, but such bonds shall be payable solely from the funds provided therefor. The forms of the bonds so issued shall contain on the face thereof a statement to the effect that neither the state nor the Authority shall be obligated to pay the same or the interest thereon except from the revenues of the Authority pledged to the payment of such bonds and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or interest on the bonds. The bonds so issued shall be exempt from taxation by the State of Oklahoma and any political subdivision thereof, including the income therefrom, and any gain from the sale thereof.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1931 of Title 74, unless there is created a duplication in numbering, reads as follows:

Bonds issued pursuant to provisions of the Oklahoma Golf Authority Act are hereby made securities in which all public officers and public boards, agencies and instrumentalities of the state and its political subdivisions, all banks, trust companies, trust and loan associations, investment companies, and others carrying on a banking business, and all insurance companies and insurance associations, and others carrying on an insurance business, may legally and properly invest. These bonds are also

approved as collateral security for the deposit of any public funds and for the investment of trust funds.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1932 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Golf Authority shall submit an annual report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Executive Director of the Oklahoma Tourism and Recreation Department.

SECTION 20. REPEALER Section 1, Chapter 331, O.S.L. 1993 (74 O.S. Supp. 1999, Section 1825.1), is hereby repealed.

SECTION 21. This act shall become effective November 1, 2000.

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