

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1265

By: Herbert of the Senate

and

Corn of the House

An Act relating to tourism; amending 74 O.S. 2001, Sections 1811.2, 1813, 1816, 1824.1, 1829.2, 1863 and 5026, which relate to the Oklahoma Tourism and Recreation Act, and the Oklahoma Film Office; \* \* \* modifying responsibilities of the Advisory Commission; deleting obsolete language; and providing an effective date.

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

"An Act relating to tourism; amending 74 O.S. 2001, Sections 1813, 1816, 1824.1, 1829.2, 1863 and 5026, which relate to the Oklahoma Tourism and Recreation Act and the Oklahoma Film Office; changing the name of the tourism welcome centers; changing the name of the Office of the Oklahoma Film Advisory Commission and modifying membership thereto; specifying qualifications of certain members; modifying responsibilities of the Advisory Commission; deleting obsolete language; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 1813, is amended to read as follows:

Section 1813. A. The Division of Travel and Tourism shall:

1. Encourage the orderly growth and development of tourism to and within the state by preparing and maintaining a comprehensive five-year travel development master plan and supporting marketing plan jointly with the private sector;

2. Organize, coordinate, and conduct state, regional, national, and international marketing programs to create and perpetuate a

responsible and accurate image of the state and its natural, cultural, historical, recreational attractions and events in order to increase the number of domestic and international travelers to Oklahoma;

3. Advise and provide technical assistance to the planning, development, and execution of promotional programs for Oklahoma's city, county, and regional tourism promotion organizations with the purpose of coordinating those programs with the Division's promotional programs;

4. Create, develop, produce, distribute, implement, and evaluate public information programs, including publicity, brochures, public relations activities, film and slide production, still and audio visual photography, public service programs, advertising, and other informational aids for the promotion of tourism to the general public and the media;

5. Cooperate and participate with neighboring states and the federal government to promote travel to the regional states from domestic and international markets;

6. Coordinate, advise, and provide technical assistance to cities, counties, and regional organizations in the promotion and solicitation of group meetings, conferences, and conventions to be held within the state;

7. Develop timely research data to measure traveler volume and economic impact, determine traveler profiles, evaluate, and analyze market and advertising effectiveness;

8. Plan, coordinate, and conduct statewide conferences, seminars, and workshops to inform and educate representatives from the state's public and private sector regarding programs and travel trends which affect the tourism industry;

9. Plan, construct, lease, operate, and maintain state-of-the-art ~~welcome~~ tourism information centers and a central fulfillment warehouse for the purpose of distributing information on the state's

tourism facilities, services, and opportunities. The state-of-the-art ~~welcome~~ tourism information centers shall include, when feasible and necessary to effectuate the provisions of subsection C of Section 1863 of this title, restaurant or concession areas, recreational vehicle utility hook-ups and overnight parking areas, multimedia information displays, telecommunications centers, and such other technological accoutrements necessary to aid the traveler in obtaining up-to-date hotel and motel reservation information, weather and road conditions, route information, and community and state, public or private tourist attraction and event information;

10. Provide organization and coordination assistance to public and private tourism promotion organizations for participation in cooperative advertising and promotion opportunities with the Division, including travel trade marketplaces, consumer sport, travel, and recreation shows within and outside the state;

11. Administer matching grant programs to multicounty organizations which promote travel and tourism to their area of the state that are in concert and coordinated with the statewide travel Marketing Plan; and

12. Assist other Divisions within the Department and, where possible, assist other state agencies with special tourism promotion projects, development of professional training opportunities and other projects which provide services to travelers.

B. The Division may facilitate travel to and within the state by encouraging development of a tourism industry infrastructure which provides investment incentives to tourism businesses and tourism product development.

C. The Division may contract with professionally qualified companies or individuals for services to assist in the development and production of advertising, promotion, publicity, and public relations programs, primary and secondary research data collection

including analysis of state travel marketing programs and economic impact information.

D. 1. The Division may obligate and expend funds for marketing, advertising, promotion, research, and information disseminating activities in accordance with the laws of this state governing such activities.

2. Photographs, film recordings, video recordings, sound recordings, and digital records of the same nature produced by or for the Division shall be available for public inspection during Division business hours; however, the Division shall not be required to provide copies or allow copying of the materials.

E. Any employee of the Travel and Tourism Division within the Oklahoma Tourism and Recreation Department may be awarded additional compensation for:

1. Obtaining advertising for any of the Department's Internet websites; or

2. Obtaining advertising for any other of the Department's promotional publications or product.

F. Any compensation awarded pursuant to subsection E of this section shall not exceed twenty-five percent (25%) of the revenues collected for such purpose and shall be awarded at the discretion of the Director of the Department.

G. The Division may, upon approval of the Oklahoma Tourism and Recreation Commission, lease for a reasonable rate, retail and advertising space in state-operated ~~welcome~~ tourism information centers. A performance bond, certificate of deposit, letter of credit, or cash equivalent, may be required by the Commission on any such lease. The Commission shall promulgate rules to implement this subsection.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 1816, is amended to read as follows:

Section 1816. A. The offices and positions of Director, the Directors of heads of the Divisions of the Oklahoma Tourism and Recreation Department herein created and the assistant director of each division and secretary of each shall be in the unclassified service and shall not be subject to the Merit System of Personnel Administration. Each division shall have one assistant director, except for the Parks Division which shall have one assistant and one capitol programs administrator.

B. The following positions in the Travel and Tourism Division within the Oklahoma Tourism and Recreation Department filled after the effective date of this act shall be in the unclassified service:

1. All positions in the Traveler Response Information Program; and

2. All professional or managerial positions in the Division, except those in the ~~welcome~~ tourism information centers.

C. Any position in the Division of Oklahoma Today Magazine of the Oklahoma Tourism and Recreation Department which is filled after the effective date of this act shall be placed in the unclassified service. No employee in the Division who is currently in the classified service shall be placed in the unclassified service without his or her consent.

SECTION 3. AMENDATORY 74 O.S. 2001, Section 1824.1, is amended to read as follows:

Section 1824.1 A. The Oklahoma Tourism and Recreation Department shall be exempt from any provision of law requiring purchases to be made pursuant to a statewide contract for individual purchases of less than Two Thousand Five Hundred Dollars (\$2,500.00) when the following conditions are met:

1. The Department documents a cost savings to the state resulting from the purchase of the item(s) from a vendor not on the statewide contract;

2. The exempted purchase is made in the county where the purchasing facility, as identified in subsection B of this section, is located or in an adjacent county; and

3. The exempted purchase is approved by the Executive Director or a designee prior to the purchase. The Oklahoma Tourism and Recreation Commission shall promulgate rules, procedures, and forms necessary to adequately document the dollar savings resulting from the application of this section.

B. This exemption shall apply to individual department entities identified by the annual budget submitted to the Office of State Finance, pursuant to Section ~~41.7~~ 41.7c of Title 62 of the Oklahoma Statutes.

C. The Oklahoma Tourism and Recreation Department shall not be required to purchase furniture, fixtures and equipment, and soft goods associated with the decor of the state parks, lodges, golf, and ~~welcome~~ tourism information center facilities from Oklahoma prisons or reformatories.

D. Nothing in this section shall be construed to authorize bid splitting as prohibited by the Oklahoma Central Purchasing Act.

SECTION 4. AMENDATORY 74 O.S. 2001, Section 1829.2, is amended to read as follows:

Section 1829.2 Effective July 1, 1991, all current and future positions of the Department of Tourism and Recreation which are assigned to the ~~Welcome~~ Tourism Information Center in the State Capitol Building shall become classified and subject to the provisions of the Merit System of Personnel Administration except as provided in Section 840-5.5 of Title 74 of the Oklahoma Statutes.

Effective July 1, 1991, all incumbent employees of the Department of Tourism and Recreation who are assigned to the ~~Welcome~~ Tourism Information Center in the State Capitol Building shall become subject to the provisions of the Merit System of Personnel Administration and shall be classified without regard to status or

examinations. Such employee shall be granted permanent status in the class of positions to which the employee's position is allocated by the Office of Personnel Management.

SECTION 5. AMENDATORY 74 O.S. 2001, Section 1863, is amended to read as follows:

Section 1863. A. The Oklahoma Tourism and Recreation Commission shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities rendered by all property of the Commission, the revenues a portion of which may be pledged to the payment of bonds issued hereunder, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to ensure that the revenues to be derived therefrom shall be fully sufficient to pay principal of and interest on such bonds. The Commission shall have no authority to assess entrance fees nor any other fees not authorized by the Legislature. The gross revenues derived by the Commission from the operation of any part or parts of the properties of the Commission, but no revenues derived by the Commission through legislative appropriation or from sources other than operation of the properties of the Commission, may be pledged to the payment of such principal and interest.

B. The Commission is hereby authorized to construct improvements in several parks and authorize the issuance of one issue of bonds for all such improvements, and to pledge for the payment of such bonds and the interest thereon, revenues derived by the Commission from the operation of any or all of the parks for the construction of improvements in which any such consolidated bond issue has been authorized.

C. The Commission is further authorized to construct state-of-the-art ~~welcome~~ tourism information centers on or near interstate highways, including but not limited to entry points near the state's borders and major metropolitan areas, and authorize the issuance of one issue of bonds for all such construction projects, and to pledge

for the payment of such bonds and the interest thereon, revenues derived by the Commission from the lease or operation of any or all of the ~~welcome~~ tourism information centers, for the construction of the ~~welcome~~ tourism information centers in which any such consolidated bond issue has been authorized.

D. Any revenues which may be received by the Commission for the use of such buildings or improvements, in whole or in part, shall be regarded as all other revenues of the Commission and shall be subject to be pledged to the payment of bonds issued hereunder. Each bond shall recite in substance that such bond and the interest thereon is payable solely from the revenues pledged to the payment thereof, and that such bond does not constitute a debt of the Commission or of the state within the meaning of any constitutional or statutory limitation.

SECTION 6. AMENDATORY 74 O.S. 2001, Section 5026, is amended to read as follows:

Section 5026. A. There is hereby created within the Oklahoma Tourism and Recreation Department, the Office of the Oklahoma Film and Music Commission. 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, 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, to the extent that resources are available, 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 database, and a website; and 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 and Music Advisory Commission which shall consist of the Lieutenant Governor, who shall serve as an ex officio member and as chair of the Advisory Commission, and ~~eight (8)~~ eleven (11) 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. Three appointed members shall possess a broad working knowledge of the music industry.

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

- a. focus the film-and-music-industry-related activities and functions of the Office of the Oklahoma Film and Music Commission to provide the maximum economic development impact to the State of Oklahoma,
- b. promote the film ~~industry~~ and music industries to local communities,
- c. solicit input annually from a cross section of the public including industry, business, and community leaders,
- d. serve as a clearinghouse for the Oklahoma music industry using databases which it develops and maintains,
- e. promote Oklahoma music and musicians to a national and international audience,
- f. assist the Office of the Oklahoma Film and Music Commission in developing a marketing plan and a production manual, and

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

~~C. 1. 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 chair 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.~~

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

- ~~a. focus the music-industry-related activities and functions of the Office of the Oklahoma Film and Music Commission to provide the maximum economic development impact to this state,~~
- ~~b. promote the music industry to local communities,~~
- ~~c. serve as clearinghouse for the Oklahoma music industry using databases which it develops and maintains,~~
- ~~d. promote Oklahoma music and musicians to a national and international audience,~~
- ~~e. solicit input annually from a cross section of the public including industry, business and community leaders,~~
- ~~f. assist the Office of the Oklahoma Film and Music Commission in developing a marketing plan and a production and recording manual, and~~
- ~~g. assist the Office of the Oklahoma Film and Music Commission in the preparation of the annual report.~~

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

~~E.~~ D. The Office of the Oklahoma Film and Music Commission 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, as well as similar information concerning the efforts of the Office to promote the music industry in this state.

SECTION 7. This act shall become effective November 1, 2002."

Passed the House of Representatives the 23rd day of April, 2002.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2002.

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Presiding Officer of the Senate