ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 748 By: Herbert of the Senate

and

Corn of the House

(state government - amending 74 O.S. 1991, Section 85.12 - allowing establishment of maximum charges for activities at state-owned golf courses - the State Gift Shop Revolving Fund, and state flags - codification -

effective date)

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

"(state government - amending 74 O.S. 1991, Section 85.12 - allowing establishment of maximum charges for activities at state-owned golf courses - the State Gift Shop Revolving Fund, and state flags - codification -

effective date)

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.12, as last amended by Section 23, Chapter 6, O.S.L. 2000 (74 O.S. Supp. 2000, Section 85.12), is amended to read as follows:

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except as they may be directly in conflict herewith; and

all claims, warrants, and bonds shall be examined, inspected, and approved as now provided by law.

B. Except as otherwise provided by this section, the acquisitions specified in this subsection shall be made in compliance with Section 85.39 of this title but are not subject to other provisions of the Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;

2. The printing or duplication of publications or forms of whatsoever kind or character by state agencies if the work is performed upon their own equipment by their own employees. Pursuant to this paragraph, the state agency may only use equipment owned or leased by the agency and may only utilize that equipment for printing services required by the agency in performing duties imposed upon the agency or functions authorized to be performed by the agency. Any use of the equipment by the agency pursuant to an agreement or contract with any other entity resulting in delivery of intermediate or finished products to the entity purchasing or using the products shall be subject to the provisions of the Oklahoma Central Purchasing Act;

3. Department of Transportation and Transportation Commission contractual services or right-of-way purchases; contracts awarded pursuant to bids let by the Transportation Commission for the maintenance or construction of streets, roads, highways, bridges, underpasses, or any other transportation facilities under the control of the Department of Transportation, the acquisitions of equipment or materials accruing to the Department of Transportation required in Federal-Aid contracts; and contracts for public service type announcements initiated by the Department of Transportation; but not contractual services for advertising or public relations or employment services;

4. Utility services where rates therefor are regulated by a state or federal regulatory commission, or by municipal ordinance, or by an Indian Tribal Council for use by the Department of Corrections only;

5. Acquisitions by the University Hospitals Authority. The Authority shall develop standards for the acquisition of products and services and may elect to utilize the Purchasing Division. The standards shall foster economy and short response time and shall include appropriate safeguards and record-keeping requirements to ensure appropriate competition and economical and efficient purchasing;

6. Contracts for custom harvesting by the Department of Corrections for the Department or its institutions;

7. Contracts with private prison contractors which are subject to the contracting procedures of Section 561 of Title 57 of the Oklahoma Statutes;

8. Acquisitions by the Oklahoma Municipal Power Authority;

9. Acquisitions by the Grand River Dam Authority;

10. Acquisitions by rural water, sewer, gas, or solid waste management districts created pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act;

11. Acquisitions by the Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, or the Midwestern Oklahoma Development Authority;

12. Contracts entered into by the Oklahoma Industrial Finance Authority for the services of an appraiser or for acquisition of insurance when the Authority's Board of Directors determines that an emergency exists, and contracts for the services of legal counsel when approved by the Attorney General;

13. Expenditure of monies appropriated to the State Board of Education for Local and State Supported Financial Support of Public

Schools, except monies allocated therefrom for the Administrative and Support Functions of the State Department of Education;

14. Expenditure of monies appropriated to the State Department of Rehabilitation Services for educational programs or educational materials for the Oklahoma School for the Blind and the Oklahoma School for the Deaf;

15. Contracts entered into by the Oklahoma Department of ~~Vocational and Technical~~ Career and Technology Education for the development, revision, or updating of vocational curriculum materials, and contracts entered into by the Oklahoma Department of ~~Vocational and Technical~~ Career and Technology Education for training and supportive services that address the needs of new or expanding industries;

16. Contracts entered into by the Oklahoma Center for the Advancement of Science and Technology for professional services;

17. Contracts entered into by the Oklahoma Department of Commerce pursuant to the provisions of Section 5066.4 of this title;

18. Acquisitions made by the Oklahoma Historical Society from monies used to administer the White Hair Memorial;

19. Acquisitions available to an agency through a General Services Administration (GSA) contract or other federal contract if the acquisition is on current statewide contract and the terms of the GSA or other federal contract, as determined by the State Purchasing Director, are more favorable to the agency than the terms of a statewide contract for the same products;

20. Contracts for managed health care services entered into by the state entity designated by law or the Department of Human Services, as specified in paragraph 1 of subsection A of Section 1010.3 of Title 56 of the Oklahoma Statutes;

21. Acquisitions by the Forestry Service of the State Department of Agriculture as authorized by the federal General Services Administration through a General Services Administration

contract or other federal contract if the acquisitions are not on current statewide contract or the terms of the federal contract are more favorable to the agency than the terms of a statewide contract for the same products;

22. Acquisitions of clothing for clients of the Department of Human Services and acquisitions of food for group homes operated by the Department of Human Services;

23. Acquisitions by the Oklahoma Energy Resources Board;

24. Acquisitions of clothing for juveniles in the custody of the Office of Juvenile Affairs and acquisitions of food for group homes operated by the Office of Juvenile Affairs;

25. State contracts for flexible benefits plans pursuant to the Oklahoma State Employees Benefits Act, Section 1361 et seq. of this title;

26. Acquisitions by the Department of Securities to investigate, initiate, or pursue administrative, civil, or criminal proceedings involving potential violations of the acts under the Department's jurisdiction;

27. Acquisitions by the Native ~~America~~ American Cultural and Educational Authority and acquisitions by the Oklahoma Department of Commerce to assist the Native American Cultural and Educational Authority pursuant to Section 5017 of this title;

28. Acquisitions for resale in and through canteens operated pursuant to Section 537 of Title 57 of the Oklahoma Statutes;

29. Acquisitions by the Oklahoma Boll Weevil Eradication Organization for employment and personnel services, and for acquiring sprayers, blowers, traps, and attractants related to the eradication of boll weevils in this state or as part of a national or regional boll weevil eradication program; and

30. Contracts entered into by the Oklahoma Indigent Defense System for expert services pursuant to the provisions of subsection D of Section 1355.4 of Title 22 of the Oklahoma Statutes.

C. Any state agency, common school, municipality, rural fire protection district, or county officer may, unless acting pursuant to a contract with the state that specifies otherwise, make use of statewide contracts and the services of the Purchasing Division and the State Purchasing Director. Any political subdivision or rural fire protection district may designate the State Purchasing Director as its agent for any acquisition from a statewide contract or otherwise available to the state.

D. The State Purchasing Director shall make periodic audits of the purchasing procedures of the Oklahoma Ordnance Works Authority, the Northeast Oklahoma Public Facilities Authority, the University Hospitals Authority, and the Midwestern Oklahoma Development Authority to ensure that the procedures are being followed.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 500.2, as last amended by Section 24, Chapter 6, O.S.L. 2000 (74 O.S. Supp. 2000, Section 500.2), is amended to read as follows:

Section 500.2 A. Officials and employees of the state, traveling on authorized state business, may be reimbursed for expenses incurred in such travel in accordance with the provisions of the State Travel Reimbursement Act and existing statutes relating to state travel. Persons who are not state employees, but who are performing substantial and necessary services to the state which have been directed or approved by the appropriate department official shall enjoy the protection of the sovereign immunity of the state to the same extent as a paid employee. Such persons may be reimbursed for expenses incurred during authorized official travel under these same statutory provisions, provided it is indicated on the claim the person is not a state employee, a description of services performed is entered, and the agency head by his approval of the claim certifies such services were substantial and necessary, and germane to the duties and functions of the reimbursing agency. Travel expenses incurred by a person during the course of seeking

employment with a state agency, unless such travel is performed at the request of the employing agency, shall not be considered expenses incurred in performing substantial and necessary services to the state and shall not be reimbursed under the provisions of the State Travel Reimbursement Act.

B. The chief administrative officer of the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Military Department, the Department of Corrections, the Department of Central Services, the Alcoholic Beverage Laws Enforcement Commission, the State Department of Agriculture, the Department of Civil Emergency Management, and the State Fire Marshal may arrange for and charge meals and lodging for a contingent of state personnel moved into an area for the purpose of preserving the public health, safety, or welfare or for the protection of life or property. The cost for meals or lodging so charged shall not exceed the amount authorized in the State Travel Reimbursement Act. The chief administrative officer of each agency involved in such an operation shall require the vendor furnishing meals, lodging, or both meals and lodging to submit an itemized statement for payment. When a claim for lodging is made for a contingent of state personnel, individual members of the contingent may not submit a claim for lodging. When a claim for meals is made for a contingent of state personnel, individual members of the contingent may not submit a claim for meals.

C. The Oklahoma Department of Commerce, the Oklahoma Center for the Advancement of Science and Technology, and the State Department of Agriculture are hereby authorized to enter into contracts and agreements for the payment of food, lodging, meeting facility and beverage expenses as may be necessary for sponsoring seminars and receptions relating to economic development and science and technology issues. Such expenses may be paid directly to the

contracting agency or business establishment. The Director of the Oklahoma Department of Commerce, the President of the Oklahoma Center for the Advancement of Science and Technology, and the Commissioner of Agriculture shall each provide a quarterly report of such expenditures to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

D. The Native American Cultural and Educational Authority is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and meeting facility as may be necessary to pursue the promotion of fund-raising, marketing, and development of Native American educational programs and cultural projects, or to sponsor luncheons, seminars, and receptions relating to Native American educational, cultural, museum, and economic development issues. Such expenses may be paid directly to the contracting agency or business establishment. The Executive Director shall provide a monthly report of expenditures to the Board.

E. For purposes of this section:

1. "State agency" means any constitutionally or statutorily created state board, commission, or department, including the Legislature and the Courts; ~~and~~

2. State agencies are authorized to enter into contracts and agreements for the payment of food and lodging expenses as may be necessary for employees or other persons who are performing substantial and necessary services to the state attending official conferences, meetings, seminars, workshops, or training sessions or in the performance of their duties. Such expenses may be paid directly to the contracting agency or business establishment, provided the meeting qualifies for overnight travel for the employees and the cost for food and lodging for each employee shall not exceed the total daily rate as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title~~.~~;

3. State agencies are authorized to enter into contracts and agreements for the payment of conference registration expenses as may be necessary for employees or other persons who are performing substantial and necessary services to the state attending official conferences, meetings, seminars, workshops, or training sessions. Such expenses may be paid directly to the contracting agency or business establishment; and

4. The Oklahoma Tourism and Recreation Department is hereby authorized to enter into contracts and agreements for the payment of exhibitor fees and display space charges at expositions to promote the Department's recreational facilities and the tourism and recreation industry. The expenses may be paid directly to the contracting agency or business establishment; provided that no payment shall be made prior to the event unless it conveys a property right to the state for future availability and use.

F. State agencies are authorized to make direct purchases of commercial airline tickets for use by employees in approved out-of-state travel. Each claim or invoice submitted to the Director of State Finance for the payment of the purchase shall bear the airline identifying ticket number, the name of the airline, total cost of each ticket purchased, class of accommodation, social security number, and name of the employee for whom the ticket was purchased, and shall be filed on claim forms as prescribed by the Director of State Finance. The employee shall sign an affidavit stating that the employee did use any direct purchase commercial airline ticket received for his or her approved out-of-state travel.

G. 1. The Administrator of the Office of Personnel Management is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Administrator may establish accounts as necessary for the collection and distribution of funds,

including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

H. 1. The Commissioner of the Department of Mental Health and Substance Abuse Services is hereby authorized to enter into contracts and agreements for the payment of food, lodging, and other authorized expenses as may be necessary to host, conduct, sponsor, or participate in conferences, meetings, or training sessions. The Commissioner may establish accounts as necessary for the collection and distribution of funds, including funds of sponsors and registration fees, related to such conferences, meetings, and training sessions. Any expenses incurred may be paid directly to the contracting agency or business establishment.

2. The cost of food for persons attending any conferences, meetings, and training sessions that do not require overnight travel shall not exceed the total daily rate as provided in the State Travel Reimbursement Act.

I. The Oklahoma Indigent Defense System is hereby authorized to enter into contracts and agreements for the payment of lodging as necessary for employees to carry out their duties in representing any client whom the System has been properly appointed to represent. Such expenses may be paid directly to the contracting agency or business establishment. The cost for lodging for each employee shall not exceed the daily rate as provided in the State Travel Reimbursement Act.

J. The Oklahoma Tourism and Recreation Department is hereby authorized to enter into contracts and agreements for the payment of

food, lodging, and meeting facility and beverage expenses as may be necessary for seminars, and receptions relating to familiarization tours and tourism development. The expenses may be paid directly to the contracting agency or business establishment. The Executive Director of Oklahoma Tourism and Recreation Department shall provide a monthly report of any such expenditures to the Oklahoma Tourism and Recreation Commission.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 500.18, as last amended by Section 2, Chapter 366, O.S.L. 2000 (74 O.S. Supp. 2000, 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 or state-owned parks, golf courses, 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, and the actual and necessary expenses incurred by employees as a result of conducting investigations 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 4. AMENDATORY 74 O.S. 1991, Section 1811, as last amended by Section 1, Chapter 45, O.S.L. 2000 (74 O.S. Supp. 2000, 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 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~~ an 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 capital improvements 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 5. AMENDATORY 74 O.S. 1991, Section 1811.6, is amended to read as follows:

Section 1811.6 The Tourism and Recreation Department may authorize the use of state lodge and park revolving funds income, at the discretion of the Executive Director of the Department of Tourism and Recreation, for entertainment and promotion operating expenses by Tourism and Recreation with the further understanding

that only expenses which are directly related to business development for Oklahoma's state-operated or state-owned lodges and parks may be reimbursed by or paid through the revolving fund. In all cases, the expenses must have the Executive Director's advance approval, be audited by the Department's fiscal officer on a monthly basis and submitted to the Commission on Tourism and Recreation as an item for information in the monthly Commissioner's letter.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1811.9 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Tourism and Recreation Department to be designated the "Oklahoma State Parks Partnership Matching Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. The fund shall consist of all monies that are received by the Department, from entities sponsoring or participating in State Parks partnership projects and programs, and transfers of any funds as may be appropriated for the purpose of matching private or public donations contributed to the fund. Any gifts or bequests given to the Department for the benefit of state parks may be deposited into the fund and shall be eligible for matching funds. All monies accruing to the fund are hereby appropriated and may be expended by the Department for exclusive purpose of direct and indirect expenses of the State Parks partnership projects and programs. The expenditures shall be for capital improvements at state parks and for the purchase and maintenance of park equipment in accordance with the terms of the related matching fund agreements.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 1813, as last amended by Section 1, Chapter 79, O.S.L. 2000 (74 O.S. Supp. 2000, 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 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 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;

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; and

13. Issue tour bus permits in this state as provided in Section 1171 of Title 47 of the Oklahoma Statutes.

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 said 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 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 8. AMENDATORY 74 O.S. 1991, Section 1831, as last amended by Section 1, Chapter 194, O.S.L. 1996 (74 O.S. Supp. 2000, Section 1831), is amended to read as follows:

Section 1831. Merchandise for resale purchased for and sold through Oklahoma Today ~~magazine~~ Magazine or in Oklahoma Tourism and Recreation Department retail outlets, such as golf course pro shops, marinas, restaurants, and other support facilities which are necessary for the efficient and economical operation of Department-operated facilities and programs and production of merchandise for resale, are exempt from the Central Purchasing Act. Services of writers, artists, photographers or others involved in the artistic production of Oklahoma Today Magazine and other products produced by the Magazine such as separators, prepress houses, film houses and shippers of artistic and resale merchandise shall also be exempt from the Central Purchasing Act.

SECTION 9. AMENDATORY 74 O.S. 1991, Section 1847.1, as last amended by Section 2, Chapter 228, O.S.L. 1995 (74 O.S. Supp. 2000, Section 1847.1), is amended to read as follows:

Section 1847.1 A. The Oklahoma Tourism and Recreation Commission is granted the additional powers herein given it for the purpose of operating, maintaining, extending and improving state parks in the State of Oklahoma, including specifically all parks and park and recreational properties now owned or leased by the state or by the Commission together with all additions which may be made thereto and all additional park and recreational properties which may be acquired hereafter by the Commission and by the state.

The Commission shall have and is hereby authorized to exercise the following powers, rights and privileges:

1. To have the exclusive possession and control of, and to control, operate and maintain for the benefit of the people of the State of Oklahoma all state parks and all lands and other properties now or hereafter owned or leased by the state or Commission for park or recreational purposes;

2. To acquire by purchase, lease, gift, or in any other manner and to maintain, use and operate any and all property, real, personal or mixed, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act. Title to all such property shall be vested in the State of Oklahoma, although such property is sometimes herein referred to as property "of the Commission". The power of condemnation herein granted shall be exercised in the manner provided by the general laws of the state for the condemnation of property by the state;

3. To acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers;

4. Subject to the provisions of this act, from time to time to lease, without restriction as to term, any property which said Commission shall determine advisable to more fully carry into effect the duties and powers of said Commission;

5. To acquire, construct, extend, improve, maintain and operate any and all facilities of all kinds which in the judgment of the Commission will provide recreational or other facilities for the benefit of the public, or which are necessary or convenient to the exercise of the powers of the Commission;

6. To sue and be sued;

7. To adopt, use and alter an official seal;

8. To make bylaws for the management and regulation of its affairs;

9. To appoint officers, agents and employees and prescribe their duties and to fix their compensation;

10. To make such contracts and execute such instruments as in the judgment of the Commission are necessary or convenient to the exercise of the powers conferred upon it by this act;

11. To prescribe and enforce rules for the use of all recreational and other facilities and properties of the Commission, including the restriction or prohibition of the use of firearms, the inspection of boats, the issuance of permits for the operation of watercraft of all kinds, the charging and collection of fees for the inspection and for the operation of such craft, prescribing the type, style, location and equipment of all wharves, docks and anchorages, pavilions, restaurants and other structures or buildings which may be constructed along shores or upon the waters of any body of water or upon other property controlled by the Commission and providing for the licensing, inspection and supervision of same, and granting and imposing charges for permits and for all commercial uses or purposes to which any of the properties of the Commission or any structures or buildings located on property of the Commission may be used;

12. To prescribe and collect reasonable rates and fees pursuant to the provisions of this section for the services, facilities and commodities rendered by all property of the Commission.

a. The Commission may establish rates for rooms at the state lodges and cabins, for recreational activities, for recreational vehicles and camping sites, and for community facilities under control of the Commission. The method whereby ~~such~~ the rates are determined shall be promulgated pursuant to Article I of the Administrative Procedures Act. At least twenty (20) days prior to the adoption or approval of any rate changes by the Commission, the Department shall submit a copy of such proposed rates, for informational purposes, to the Governor, Speaker of the House of

Representatives and President Pro Tempore of the Senate. Any change in such rates during the year or when the Legislature is not in session shall be reported in writing to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate within five (5) business days of such Commission action.

b. The Commission may establish maximum charges for all activities at state-owned golf courses. The charges may vary among the different golf courses according to the practices of the golf industry. The method whereby the maximum charges for golf courses are determined shall be promulgated pursuant to Article I of the Administrative Procedures Act and Section 3117 of Title 74 of the Oklahoma Statutes. At least twenty (20) days prior to the adoption or approval of any rate changes for golf courses by the Commission, the Oklahoma Tourism and Recreation Department shall submit a copy of such proposed charges to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate.

c. Fees shall be promulgated pursuant to Article I of the Administrative Procedures Act and Section 3117 of Title 74 of the Oklahoma Statutes;

13. The Commission may erect cabins and support facilities on any land under its control. The Commission may operate or lease cabins, lodges, restaurants and other facilities and improvements for the public making use of the recreational facilities surrounding such improvements;

14. To develop a pay incentive plan for employees of the Division of State Lodges. Such incentive pay shall be considered as bonus pay, not to be included in an employee's base salary, and

shall be based on customer service and improved financial conditions of state lodges if gross revenues for fiscal year 1994 and each fiscal year thereafter from sales and products and services at the state lodges exceeds fiscal year 1993 gross revenues. The total amount of all pay incentives shall be limited to no more than the difference between the net increases from the previous fiscal year. Such pay incentive plan shall not be implemented before April 1, 1994. The Commission shall promulgate rules for the implementation of such plan; and

15. To develop a pay incentive plan for employees of the Division of State Parks and Oklahoma Today Magazine. Such incentive pay shall be considered as bonus pay, not to be included in an employee's base salary, and shall be based on customer service and improved financial conditions of state parks for park employees or Oklahoma Today Magazine for employees of the magazine, if gross revenues for fiscal year 1996 and each year thereafter from sales and products and services at the state parks, for park employees, or Oklahoma Today Magazine, for the magazine employees, exceed fiscal year 1995 gross revenue. Provided, the incentive pay for employees of the golf operations shall be based only on customer service and improved financial conditions of the golf operations. The financial conditions of golf operations shall not be considered in the award of incentive pay to employees in other areas of the Division of State Parks. The total amount of all pay incentives shall be limited to no more than the difference between the net increases from the previous fiscal year. Such pay incentive plan shall not be implemented before April 1, 1996. The Commission shall promulgate rules for the implementation of the plan.

B. All fees, licenses and other charges shall be posted in a convenient place in each park. Each and everyone using any of the facilities of said park shall be charged the same fees, licenses and every other charge except:

1. Residents of this state sixty-two (62) years of age and over and their spouses, and nonresidents sixty-two (62) years of age and over and their spouses. The Commission may promulgate rules establishing different fees for residents and nonresidents specified in this paragraph. Fees may reflect the seasonal usage of the parks and facilities and/or promotional purposes and goals. Identification may be established by presentation of the state driver's license, state license for identification only, birth certificate of such persons or any other form of identification authorized by the Commission;

2. Individuals who have been certified as totally disabled under state or federal law and their spouses will be entitled to a fifty percent (50%) reduction which shall apply to recreation use facilities;

3. Children's groups, volunteer groups as specified by the Commission, or governmental entities that provide beneficial services at the facility for which the fee may be reduced or waived. The failure to collect such fees, licenses and other charges shall subject the employees of the Commission to a fine of Twenty-five Dollars ($25.00) for each and every violation; and

4. Special discount rates as authorized in paragraphs 1 and 2 of this subsection may be waived for subject individuals who are members of a group being provided a special group rate in accordance with Section 1834 of this title.

SECTION 10. AMENDATORY Section 4, Chapter 90, O.S.L. 1996 (74 O.S. Supp. 2000, Section 1904), is amended to read as follows:

Section 1904. A. The Oklahoma Recreation and Development Revolving Fund and income from investment of the monies of the fund may be expended for the following purposes:

1. The development of public recreation and tourism facilities;

2. The major maintenance and retrofitting of public recreation and tourism facilities for compliance with federal accessibility requirements;

3. The preparation of planning and research documents for public recreation and tourism facilities or products;

4. The protection or preservation of lands or rights in land for public recreational and tourism use or for environmental importance or scenic beauty;

5. The implementation of special demonstration projects which show merit for recreation and tourism, but do not fit explicitly into another category of eligibility;

6. The development of facilities that have a historical purpose and utilize historical resources, such as reenactments, interpretive exhibits and public accessibility; and

7. Costs of administering the fund which shall not exceed the greater of Fifty Thousand Dollars ($50,000.00) or two percent (2%) of the funds allocated to projects in a fiscal year.

B. Expenditures authorized in subsection A of this section may be made in the form of grants to sponsors legally constituted to provide public tourism or recreation, provided:

1. The grant is used for a purpose authorized by subsection A of this section; and

2. The grant is matched by the recipient entity to the extent of at least twenty-five percent (25%) of the total cost of the project, of which at least fifty percent (50%) of the match is in cash. A waiver of the match requirements is allowable with ~~recommendation of the Oklahoma Recreation and Development Revolving Fund Advisory Board and~~ the approval of the Oklahoma Tourism and Recreation Commission.

C. The total expenditures from the Recreation and Development Revolving Fund in any fiscal year for the development of public recreation and tourism facilities, planning studies and other

eligible projects shall be allotted in accordance with rules developed by the Board and adopted by the Commission. In no case shall greater than ~~twenty~~ forty percent ~~(20%)~~ (40%) of the available funds be allocated to the Oklahoma Tourism and Recreation Department for project grants received either as a sponsor or as a recipient.

SECTION 11. AMENDATORY 74 O.S. 1991, Section 5026, as last amended by Section 2, Chapter 11, O.S.L. 1995 (74 O.S. Supp. 2000, 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 ~~Office~~ 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 ~~and~~, videos and recording or performing music. The ~~office~~ 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 data base, 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 ~~Office~~ Advisory Commission which shall consist of the Lieutenant Governor, who shall serve as an ex officio member and as ~~Chairman~~ chair 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~~ Advisory Commission shall have the following responsibilities:

~~1. Focus~~

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

~~2. Promote~~

b. promote the film industry 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 Office of the Oklahoma Film ~~Office~~ and Music Commission in developing a marketing plan and a production manual~~;~~, and

~~5. Assist~~

e. assist the Office of the Oklahoma Film ~~Office~~ 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 as follows:

a. three members shall be appointed by the Governor,

b. three members shall be appointed by the Speaker of the House of Representatives,

c. three members shall be appointed by the President Pro Tempore of the Senate, and

d. two members shall be appointed by the Director of the Department.

2. Appointed members shall serve two-year terms.

3. Six of the appointed members shall have experience in economic development. Five of the appointed members shall have knowledge of the music industry.

4. 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 ~~Office~~ and Music Commission 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 Office of the Oklahoma Film ~~Office~~ 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~~ Office. The report shall provide information about the number of filming productions that the ~~office~~ 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.

~~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 12. REPEALER 74 O.S. 1991, Section 1811.8, is hereby repealed.

SECTION 13. REPEALER 74 O.S. 1991, Section 1836, is hereby repealed.

SECTION 14. This act shall become effective November 1, 2001."

Passed the House of Representatives the 18th day of April, 2001.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2001.

_____
Presiding Officer of the Senate