

ENROLLED SENATE
BILL NO. 748

By: Herbert of the Senate

and

Corn of the House

An Act relating to officers, revenue and taxation, state government and waters and water rights; amending 51, O.S. 1991, Section 24A.3, as last amended by Section 11, Chapter 368, O.S.L. 1998 (51 O.S. Supp. 2000, Section 24A.3), amending 68 O.S. 1991, Section 50015, as last amended by Section 9, Chapter 348, O.S.L. 1996 (68 O.S. Supp. 2000, Section 50015), amending 74 O.S. 1991, Sections 500.2, as last amended by Section 24, Chapter 6, O.S.L. 2000, Section 500.18, as last amended by Section 1 of Enrolled House Bill No. 1116 of the 1st Session of the 48th Legislature, 1810 as last amended by Section 1, Chapter 284, O.S.L. 1998, 1811, as last amended by Section 1, Chapter 45, O.S.L. 2000, 1811.2, 1811.6, 1813, as last amended by Section 1, Chapter 79, O.S.L. 2000, 1816, as last amended by Section 3, Chapter 165, O.S.L. 1999, Section 1, Chapter 143, O.S.L. 1993, as amended by Section 1, Chapter 41, O.S.L. 2000, 1831, as last amended by Section 1, Chapter 194, O.S.L. 1996, 1847.1, as last amended by Section 2, Chapter 228, O.S.L. 1995, Section 1, Chapter 115, O.S.L. 1993, as amended by Section 1, Chapter 64, O.S.L. 1998, and 5026, as last amended by Section 2, Chapter 11, O.S.L. 1995 (74 O.S. Supp. 2000, Sections 500.2, 500.18, 1810, 1811, 1813, 1816, 1824.1, 1831, 1847.1, 1852.1, and 5026), amending 82 O.S. 1991, Section 1461, as last amended by Section 1 of Enrolled House Bill No. 1274 of the 1st Session of the 48th Oklahoma Legislature and Section 1470, as amended by Section 1 of Enrolled Senate Bill No. 446 of the 1st Session of the 48th Oklahoma Legislature, which relate to the Oklahoma Open Records Act, The Oklahoma Tourism Promotion Act, the State Travel Reimbursement Act, the Oklahoma Tourism and Recreation Act, the Oklahoma Film Office, and the Scenic Rivers Commission; modifying definition; clarifying statutory reference; authorizing Department to enter into specified contracts and agreements; requiring monthly report of expenditures; clarifying language; authorizing entrance fee at certain state park; requiring monies be deposited into specified fund; creating the Oklahoma State Parks Partnership Matching Revolving Fund; providing for deposit of certain funds; explanation of expenditures; deleting obsolete language; allowing

additional compensation for specified employees under certain conditions; limiting compensation and allowing award at discretion of Director; modifying conditions for placing positions in the unclassified service; requiring promulgation of specified rules, procedures and forms; making specified products produced by Oklahoma Today Magazine exempt from the Central Purchasing Act; clarifying statutory reference; allowing establishment of maximum charges for activities at state-owned golf courses; allowing charges to vary among courses; requiring promulgation of method of determining charges; requiring submission of proposed rates; requiring notice of change in charges; authorizing Executive Director to enter into specified agreements and execute judgments; exempting the Department from the Central Purchasing Act and Administrative Procedures Act; deleting language related to audits; stating criteria to be considered in determining activities to be audited and scope of audits; allowing audit to be conducted in accordance with specified section of law; deleting termination of accrued benefits language; changing name and responsibilities of Oklahoma Film Office; requiring assistance to music industry by specified activities under certain conditions; modifying responsibilities of Oklahoma Film Advisory Commission; establishing the Oklahoma Music Advisory Commission; providing for appointment of members, qualifications and terms; providing for responsibilities of the Oklahoma Music Advisory Commission; requiring cooperation to promote music industries in the state; modifying content of certain report; deleting obsolete language; authorizing the Oklahoma Tourism and Recreation Commission to enter into certain contract; providing for transfer of certain state employees and stating procedure therefor; allowing the administrator of the Scenic Rivers Commission to be commissioned as a peace officer; modifying powers of the administrator of the Scenic Rivers Commission; deleting language that authorizes the Commission to enter into certain contract with certain entity; repealing 47 O.S. 1991, Section 1171, as last amended by Section 10, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 1171), and 74 O.S. 1991, Sections 1811.8 and 1836, which relate to tour buses, the State Gift Shop Revolving Fund, and state flags; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 1991, Section 24A.3, as last amended by Section 11, Chapter 368 O.S.L. 1998 (51 O.S. Supp. 2000, Section 24A.3), is amended to read as follows:

Section 24A.3 Definitions. As used in this act:

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean computer software, nongovernment personal effects or, unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Turnpike Authority obtained in connection with the Authority's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body. "Record" does not mean any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department to obtain any service at such facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust or any entity created by a trust, county, city, village, town, township, district, school district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the Council on Judicial Complaints, the Legislature, or legislators;

3. "Public office" means the physical location where public bodies conduct business or keep records;

4. "Public official" means any official or employee of any public body as defined herein; and

5. "Law enforcement agency" means any public body charged with enforcing state or local criminal laws and initiating criminal prosecutions, including, but not limited to, police departments, county sheriffs, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 50015, as last amended by Section 9, Chapter 348, O.S.L. 1996 (68 O.S. Supp. 2000, Section 50015), is amended to read as follows:

Section 50015. A. There is hereby created an Oklahoma Tourism Promotion Advisory Committee which shall advise the Oklahoma Tourism and Recreation Department on matters of statewide tourism promotion. The Committee shall consist of thirteen (13) members and one ex officio nonvoting member as follows:

1. Chair of the Senate Tourism Committee, or designee;
2. Chair of the House of Representatives Tourism and Recreation Committee, or designee;
3. President of the Oklahoma Travel Industry Association, or designee;
4. President of the Oklahoma Lakes and Countries Association, or designee;
5. Member of the Oklahoma Tourism and Recreation Commission, selected by the Oklahoma Tourism and Recreation Commission, whose occupation shall be in the tourism industry;
6. President of the Oklahoma Hotel/Motel Association, or designee;
7. President of the Oklahoma Restaurant Association, or designee;
8. Representative of the City Convention and Tourism Bureau or a representative of a municipal chamber of commerce, appointed by the Oklahoma Tourism and Recreation Commission;
9. Director of the Oklahoma Arts Council, or designee;
10. Representative of the tour operator or travel agent sector, appointed by the Oklahoma Tourism and Recreation Commission;
11. Representative of the transportation sector, including but not limited to, airlines, bus companies, car rental business, appointed by the Oklahoma Tourism and Recreation Commission;
12. Executive Director of the Oklahoma Historical Society, or designee; and
13. Director of the ~~Indian Affairs Commission~~ Native American Cultural and Educational Authority, or designee.

The Director of the Division of Travel and Tourism of the Oklahoma Tourism and Recreation Department, or designee, shall serve as the ex officio nonvoting member.

B. The initial appointed members shall be appointed on or before January 1, 1988. The term of office of each appointed member

shall be for one (1) year and end on December 31 of each year, but all members shall hold office until their successors are appointed.

C. The membership shall annually elect a chair and vice-chair of the Committee, each of whom shall serve for a term of one (1) fiscal year and until their successor is elected, and who shall perform such duties as the Committee directs.

D. The members of the Committee shall receive no compensation for their services or reimbursements for any expenses incurred.

E. The Committee shall hold at least four regular meetings each calendar year at a place and time to be fixed by the Oklahoma Tourism and Recreation Commission.

SECTION 3. 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; and

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.

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.

K. 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.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 500.18, as last amended by Section 1 of Enrolled House Bill No. 1116 of the 1st Session of the 48th Legislature, 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 and, lodges and golf courses 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.

22. Corporation Commission:

The actual and necessary travel expenses incurred by the staff of the Public Utility Division as a result of conducting audits and/or reviews of utility service providers shall be reimbursed to each such employee incurring the expense. Reimbursement of the expenses shall be as set forth in procedures established by the appointing authority.

23. The Department of Human Services:

Employees of the Department of Human Services shall be reimbursed for their actual and necessary expenses of travel, lodging and subsistence incurred in the performance of their duties for the purpose of escorting and transporting children or adults in the care or custody of the Department:

- a. for out-of-state visitation, care, treatment and placement of a child welfare client,

- b. for out-of-state treatment for or placement of an adult protective services client,
- c. for out-of-state treatment for or placement of a resident of a state resource center, or
- d. for out-of-state treatment for or placement of an individual with a developmental disability who is living in the community in community residential services.

Expenses claimed shall be approved by the appropriate Division Administrator or Associate Director 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 5. AMENDATORY 74 O.S. 1991, Section 1810, as last amended by Section 1, Chapter 284, O.S.L. 1998 (74 O.S. Supp. 2000, Section 1810), is amended to read as follows:

Section 1810. A. The Division of Lodges shall, subject to the policies, rules ~~and regulations~~ of the Oklahoma Tourism and Recreation Commission:

1. Plan, supervise, construct, enlarge, improve, equip and operate state-owned and state-operated lodges and cabins, under the jurisdiction and control of the Commission;

2. Adopt rules for the administration and use of state-owned lodges, except that the following state lodges, namely, Lake Murray Lodge, Roman Nose Lodge, and Western Hills Lodge, shall be operated by the State of Oklahoma and shall not be leased to any person, firm or agency for the operation thereof; except the Commission may adopt rules to lease concessions in any state-owned lodge if the Commission deems it feasible;

3. Obligate and expend funds in conformity with the general state laws governing such activity; ~~and~~

4. Exercise all authority and powers now vested in the Oklahoma Industrial Development and Park Commission and the Oklahoma Industrial Development and Park Department relating to state-owned lodges; and

5. Be authorized to award to any employee of the Division of Lodges within the Oklahoma Tourism and Recreation Department, additional compensation for:

- a. obtaining advertising for any of the Department's Internet websites, or

b. obtaining advertising for any other of the Department's promotional publications, products, or properties.

B. Any compensation awarded pursuant to paragraph 5 of subsection A 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.

SECTION 6. 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. A. 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; and

5. Be authorized to award to any employee of the Division of Parks within the Oklahoma Tourism and Recreation Department, additional compensation for:

- a. obtaining advertising for any of the Department's Internet websites, or
- b. obtaining advertising for any other of the Department's promotional publications, products, or properties.

B. Any compensation awarded pursuant to paragraph 5 of subsection A 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.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 1811.2, is amended to read as follows:

Section 1811.2 A. Park rangers, when commissioned, shall have all the powers of peace officers except the serving or execution of civil process, and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, highway patrolmen and police officers in their respective jurisdictions and shall possess all immunities and matters of defense now available or hereafter made available to sheriffs, the highway patrolmen patrol, and police officers in any suit brought against them in consequence of acts done in the course of their employment, provided, however, they shall comply with the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

B. Park rangers, when first appointed, shall be required to serve a probationary period of twelve (12) months. The Director of state parks may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period their services may be terminated at any time in accordance with Department procedure and at the discretion of the Director of State Parks. Retention of the employee, after expiration of the probationary period, shall entitle the employee to be classified as a permanent employee.

C. Notwithstanding any other provision of law, no person may:

1. Discharge fireworks in any posted areas of a state park;
2. Possess any glass container in a designated and posted swim or beach area within a state park;
3. Build a fire within a state park in areas posted as prohibited by the Department;
4. Solicit or demand gifts, money, goods or services within a state park; or

5. Sell, hawk, or peddle within a state park any goods, wares, merchandise, liquids, edibles, or any item of value, without having a contract or lease agreement approved by the Oklahoma Tourism and Recreation Commission.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

E. Fifty percent (50%) of all monies collected pursuant to this section shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund, and fifty percent (50%) shall be remitted to the county in which the violation is made.

SECTION 8. 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 and golf course 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 and golf courses may be reimbursed by or paid through the revolving ~~fund~~ funds. 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 9. 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 10. 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; 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; ~~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 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 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 11. AMENDATORY 74 O.S. 1991, Section 1816, as last amended by Section 3, Chapter 165, O.S.L. 1999 (74 O.S. Supp. 2000, 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. Any position in the Traveler Response Information Program within the Division of Travel and Recreation Department which is filled after the effective date of this act shall be placed in the unclassified service~~ 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 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 12. AMENDATORY Section 1, Chapter 143, O.S.L. 1993, as amended by Section 1, Chapter 41, O.S.L. 2000 (74 O.S. Supp. 2000, 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 ~~may~~ 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 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 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 13. 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 14. 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 are determined shall be in accordance with rules 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 Oklahoma Tourism and Recreation Department shall submit a copy of such proposed charges, for informational purposes, 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;

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;

16. To authorize any division to sell advertising in any of the division's publications, on division property on which advertising is sold in the tourism industry, or on its website, provided that such advertising shall be approved by the Division Director or designee prior to acceptance for publication. The sale of advertising and negotiation of rates for the advertising shall not be subject to the Central Purchasing Act and the Administrative Procedures Act; and

17. To authorize the Executive Director to enter into leases, grant easements and execute such instruments as in the judgment of the Commission are necessary or convenient to the exercise of those powers and duties of the Commission pursuant to the Oklahoma Tourism and Recreation Act; provided, the Executive Director shall provide a monthly report to the Commission of actions taken as a result of such delegation.

B. All fees, licenses and other charges shall be posted in a convenient place in each park. ~~Each and everyone~~ 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 15. AMENDATORY Section 1, Chapter 115, O.S.L. 1993, as amended by Section 1, Chapter 64, O.S.L. 1998 (74 O.S. Supp. 2000, Section 1852.1), is amended to read as follows:

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

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

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

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

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

- a. the date and results of prior audits, reviews, and/or independent studies,
- b. financial exposure,
- c. potential loss and risk,
- d. requests by the Commission and/or executive management of the Department,
- e. major changes in operations, programs, systems, and controls, and
- f. opportunities to achieve operating benefits.

The audit may be conducted in accordance with Section 213.2 of this title.

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

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

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

D. The Oklahoma Tourism and Recreation Commission shall provide notice to Department employees affected by this section of the prohibited acts and the penalties ~~provided for in~~ pursuant to the provisions of this section.

SECTION 16. 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 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 ~~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 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 ~~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 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1803.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Tourism and Recreation Commission may enter into a contract or contracts for the study, analysis and planning, reasonably necessary to aid in determining the feasibility of leasing, selling or privately managing any or all of the property or facilities at Lake Murray Resort. The Commission shall be exempt from competitive bidding requirements set forth in Section 85.7 of Title 74 of the Oklahoma Statutes for the purpose of soliciting, negotiating and effectuating such a contract or contracts, however, it shall be provided that the contractor or contractors for the study, analysis, and planning shall be prohibited from bidding or being a subcontractor on the bid for any development resulting from such work performed.

SECTION 18. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. On the effective date of this act all Oklahoma Department of Tourism and Recreation park rangers assigned to the Scenic Rivers Commission and the equipment, supplies, and vehicles assigned to such employees shall be transferred to the Scenic Rivers Commission. Provided, this section shall apply only to park rangers, equipment, supplies, and vehicles of such rangers, which have been assigned to the Scenic Rivers Commission for less than three (3) months on the effective date of this act.

B. On the effective date of this act, all other Oklahoma Tourism and Recreation Department employees in addition to the park rangers referred to in subsection A of this section, who are then assigned to the Scenic Rivers Commission, shall be transferred to the Scenic Rivers Commission without loss of pay or benefits.

C. Such employees shall be transferred without change or loss of pay, seniority, rights, privileges, benefits or job classification. Provided, any employee so transferred shall be permitted to elect to be placed in the unclassified service. Such election must be filed in writing with the administrator of the Scenic Rivers Commission within thirty (30) days of such transfer.

SECTION 19. AMENDATORY 82 O.S. 1991, Section 1461, as last amended by Section 1 of Enrolled House Bill No. 1274 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 1461. A. 1. A Scenic Rivers Commission may be created pursuant to the Scenic Rivers Act for each designated scenic river area or combination of areas for which operating areas for planning and management have been delineated. Each Scenic Rivers Commission shall be organized in cooperation with local governments in accordance with procedures provided for in the Scenic Rivers Act.

2. Each Commission shall be an agency of the state and shall be named to reflect the area or areas subject to its jurisdiction.

3. State funds for each Commission shall be provided for by a separate line-item appropriation through the state agency specifically named or by direct appropriation. If funded through the named state agency, said state agency shall disburse the funds to the appropriate Scenic Rivers Commission in the amount and pursuant to the conditions prescribed by the Legislature.

B. 1. There is hereby re-created, to continue until July 1, 2003, in accordance with the provisions of the Oklahoma Sunset Law, a Scenic Rivers Commission for the Illinois River and Flint Creek Scenic River Areas and those portions of Barren Fork Creek within Cherokee County.

2. The operating area for the Scenic Rivers Commission for the Illinois River and Flint Creek will be limited to areas within Adair, Cherokee and Delaware Counties, and to areas within Cherokee County for Barren Fork Creek.

C. Each Commission shall consist of not less than seven (7) nor more than fifteen (15) members. The term of office for each member shall be four (4) years. Each Commission shall be composed of the following members:

1. a. The Governor shall appoint two members for initial terms of one (1) year, at least one of whom shall be a representative of the Oklahoma Conservation Commission or the Oklahoma Tourism and Recreation Commission.
- b. The President Pro Tempore of the Senate shall appoint, for an initial term of one (1) year, one member who shall be a member of a statewide citizens' conservation or environmental group.
- c. The Speaker of the House of Representatives shall appoint one member for a term of four (4) years who shall be a resident of one of the counties containing the scenic river area; and
2. a. The additional members of the Scenic Rivers Commission created pursuant to this subsection and as authorized by subsection A of this section shall be elected in a nonpartisan election to represent the following:
 - (1) the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of the Illinois River or Flint Creek within Delaware County, shall elect one member to represent them,
 - (2) the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of the Illinois River in Adair County, Oklahoma, shall elect one member to represent them,
 - (3) the registered voters who reside, own real property, or own permanent residential structures

within six hundred sixty (660) feet of the Illinois River above its confluence with the Barren Fork Creek or those portions of the Barren Fork Creek in Cherokee County shall elect one member to represent them, ~~and~~

(4) the registered voters who reside, own real property, or own permanent residential structures within six hundred sixty (660) feet of:

(a) the Illinois River, above its confluence with the Barren Fork Creek located in Adair, Cherokee and Delaware Counties, or

(b) Flint Creek located within Delaware County or Barren Fork Creek within Cherokee County,

shall elect two at-large members to represent them, and

(5) no person shall be eligible to vote in more than one of the jurisdictional areas outlined in divisions (1), (2) and (3) of subparagraph a of this paragraph.

b. All members elected under divisions (1), (2) and (3) of subparagraph a of this paragraph shall reside or own property within the county they represent. All at-large members elected under division (4) of subparagraph a of this paragraph shall reside or own property within Adair, Delaware or Cherokee Counties.

D. The Scenic River Commission shall promulgate rules governing the procedure and conduct of elections for Commission members. Such rules shall be consistent with the purposes of general election laws except where otherwise provided for by this act.

E. 1. Vacancies on each Commission shall be filled, as applicable, by the appointing authority or by election, pursuant to the provisions of this section. Members shall serve until their respective successors shall be appointed and qualify, or be elected, unless terminated by death or resignation.

2. Each Scenic Rivers Commission shall promulgate rules consistent with the requirements of this section for replacing members who fail to attend meetings or otherwise become unable to function due to disability, death, or resignation. The replacement shall serve for the remainder of the unexpired term of the member being replaced.

3. Commission members appointed by a board of county commissioners shall cease to be members upon the expiration of their present term of office, and no further appointments shall be made by a board of county commissioners. Any vacancy that occurs in the office of a member appointed by a board of county commissioners shall not be filled. Upon the expiration of the term of office of the members of the Commission appointed by a board of county

commissioners, the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives shall each appoint one member to the Commission in addition to the members provided for in paragraph 1 of subsection C of this section.

F. 1. Each Commission shall be organized in cooperation with local governments in accordance with procedures provided for in the Scenic Rivers Act, Section 1451 et seq. of this title.

2. An interim commission consisting of the members appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall provide for the election of additional members as provided for in paragraph 2 of subsection C of this section.

G. 1. Each Scenic Rivers Commission shall be invested with the power to:

- a. prepare and establish minimum standards for planning and other ordinances and rules for the implementation of the Scenic Rivers Act by counties, municipalities, or any other local authorities in the Commissions' operating area, and
- b. promulgate such rules and issue such orders as necessary to protect the public interest and to achieve the purposes of the Scenic Rivers Act.

2. The standards shall be developed and executed in such manner as to protect and enhance the values which caused the area to be named a scenic river area without, insofar as is consistent with said protection and enhancement, limiting other uses that do not substantially interfere with the protection, public use, and enjoyment of these values.

3. Primary emphasis in the standards shall be given to protecting the aesthetic, scenic, historic, archeologic, and scientific features of the scenic river area with due consideration being given to the orderly development of the lands adjacent and contiguous to the scenic river area.

4. Standards set pursuant to the provisions of the Scenic Rivers Act shall not be less rigid or exacting than those established by any other federal or state agency having jurisdiction in respect to the subject covered by the particular standard.

H. Each Scenic Rivers Commission may engage in or supervise the conduct of studies, make a plan or plans, receive, disburse, and allocate monies granted or appropriated to it, and do all things, whether expressly enumerated in the Scenic Rivers Act or not, which may be lawful and necessary and proper for the accomplishment of the purposes of the Scenic Rivers Act. Nothing in this section shall be interpreted as giving any Commission the power of eminent domain.

I. Each Scenic Rivers Commission, in addition, shall have the following powers and responsibilities:

1. Appoint and fix the salary of an administrator experienced in land resource planning and management who shall serve at the pleasure of the Commission and in accordance with its policies, budgets, powers, and responsibilities. Such administrator may be commissioned ~~by the Oklahoma Tourism and Recreation Department as a park ranger~~ as a peace officer. The administrator may select, appoint, and employ individuals to fill personnel positions authorized, budgeted, and deemed necessary by the Commission to implement the purposes of the Scenic Rivers Act;

2. Act in cooperation with all federal, state, and local governments and agencies thereof to implement the purposes of the Scenic Rivers Act;

3. Elect from the Commission membership a chairman and such other officers as the Commission deems necessary to conduct the affairs of the Commission. The officers shall be permitted to succeed themselves once for a total of two (2) consecutive years of service in any office. The Commission shall hold meetings not less than once each quarter, at such times as may be fixed by call of its chairman or as determined by majority vote in advance of the meeting. It is the responsibility of the Commissioners to encourage general public participation in the formation and adoption of plans, standards, procedures, and regulations. The meetings of the Commission shall be open to the public. Minutes of each meeting shall be kept and filed in the office of the Commission and shall be available for public inspection during reasonable office hours;

4. Promulgate rules and issue orders necessary to the exercise of the powers of the Commission and to achieve the purposes of the Scenic Rivers Act;

5. Prepare and adopt a management plan or plans to guide and control private activities and public programs and to include varying degrees of protection and development based on the special attributes of the area;

6. Provide, where appropriate in the discretion of the Commission, for the review and consideration by the Commission of the impact on the natural and aesthetic environment within the Commission's operating area related to any existing or proposed action by public agencies, private individuals or any other activity;

7. Accept, in the name of and through the Commission, real and personal property that is granted, bequeathed, devised, or conveyed to the Commission to implement the purposes of the Scenic Rivers Act, upon such trusts and conditions as may be prescribed by the grantors or divisors, upon approval of the Commission;

8. Enter into contracts on behalf of the Commission to implement the purposes of the Scenic Rivers Act and may accept gifts and grants, whether the grants be of federal or other funds or real or personal property;

9. Identify public and private nuisances which are adverse to the purposes of the Scenic Rivers Act and take such action as permitted by law to remove the public nuisances;

10. Own and control public access points to the scenic river area, issue use permits, and purchase easements and fee title to land within the Commission's operating area. Legal title to property shall be held in the name of the individual Scenic Rivers Commission as an agency of the State of Oklahoma;

11. Review any action taken by any local, municipal, or county authority within the operating area of the Commission in an administrative adjudicatory proceeding brought upon the petition of any officer or agency of this state, including the administrator, or of any person acting in behalf of the public interest, to determine whether such action conforms to the standards promulgated by the Commission or has an adverse effect upon the proper achievement of the purposes of the Scenic Rivers Act. Upon a finding that such action does not so conform or does have such adverse effect, order that the action be nullified, superseded, or amended to the extent necessary to produce such conformity or eliminate such adverse effect, the Commission may issue such orders as may be necessary and proper to effectuate its primary order;

12. Hire an attorney or request legal assistance from the district attorney or the State Attorney General when appropriate and if there is no conflict in the legal interest of the parties;

13. Bring an action in the district court of any county of the state where service can be obtained on one or more of the defendants, to enjoin the acts or practices which appear to constitute a violation of any provision of the Scenic Rivers Act or any rule or order promulgated and to enforce compliance with the provisions of the Scenic Rivers Act or any rule or order. Upon a proper showing, a restraining order, permanent or temporary injunction, writ of mandamus, or other appropriate remedies including damages shall be granted. The court may not require the administrator or Commission to post a bond; and

14. Suspend the effectiveness of any action taken by a municipality or county within the designated operating area of such Commission when, in the exercise of alleged local functions, it appears the action has or may have an adverse effect upon the proper achievement of the purposes of the Scenic Rivers Act, whereupon all proceedings thereunder shall be held in abeyance upon receipt of written notice from the administrator pending a final determination of the Commission in regard to such action. If it is determined that such adverse effects exist, the Commission may nullify, supersede, or amend said action only to the extent necessary to achieve the purposes of the Scenic Rivers Act.

J. A Commission member to whom some private benefit, direct or indirect, financial or otherwise, may come as the result of some public action should not be a participant in that action. The possibility, not the actuality, of a conflict of interest should govern. A Commission member experiencing a conflict of interest should declare his interest publicly, abstain from voting on the

matter should he have a vote, and refrain from deliberation on the matter. In addition, the Commission member should not discuss the matter with any fellow member for the purpose of influencing a decision thereon.

K. The rules and orders of the Commission shall be promulgated in compliance with all applicable provisions of the Administrative Procedures Act.

L. 1. The administrator may appoint commissioned peace officers certified by the Council on Law Enforcement Education and Training to secure such scenic river area, including all roadways and adjacent areas to the Illinois River, Flint Creek, and the bottom portion of the Baron Fork Creek located in Cherokee County. All persons appointed by the administrator as peace officers shall be and have the full powers and authority of peace officers of the State of Oklahoma in securing such scenic river area, including all roadways and adjacent areas to the Illinois River, Flint Creek, and portion of the Baron Fork Creek located in Cherokee County. All peace officers appointed by the administrator shall be in the unclassified service.

2. Peace officers who become employed under this subsection or who are transferred to the Scenic Rivers Commission pursuant to this act who have service credit in the Oklahoma Law Enforcement Retirement System may, within thirty (30) days after becoming employed or transferred, elect to continue membership in the Oklahoma Law Enforcement Retirement System; otherwise they may be eligible to enroll only in the Oklahoma Public Employees Retirement System.

3. The administrator is authorized to employ seasonal personnel, including commissioned peace officers certified by the Council on Law Enforcement Education and Training throughout the calendar year to secure such scenic river area, including all roadways and adjacent areas to the Illinois River, Flint Creek, and the bottom portion of the Baron Fork Creek located in Cherokee County. Project labor employed by the Scenic Rivers Commission for a period of time necessary to complete a project shall be in the unclassified service of the state as provided by the Oklahoma Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes. Such employees shall not be entitled to paid leave, paid holidays, retirement, health, dental or life insurance, and shall be exempt from any laws, rules or practices providing such benefits. The administrator shall submit in its annual budget reporting a summary of the use of project labor that shall include the number of workers employed under the provisions of this section and the total wages paid to these employees.

SECTION 20. AMENDATORY 82 O.S. 1991, Section 1470, as amended by Section 1 of Enrolled Senate Bill No. 446 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 1470. A. 1. The Scenic Rivers Commission for the Flint Creek, Illinois River and those portions of Barren Fork Creek within Cherokee County is authorized and directed to charge an

annual use fee of Five Dollars (\$5.00) per commercially owned and operated flotation device.

2. The operation of a commercial flotation device without displaying a proper Oklahoma Scenic Rivers Commission license is subject to a fine not to exceed One Hundred Dollars (\$100.00). The penalty will be assessed upon the owner or operator of the commercial flotation device business and not upon the individual renting the commercial flotation device.

B. 1. In addition to the annual use fee imposed on a commercially owned and operated flotation device, there shall be imposed a user fee of One Dollar (\$1.00) per trip per flotation device or a user fee of Two Dollars (\$2.00) per trip per raft to be paid by the individual renting the commercial flotation device or raft. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

2. A per-trip user fee of One Dollar (\$1.00) shall also be levied on privately owned flotation devices and a two-dollar per trip flotation fee shall be levied on privately owned rafts.

3. Property owners adjacent to the rivers under the operating area of the Scenic Rivers Commission may own and operate one flotation device for their individual use without paying the user fees assessed by this section.

4. If a commercial operator fails to remit such user fees on schedule as required by the Scenic Rivers Commission, such operator shall be assessed an additional fee of Twenty-five Dollars (\$25.00) per week for each week he remains in arrearage. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

C. The Scenic Rivers Commission for the Flint Creek, Illinois River and those portions of Barren Fork Creek within Cherokee County Scenic River Areas shall promulgate rules and regulations for the collection and administration of the fees imposed pursuant to the provisions of this section in accordance with the Administrative Procedures Act.

D. The Oklahoma Tax Commission shall conduct an annual on-the-scene audit of all commercial flotation device businesses to determine if all fees required are being properly collected and reported. Such audit shall be conducted at least once each three (3) years.

E. The Commission may establish a fee for use of camping sites located in public use and access areas controlled by the Commission. The fee charged by the Commission shall not exceed the rate charged by the Oklahoma Tourism and Recreation Department for camping sites. The Commission is authorized to promulgate rules to implement such fee pursuant to Article I of the Administrative Procedures Act.

~~F. The Commission may contract with the Oklahoma Tourism and Recreation Department or the sheriff's office of Cherokee County, Adair County, or Delaware County for the ranger personnel necessary to secure said scenic river area, including all roadways and~~

~~adjacent areas to the Illinois River, Flint Creek, and the portion of the Baron Fork Creek located in Cherokee County.~~

~~G.~~ The administrator of the Scenic Rivers Commission is authorized to be commissioned as a ~~state park ranger~~ peace officer after completion of all required training for the purpose of supervision of ~~park rangers under contract with~~ peace officers employed by the Commission and such administrator may be utilized for any law enforcement purpose as may be necessary.

~~H.~~ G. For the purposes of this section, the term commercial flotation device shall mean a canoe, boat, inner tube or other similar device suitable for the transportation of a person or persons on waterways which is available for hire by the public for use on waterways within the operating area of the Oklahoma Scenic Rivers Commission. The term "raft" shall mean a privately owned or commercially operated inflatable flotation device which has a fixed floor and is able to transport two or more persons.

SECTION 21. REPEALER 47 O.S. 1991, Section 1171, as last amended by Section 10, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 1171), is hereby repealed.

SECTION 22. REPEALER 74 O.S. 1991, Section 1811.8, is hereby repealed.

SECTION 23. REPEALER 74 O.S. 1991, Section 1836, is hereby repealed.

SECTION 24. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 21st day of May, 2001.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2001.

Presiding Officer of the House
of Representatives

