

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 823

By: Wilson

AS INTRODUCED

An Act relating to state government; creating the Oklahoma Tourism, Parks and Recreation Enhancement Act; creating the Oklahoma Tourism and Recreation Commission; creating the Oklahoma Tourism and Recreation Department; making references to certain entities to mean the Oklahoma Tourism and Recreation Commission or the Oklahoma Department of Commerce; stating purpose of the Commission and the Department; authorizing the Commission to set policy for the Department; providing for appointment of Commissioners; clarifying duties of Commissioners; authorizing the Commissioners to promulgate rules and policies; requiring the Commission to prepare and submit an annual report to the Governor and Legislature; authorizing Commission to appoint the Executive Director of the Oklahoma Tourism and Recreation Department; establishing criteria and duties of the Director; authorizing the Director to employ staff; authorizing the director to administer policies adopted by the Commission; authorizing the Director to enter into contracts; authorizes the Director to develop certain incentive plans; authorizing Division to sell advertising and negotiate rates; exempting certain sales of advertisement from the Central Purchasing Act and the Administrative Procedures Act; authorizing the Director to use certain funds for the furtherance of tourism; requiring approval of use of funds; requiring monthly audit; authorizing the Director to aid and assist in planning certain community recreational projects; authorizing the Director to employ certain legal personnel; authorizing the Attorney General to give official opinions and prosecute and defend actions of the Department or Commission; creating certain Divisions within the Department; authorizing the Commission to maintain possession and control of all state parks and certain other lands owned or leased by the Commission; authorizing Commission to acquire property under certain circumstances; authorizing the Commission to contract for certain feasibility studies; clarifying duties and immunities of the Division of State Parks; clarifying duties of Park Rangers; providing certain public access and use of facilities; stating certain prohibitions; providing for violation; setting fine; specifying certain monies collected to be deposited in certain fund; authorizing certain personnel to inspect and issue permits for watercraft and to collect fees; authorizing the Commission to offer, sell and execute mineral leases; specifying rules and regulations for the facilitation of the sale of

mineral leases; stipulating each lease to contain certain provisions for the discovery of natural gas; requiring certain revenues to be dedicated to certain improvements; authorizing the Commission to establish rates for rooms at state lodges, golf course fees, and day-use charges for state parks; stating exceptions for certain persons; authorizing the Commission to utilize certain promotion programs; authorizing the Commission to sell certain real estate and setting forth requirements for sale; setting procedures for depositing monies in certain funds from sale of real estate; stating purpose of funds; authorizing the Commission to promulgate rules for the repayment of lease or rental agreement with concessionaires; authorizing the Commission to transfer interest in real or personal property owned by the State or Department to certain entities; stating parameters for certain real estate transfers; authorizing the Commission to establish a not-for-profit state park foundation; defining term; stating parameters for the state park foundation; requiring the Commission to construct, maintain and repair roads and parking areas in state parks; declaring state parks to be a state game refuges; requiring the Oklahoma Wildlife Conservation Commission to stock state parks with game and fish; allowing the Oklahoma Wildlife Conservation Commission and the Commission to authorize hunting in areas of certain state parks; authorizing the Commission to negotiate for the purchase of Turner Falls; clarifying the duties of the Division of Travel and Tourism; authorizing the Commission to sponsor an annual tourism and recreation industry conference; authorizes state agencies and state-owned information centers to distribute certain promotional materials to inform and attract business, industry and tourists; authorizing the Department to develop rules to administer matching funds for allowable expenditures of certain funds given to multicounty organizations; defining terms; stating intent of the Legislature to promote tourism by multicounty organizations; setting parameters for receiving multicounty matching funds; authorizing the Department to deduct any obligations due to the state from multicounty organizations; creating the Office of the Oklahoma Film and Music Commission; clarifying the duties of the Oklahoma Film and Music Commission; providing for membership; authorizing the Oklahoma Today Magazine to sell advertising; requiring approval of advertising; providing for payments of commissions to certain employees of Oklahoma Today Magazine under certain circumstances; creating the Oklahoma Today Magazine Foundation; declaring merchandise purchased and resold through Oklahoma Today Magazine to be exempt from the Central Purchasing Act; requiring the Department to establish a cost and revenue reporting system; requiring the Department to have annual audit; stating parameters of the audit; authorizing the Department to employ certain employees who shall be seasonal; defining seasonal employees; stating certain employees not be subject to the Merit System of Personnel Administration; limiting expenditures for purchases in excess of certain amount; requiring

approval by majority of Commission for certain expenditures; stating exemption for purchases less than a certain amount; setting procedures for uncollectable accounts receivable; authorizing the Department to purchase liability insurance; waiving performance bond requirement; authorizing the State Treasurer of Oklahoma to be ex-officio Treasurer of the Commission; requiring monies of the Commission to be disbursed on instruments signed by certain authorized persons; requiring the Commission to keep complete and accurate accounts of all transactions; creating the Oklahoma Tourism and Recreation Department Revolving Fund; creating the Oklahoma Today magazine Revolving Fund; creating the Tourism and Recreation Environmental Loan Proceeds Revolving Fund; Creating the Oklahoma State Parks Partnership Matching Revolving Fund; creating a petty cash fund in each revolving fund; limiting amount of purchase; providing for reimbursement; authorizing the Commission to negotiate bonds; stating purpose of bonds; stating terms, covenants and conditions; stating history of bond issues by the Commission; directing distribution of monies; authorizing the Commission to have the power to refund certain bonds; stating validity of signatures on bonds; authorizing the Commission to prescribe and collect fees and may pledge the revenues to the payment of bonds; authorizing the Commission to issue bonds to construct certain improvements; authorizing the Commission to issue bonds for the construction of tourism information centers; providing procedures for default on bonds; prohibiting the issuance of bonds until a certified copy of the proceedings authorizing the issuance is submitted to the Attorney General; construing language; prohibiting forced sale of property controlled and operated by the Commission; stating certain tax exemptions on property controlled and operated by the Commission; requiring all bonds to have certain information on the backs of the certificate; authorizing any bank, trust or insurance company organized under State law to invest in bonds; authorizing the Commission to issue bonds for the purpose of refunding obligations previously issued; authorizing the Commission to file with the Supreme Court of Oklahoma certain applications for the approval of bonds; stating duty of the Court; providing for notice; providing for hearing; directing revenues collected by the Commission to be held in certain funds; authorizing the Office of the State Auditor and Inspector to perform annual audits certain funds from bond issues; authorizing the Commission to make and issue notes and bonds; authorizes the Commission to arrange for insurance of its notes and bonds by certain insurers; authorizing the Commission to issue revenue notes and bonds; authorizing the Commission to promulgate rules governing the issuance of revenue bonds; requiring the Attorney General to approve the notes and bonds after certain findings; requiring the Attorney General to file certificates in the Office of the State Auditor and Inspector; specifying the issuance of revenue notes and bonds issued by the Commission shall not constitute a debt of the state or any

political subdivision; making certain notes and bonds securities in which certain entities may legally and properly invest; requiring the Commission to purchase fidelity bond coverage for certain persons; requiring performance bonds for certain persons; creating the Oklahoma Trails System Act; defining terms; stating purpose; clarifying authority and responsibilities of the Commission; authorizing the Commission to establish and designate state trails on certain lands; prohibiting certain activities on trails; providing penalty; creating the Oklahoma Tourism Signage Advisory Task Force; stating purpose; establishing membership; authorizing the Department of Transportation to design, construct and select location of guide signs on certain highways; stating parameters on structure, style and design; requiring certain compliance; repealing 74 O.S. 2001, Sections 1801, 1802, 1803, 1803.1a, 1803.1b, 1803.2, 1803.3, 1804, as last amended by Section 1, Chapter 457, O.S.L. 2003, 1805, 1805.1, 1806, 1806.1, 1807, 1808, 1808.1, 1809, 1810, 1810.2, as amended by Section 1, Chapter 316, O.S.L. 2002, 1810.3, 1811, as amended by Section 1, Chapter 400, O.S.L. 2003, 1811.1, as amended by Section 4, Chapter 343, O.S.L. 2002, 1811.1a, as amended by Section 5, Chapter 343, O.S.L. 2002, Section 2, Chapter 400, O.S.L. 2003, 1811.2, 1811.3, 1811.5A, as amended by Section 1, Chapter 27, O.S.L. 2002, 1811.6, 1811.7, 1811.9, Section 1, Chapter 159, O.S.L. 2004, 1812, 1813, as amended by Section 1, Chapter 197, O.S.L. 2002, 1813.3, as amended by Section 6, Chapter 343, O.S.L. 2002, 1813.4, 1813.5, 1816, as amended by Section 2, Chapter 197, O.S.L. 2002, 1817, 1820, 1822, 1823, 1824, 1824.1, as amended by Section 3, Chapter 197, O.S.L. 2002, 1825, 1825.1, 1826, 1827, 1828, 1829.2, as amended by Section 4, Chapter 197, O.S.L. 2002, 1830, 1830.1, 1831, 1832, 1833, 1834, 1838, 1839, 1846, 1846.1, 1846.2, 1846.3, 1846.4, 1847, 1847.1, as last amended by Section 105, Chapter 5, O.S.L. 2004, 1847.2, 1847.3, 1847.4, 1847.5, 1847.6, 1847.7, 1847.8, 1848, 1848.1, 1848.2, 1848.3, 1849, 1849.1, 1849.2, 1849.3, 1849.4, 1849.5, 1849.6, 1849.7, 1849.8, 1849.9, 1849.10, 1849.11, 1849.12, 1849.13, 1849.14, 1849.15, 1849.16, 1850, 1850.1, 1851, 1851.1, Section 10, Chapter 425, O.S.L. 2003, 1852, 1852.1, Section 8, Chapter 343, O.S.L. 2002, Section 9, Chapter 343, O.S.L. 2002, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1861.1, 1861.2, as amended by Section 1, Chapter 158, O.S.L. 2003, 1861.2A, 1862, 1863, as last amended by Section 2, Chapter 158, O.S.L. 2003, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, Section 10, Chapter 343, O.S.L. 2002, Section 11, Chapter 343, O.S.L. 2002, Section 13, Chapter 343, O.S.L. 2002, as amended by Section 3, Chapter 158, O.S.L. 2003, Section 14, Chapter 343, O.S.L. 2002, Section 15, Chapter 343, O.S.L. 2002, 1891, and 1892 (74 O.S. Supp. 2004, Sections 1804, 1810.2, 1811, 1811, 1811.1, 1811.1a, 1811.1b, 1811.5A, 1811.10, 1813, 1813.3, 1816, 1824.1, 1829.2, 1847.1, 1851.2, 1852.2, 1852.3, 1861.2, 1863, 1881, 1882 and 1884), are hereby repealed; providing for codification;

providing for recodification; and providing an effective date.

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

I. OKLAHOMA TOURISM AND RECREATION COMMISSION

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2200 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Tourism, Parks and Recreation Enhancement Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2201 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Oklahoma Tourism and Recreation Commission, hereinafter referred to as the "Commission," and the Oklahoma Tourism and Recreation Department, hereinafter referred to as the "Department." Whenever in the Oklahoma State Statutes reference is made to the Governor's Economic Development Commission, the State Department of Commerce and Industry, the Oklahoma Planning and Resources Board, the Oklahoma Industrial Development and Park Commission or the Oklahoma Industrial Development and Park Department, it shall mean hereafter the Oklahoma Tourism and Recreation Commission created by this act, or the Oklahoma Department of Commerce, as the context may require.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2202 of Title 74, unless there is created a duplication in numbering, reads as follows:

It shall be the purpose of the Commission and the Department to conserve and protect the parkland under the control of the Commission; oversee the operation and maintenance of the state's lodges and golf courses; promote tourism by publicity and dissemination of information; assist in promotion of events

sponsored by municipalities, associations, and organizations commemorating special events of local or historical interest; educate the public on the people, places, events, culture, and history of Oklahoma; and, function in an advisory capacity to the Governor, State Legislature, state agencies, municipalities, and to private organizations on matters pertaining to tourism and recreation. The Commission shall determine or set policy for the Department and shall determine the broad plans and programs necessary to accomplish the duties and responsibilities in the Commission.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2203 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall consist of eight (8) members who shall serve a term of six (6) years. No more than one Commission member shall be from any one county. The Lieutenant Governor shall serve as an ex officio voting member of the Commission.

B. One member shall be appointed from each congressional district, who shall be a resident and a qualified elector in the district from which appointed, and the remaining members shall be appointed from the state at large. If congressional districts are redrawn each member appointed shall complete the current term of office at which time a new appointment shall be made in compliance with the redrawn congressional district.

C. Commission members shall be appointed by the Governor, with the advice and consent of the Senate, and shall be removed for cause. Whenever a vacancy on the Commission occurs by death, resignation, or otherwise, the Governor shall fill the same by appointment, with the advice and consent of the Senate, and the appointee shall hold office during the unexpired term. Each member shall hold office until a successor has been appointed and qualified. Five (5) members of the Commission shall constitute a

quorum, and the vote of the majority of members present shall be necessary for any action to be taken by the Commission. No vacancy in the membership of the Commission shall impair the rights of a quorum to exercise and perform all the rights and duties of the Commission.

D. No member of the Commission shall seek election to a federal, state, or county office while serving on the Commission.

E. Each member of the Commission, before serving on the Commission, shall take and subscribe to the constitutional and statutory oaths of office and file said oaths with the Secretary of State. Members of the Commission shall be reimbursed for travel expenses to Commission meetings as provided in the State Travel Reimbursement Act of the Oklahoma State Statutes.

F. The Commission shall be organized by the Governor who shall appoint from the Commission the Chair, the Vice Chair, and the Secretary. The Commission is authorized and directed to adopt rules pursuant to the provisions of the Administrative Procedures Act to execute the powers and duties of the Commission and Department.

G. The Commission may meet monthly and shall meet at least quarterly. The Commission may meet at such other times as it deems necessary for effectively performing its duties and responsibilities. Special meetings may be called by the Chair or by any three members of the Commission. The meetings of the Commission shall be subject to the Open Meeting Act.

H. The Commission is hereby declared to be a governmental agency and instrumentality of the State of Oklahoma with authority to exercise, in addition to those it now has, the rights, privileges and functions hereinafter specified.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2204 of Title 74, unless there is created a duplication in numbering, reads as follows:

There are hereby granted to and imposed in the Commission, and in any commission or body which may hereafter succeed to the powers, rights and duties of the Commission, the additional powers, rights and duties hereinafter more specifically provided. The Commission is hereby authorized to sue and be sued; to adopt, use, and alter an official seal; to make bylaws for the management and regulation of its affairs; to appoint, prescribe the duties, and fix the compensation for officers, agents, and employees; to make contracts and execute instruments as in the judgment of the Commission are necessary or convenient to the exercise of the powers conferred upon it by law; and, to promulgate rules and policies necessary and convenient to the exercise of the powers conferred upon it by law.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2205 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission shall prepare and submit to the Governor and to the Legislature on the first day of each legislative session a report of the activities of the Department, together with all information and data in the possession of the Department as the Commission shall deem of value to the Governor, the Legislature and the people of the State of Oklahoma. Each such report may contain such recommendations for legislation as the Commission may deem necessary to give full effect to all the provisions of this act.

## II. EXECUTIVE DIRECTOR

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2206 of Title 74, unless there is created a duplication in numbering, reads as follows:

The chief executive officer of the Department shall be the Executive Director, who shall be appointed by the Commission and who shall serve at the pleasure of said Commission. The Executive Director shall be chosen with regard to knowledge, training, experience, and ability to administer the functions of the

Department. The Commission shall establish the salary of the Executive Director.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2207 of Title 74, unless there is created a duplication in numbering, reads as follows:

Subject to the policies and rules and regulations of the Commission, the Executive Director shall:

1. Organize the Department in a manner to efficiently achieve the objectives of the Commission;
2. Prepare and submit plans for administering the programs of the Commission;
3. Prepare a personnel schedule, employ personnel, define duties, appoint technicians and consultants, and fix salaries or compensation;
4. Administer all policies formulated and adopted by the Commission;
5. 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 this Act. The Executive Director shall provide a monthly report to the Commission of actions taken as a result of such delegation;
6. Develop and implement a pay incentive plan for employees of the Department. Incentive pay shall not be included in an employee's base salary, and shall be based on the goals and eligibility established by the Commission on an annual basis. Incentive pay shall not exceed ten percent (10%) of each eligible employee's salary or the total change in improved financial performance for each facility over the previous fiscal year. Such compensation shall not be subject to the requirements of Section 840-2.17 of this title. The Commission shall promulgate rules for the implementation of such plan; and

7. Authorize any division of the Department 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 or the Administrative Procedures Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2208 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Executive Director may authorize the use of revolving fund income for entertainment and promotion expenses of the Department, provided that the expenses are directly related to business development for state-operated or state-owned facilities and the furtherance of tourism in Oklahoma. In all cases, the expenses must be approved in advance by the Executive Director, be audited by the Department's fiscal officer on a monthly basis, and submitted to the Commission as an item for information.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2209 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Executive Director may authorize the provision of aid and assistance to the governmental units of Oklahoma or to any nongovernmental agency or organization in planning for the development of community recreation programs. The Department may act jointly with other state agencies, institutions, departments, boards or commissions, to coordinate the park and recreational functions at the state level of government.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2210 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Executive Director is hereby authorized to employ an attorney as needed, within the total employee limit authorized for the operation of the Department, on a full- or part-time basis, to advise the Commission, the Executive Director and other department personnel on legal matters and to appear for and represent the Commission and the Executive Director in administrative hearings and other legal actions and procedures related to their official duties. Upon the request of the Commission or the Executive Director, it shall be the duty of the Office of the Attorney General to give an official opinion, prosecute, and defend actions of the Commission or Department.

### III. DEPARTMENT - DIVISIONS

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2211 of Title 74, unless there is created a duplication in numbering, reads as follows:

There are hereby created within the Department the Division of State Parks, the Division of Travel and Tourism, Oklahoma Today Magazine, and the Division of Administrative Services; provided, however, the Commission shall have authority, by resolution, to create other divisions and may, by resolution, combine or abolish any or all such divisions, as deemed to be necessary to carry out its duties under this act.

#### A. STATE PARKS

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2212 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission shall have the authority to exercise the following powers, rights and privileges related to state parks:

1. To have the exclusive possession and control of, and to 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, exchange, 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 by purchase, lease, gift, condemnation 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, although such property is sometimes herein as the 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;

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

5. To acquire, conserve, protect, construct, extend, reduce, 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;

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2213 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission may contract for the study, analysis, and planning as reasonably necessary to aid in determining the feasibility of leasing, selling or privately managing or developing the property or facilities under the control of the Commission. The Commission shall be exempt from the competitive bidding requirements of the Competitive Bidding Act for the purpose of soliciting, negotiating, and effectuating such a contract or contracts.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2214 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Division of State Parks shall, subject to the policies, rules of the Commission:

1. Conserve, preserve, plan, supervise, construct, enlarge, reduce, improve, maintain, equip and operate parkland, public recreation facilities, lodges, cabins, camping sites, scenic trails, picnic sites, golf courses, boating, and swimming 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. Supervise the management and use of state properties and facilities under the jurisdiction of the Commission. The Commission may adopt rules to lease concessions in any state-owned facility if the Commission deems it feasible;

3. Authorize those employees in the Park Manager job family classification series, as established by the Oklahoma Office of Personnel Management, to maintain administrative control over all facilities, programs, operations, services, and employees in the park to which they are assigned; and

4. Enforce the rules and policies governing the use of and conduct of patrons in all recreational facilities and properties of the Commission.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2215 of Title 74, unless there is created a duplication in numbering, reads as follows:

Park Rangers, subject to the policies of the Commission, shall:

1. Obtain a commission as an officer or employee pursuant to the certification specified in Section 3311 of Title 70 of the Oklahoma Statutes and by the Division of State Parks;

2. Secure the parks and property of the Department and maintain law and order therein;

3. Maintain the powers of peace officers except the serving or execution of civil process, 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 possess all immunities and matters of defense now available or hereafter made available to sheriffs, the highway patrol, and police officers in any suit brought against them resulting from acts done in the course of their employment;

4. Possess law enforcement jurisdiction over state parks, including all facilities located therein;

5. Serve a probationary period of twelve (12) months. The Division of State Parks Director 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. At any time during a probationary period a park ranger's employment may be terminated 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;

6. Provide law enforcement protection and enforcement pursuant to the terms of inter-local agreements authorized by the Commission with other entities of government or federally recognized tribes in the State; and

7. Remain in the Oklahoma Law Enforcement Retirement System if promoted to the Park Manager job family classification series, provided they maintain their certification specified in Section 3311 of Title 70 of the Oklahoma Statutes, perform the requisite training required by the Chief Park Ranger, and meet all other requirements, policies, and rules of the Department and laws of the state.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2216 of Title 74, unless there is created a duplication in numbering, reads as follows:

The public shall have the right to access and use the facilities, services, and programs provided within State Parks.

1. Notwithstanding any other provision of law, no person may:
  - a. discharge fireworks in any area of a state park unless specified otherwise by the Division of State Parks Director,
  - b. possess any glass container in a designated and posted swim or beach area within a state park,
  - c. build a fire within a state park in areas posted as prohibited by the Department,
  - d. solicit or demand gifts, money, goods or services within a state park,
  - e. possess or use a firearm in a state park without authorization by the Division of State Parks Director,
  - f. enter a state park with a dog, unless the dog is on a leash, or permit any dog to enter a state park or recreation area under the jurisdiction of the

Commission. It is further provided that any authorized member of the Department or any authorized employee of the Oklahoma Department of Wildlife Conservation may kill any dog found running loose in any state park which poses imminent threat to humans or other animals, or which may be chasing or running any game in the state park. Any such authorized employees of the Departments shall not be held liable for the killing of said dog,

- g. injure, destroy, mutilate or deface any building, structure, sign, rock, tree, shrub, vine, or property, or dispose of any matter which will likely contaminate any swimming pool or other waters on the state park, or take, kill, injure, pursue, hunt, or molest, any wild game animal, or mar or rifle the nest of any bird or the den or nest or abode of any wild animal within any of the state parks, recreational grounds or state monuments now created or which may be hereafter acquired or designated,
- h. use or operate motor vehicles, including motorcycles, motorbikes or motor scooters, in areas not specifically posted by the Department, or
- i. 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 Commission.

2. Any such violation of the provisions of this section shall be punishable as a misdemeanor, and subject to a fine of not less than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

3. 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 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2217 of Title 74, unless there is created a duplication in numbering, reads as follows:

Authorized park personnel are authorized to inspect boats, issue permits for the operation of watercraft of all kinds, charge and collect 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.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2218 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission may offer for sale, sell and execute oil and gas leases, and other mineral and mining leases, on any of the lands of the State under the control and supervision of the Commission, provided, the development of land for the purpose leased will not unduly interfere with the purpose for which the land is being used by the state.

B. The Commission may promulgate additional rules, as are necessary and for the best interest of the state facilitate the sale of the leases. The Chair of the Commission shall execute the leases for and on behalf of the Commission, and the Chair shall be liable

on the official bond for failure to faithfully discharge such duties hereunder. The sales of leases shall be made upon the basis of a retained royalty of not less than one-eighth (1/8) of all oil, gas, casinghead gas, and other minerals produced from the lands covered by the leases and any additional cash bonus procured. Provided, however, if the state owns less than one hundred percent (100%) of the oil, gas, casinghead gas and other minerals covered by any such lease, the royalty retained shall not be less than one-eighth (1/8) of the mineral interest.

C. All leases shall contain a provision that in the event of the discovery of natural gas, the gas shall be furnished free of charge to any state institution now or hereafter located upon the lands covered by the lease. Leases shall be sold only after advertisement for a period of three (3) weeks in a legal newspaper published and of general circulation in the county in which the lands are located. A sale shall be made to the highest and best bidder and all bids shall be in sealed envelopes which shall be opened and considered at the same time. The Commission may reject any and all bids and readvertise any leases for sale.

D. Revenues derived from the sale of oil and gas leases and other mineral leases shall be dedicated to the improvement of state park facilities and property, to include, but not limited to, the conservation, protection, and rehabilitation of state parkland, the preservation of historic properties under the jurisdiction of the Commission, and master planning of state park properties.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2219 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission may 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.

1. The Commission may establish maximum 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 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.

2. 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 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.

3. The Commission may establish entrance or day-use charges for the state park system. All monies collected from entrance or day-use charges shall be used for the capital improvements at the state parks where the charges were collected. The Commission may establish an annual pass for visitors. The method whereby the maximum charges are determined, sold, and collected 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 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.

4. Fees shall be promulgated pursuant to Article I of the Administrative Procedures Act.

5. Fees may reflect the seasonal usage of the parks and facilities and for promotional purposes and goals.

B. All fees, licenses and other charges shall be posted in a convenient place in each park. 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. Identification may be established by presentation of proof of age, residency, the state driver 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; and

4. Special discount rates as authorized in this section may be waived for individuals who are members of a group being provided a special group rate as allowed by law.

C. The failure to collect such fees, licenses and other charges shall subject an employee of the Commission to a fine of Twenty-five Dollars (\$25.00) for each and every violation

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission, through the Department, is authorized to promote state-owned, leased, or operated facilities. The Department may utilize specific promotion programs such as the provision of complimentary rooms, package rate plans, group rates, guest incentive sales programs, entertainment of prospective guests, employee information programs, golf promotional programs as well as other sales and promotion programs considered acceptable in the hospitality industry, in the travel industry, or the regional magazine industry are approved as necessary advertising and promotion expenses.

B. In order to best carry out the duties and responsibilities of the Department and to serve the people of the state in the promotion of tourism and tourism economic development, the Department may enter into partnerships for promotional programs and projects with a private person, firm, corporation, organization or association. The Department may enter into contracts or agreements under terms to be mutually agreed upon to carry out the promotional programs and projects, excluding the Department's advertising contract which utilizes the Tourism Promotion Tax or acquisition of land or buildings. The contracts or agreements may be negotiated and shall not be subject to the provisions of the Oklahoma Central Purchasing Act or the Public Competitive Bidding Act of 1974 of the Oklahoma Statutes.

C. All contracts or agreements entered into as partnerships for promotional projects or programs by the Department shall be approved by the Commission.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2221 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission may sell real estate owned by the State of Oklahoma or the Department that is surplus to its use and under the jurisdiction of the Commission located within McCurtain County and situated within the Cedar Creek area of Hochatown State Park.

B. The Commission and Department shall not be subject to the provisions of Section 129.4 of Title 74 of the Oklahoma Statutes for the sale. All monies received from the sale of the property, except those monies necessary to pay the expenses incurred pursuant to the sale, shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund 215 ("215 Fund"). Revenue derived from such real estate sale deposited to the fund shall be utilized for the benefit of Hochatown State Park or Beavers Bend State Park. Such real estate sale shall not be subject to the provisions of Section 456.7 of Title 74 of the Oklahoma Statutes.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2222 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission may sell real estate and personal property owned or acquired by the State of Oklahoma or the Department, now or in the future, and under the jurisdiction of the Commission located within Marshall County and situated within Texoma State Park.

B. The sale of real estate and personal property authorized pursuant to subsection A of this section shall be subject to all existing easements and reservations of record. The Commission or Department shall transfer any interests held, including but not limited to licenses, operating permits and leasehold interests to a subsequent purchaser.

C. The Commission and Department shall no be subject to the provisions of Section 129.4 of Title 74 of the Oklahoma Statutes for

such sale. All monies received from the sale of these properties, except those monies necessary to pay the expenses incurred pursuant to the sale, shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund 215 ("215 Fund"). Revenue derived from such real estate and personal property sale deposited to the fund shall be utilized for the benefit of the state park system. Such real estate and personal property sale shall not be subject to the provisions of Section 456.7 of Title 74 of the Oklahoma Statutes.

D. For every developed acre of land containing recreational vehicle campgrounds and other campgrounds that is sold pursuant to this section, an equivalent amount of replacement land shall be selected by the Oklahoma Tourism and Recreation Department in a suitable area at Lake Texoma or in the vicinity, and developed to provide comparable outdoor public recreation facilities for operation as part of the Oklahoma state park system.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2223 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission may transfer to any city, county, or other agency of government, which is a willing recipient, its interest in real and personal property owned by the State of Oklahoma or the Department and operated and maintained under the jurisdiction of the Commission. Such real estate transfers shall not be subject to Sections 456.7 or 129.4 of this title or any provision of state law relative to disposition of real estate. Such real estate transfers shall be subject to the following provisions:

1. The city, county or other agency recipient shall agree to accept the interest transferred by the state, accept responsibility for the property, and use the real estate for public recreation purposes in accordance with the Land and Water Conservation Fund Act of 1965, Public Law 88-578, 78 STAT 897;

2. The city, county or other agency recipient shall not dispose of the property unless substitute property is provided that is equivalent in value and usefulness;

3. The Commission shall transfer the property to the recipient by quit claim deed or other instrument as may be appropriate;

4. The consideration for the property transfer shall be the agreement of the recipient to continue public recreation use of the property and to manage the property without an operating subsidy from the Department or Commission;

5. The real estate transfer shall be subject to all existing easements and reservations of record; and

6. The Commission shall provide written notice to the President Pro Tempore of the Senate and the Speaker of the House of Representatives detailing any such proposed transfer agreement to be entered into pursuant to this section no later than thirty (30) days prior to the first day of the legislative session. The Commission shall approve such proposed transfer during the legislative session to be effective at the beginning of the next fiscal year, contingent upon the Legislature's approval of the proposed transfer.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2224 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Commission is encouraged to explore the potential benefits of not-for-profit foundations for support of state parks. Such support from a not-for-profit foundation shall not substitute for the obligation of the state to support the natural resources infrastructure of the state, but shall serve only as a supplement to state funding and as a means to further assist the Oklahoma Tourism and Recreation Department in preserving the natural resources and historical, educational, and cultural facilities of significance in the state.

B. There is hereby authorized the establishment of a not-for-profit state park foundation for the purpose of encouraging contributions by private individuals, companies, foundations, corporations, and others in the private and public sectors. Contributions shall be utilized for the support, preservation, and development of state park properties. This support, preservation, and development shall include, but is not limited to, preservation of historic facilities, development of educational and interpretive programs, materials, and other means of support.

C. As used in this section, a "state park foundation" means any company, trust, corporation, or association:

1. That solicits money or property in the name of any state park under the jurisdiction of the Oklahoma Tourism and Recreation Commission; and

2. Which is exempt from federal income taxes.

D. The Oklahoma Tourism and Recreation Commission may refuse to accept any grant, award, or donation of real or personal property offered by or through a state park foundation.

E. No employee of the Oklahoma Tourism and Recreation Department shall be a voting member of a state park foundation board. Members of the Oklahoma Tourism and Recreation Commission may serve on the board of a state park foundation, but shall not constitute a majority of the members of the board of the foundation. No member of the Commission serving on the board or an employee of the Department serving as an ex officio member of the board shall be compensated by the foundation for service as a member of the foundation board.

F. A state park foundation created pursuant to this section shall not be an entity of state government. No state funds shall be deposited in any account owned or controlled by a state park foundation.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2225 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Transportation Commission shall construct, maintain and repair those roads and parking areas in state parks as specified by the Oklahoma Tourism and Recreation Commission.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2226 of Title 74, unless there is created a duplication in numbering, reads as follows:

All state parks are hereby declared to be a state game refuge and the Oklahoma Wildlife Conservation Commission shall stock all state parks with game and fish in the same manner as other state game refuges.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2227 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Wildlife Conservation Commission and the Oklahoma Tourism and Recreation Commission may authorize, by written agreement or agreements between the Commissions, hunting in designated state parks or designated portions of state parks under the administrative control of the Oklahoma Tourism and Recreation Commission, excluding Lake Murray State Park. The agreement or agreements shall be made with the advice of the Attorney General's office and shall contain the duration, terms and conditions of the hunting authorization, a list of species to be hunted and permitted firearms, a map designating the specific land areas to be open to hunting and shall provide for the administration of the designated area or areas by the Wildlife Conservation Commission for so long as hunting is authorized under the provisions of the agreement or agreements. All areas to be open to hunting shall be clearly marked by signs to designate the open and closed areas.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2228 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission is authorized to negotiate with the duly constituted authorities of the municipal corporation of Davis, in Murray County, to purchase from the municipal corporation the property now owned by it and known as Turner Falls, and other contiguous properties in Murray county, for a state park, provided that said municipal authorities shall, by resolution, declare said property no longer suitable for municipal park purposes and beyond the fiscal means of the corporation properly to maintain as such. In the event of said purchase, the property shall be known as Turner Falls State Park.

B. TRAVEL & TOURISM

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2229 of Title 74, unless there is created a duplication in numbering, reads as follows:

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. Create and convey an accurate, responsible, and elevated image of the state and its natural, cultural, historical, recreational attractions and events;

3. Organize, coordinate, and conduct state, regional, national, and international marketing programs to increase the number of domestic and international travelers to Oklahoma;

4. Create, develop, produce, distribute, implement, and evaluate the effectiveness of public information programs, including publicity, brochures, public relations activities, film and slide production, still and audio visual photography, digital and

electronic media, public service programs, advertising, and other informational aids for the promotion of tourism to the general public and the media;

5. Coordinate, advise and provide technical assistance to Oklahoma's cities, counties, and regional tourism organizations in the planning, development, and execution of tourism programs;

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

7. Develop and partner with other entities of government and private entities to obtain 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 about programs and travel trends which affect the tourism industry;

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

10. Administer matching grant programs to multicounty organizations which promote travel and tourism to their areas of the state that are consistent and coordinated with the statewide travel marketing plan; and

11. Assist other state agencies with special tourism promotion projects, development of professional training opportunities and other projects which provide services to travelers.

B. The Division may facilitate travel to and within the state by encouraging development of a tourism industry infrastructure

which provides investment incentives to tourism businesses and tourism product development.

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

D. Plan, construct, lease, operate, and maintain state-of-the-art tourism information centers and a central fulfillment warehouse. The centers shall be utilized for the purpose of providing services, selling merchandise, and distributing information to travelers on the state's tourism facilities and opportunities.

E. The Division may, upon approval of the Commission, lease for a reasonable rate, retail and advertising space in state-operated tourism information centers. A performance bond, certificate of deposit, letter of credit, or cash equivalent, may be required by the Commission on any such lease.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2230 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission, through the Department, may sponsor, promote and implement an annual statewide tourism and recreation industry conference to promote the tourism and recreation industry. The Department is authorized to partner with private entities for the administration and execution of said conference. The Department is hereby authorized to charge registration and exhibit space fees necessary to cover the costs of said conference and shall deposit said fees plus any other conference proceeds, including donated funds, into an agency special account to be created by the Special Agency Account Board. Expenditure of monies from said agency special account shall be exempt from the Oklahoma Central Purchasing

Act and shall be for purposes incidental to the tourism and recreation industry conference and approved by the Commission.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2231 of Title 74, unless there is created a duplication in numbering, reads as follows:

All state agencies and state-owned information centers may:

1. Distribute publicity, advertising and informational materials state-owned or privately-owned museums, buildings, sites, attractions and points of interest within the State of Oklahoma, whether agencies be industrial, commercial, governmental, educational, cultural, recreational, agricultural or business in nature; and

2. Assist public and private agencies in the preparation of informational and publicity programs designed to inform and attract business, industry and tourism to the state.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2232 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Department, with the approval of the Commission, shall develop rules to administer any of the matching funds derived from the Department for the allowable expenditures of multicounty organizations. Such rules shall be developed in accordance with this section. As used in this section:

1. "Multicounty organization" shall mean a nonprofit organization which satisfies the following requirements:

- a. its primary purpose is to promote the tourism attributes of a multiple-county region which is identified as a tourism "country" or "lake" area, or any other organization participating in the matching funds program on July 1, 2001,
- b. that is governed by a board of directors elected by the organization's membership,

- c. that is governed by a board of directors which equitably represents the counties within the multiple-county region,
- d. that has an administrator of operations position who is not an elected director,
- e. that utilizes income from private sector sources as the basis for funding its administrative and promotion expenses, and
- f. that has provided to the Department an independent and certified financial-related audit for the preceding fiscal year;

2. "Administrative expenditure" shall mean expenditures for the administration of fund raising and tourism promotion. Administrative expenditures shall include salaries, payroll taxes, insurance, personal services contracts, travel expenses not to exceed the amounts provided in the State Travel Reimbursement Act, rent, lease or purchase of facilities, office supplies, telephone and electronic communications and multicounty organization audit costs;

3. "Allowable expenditures" shall mean an expenditures by a multicounty organization submitted to the Department for matching funds in accordance with the provisions of this section and the rules promulgated by the Commission;

4. "Discretionary expenditure" shall mean those expenditures by multicounty organizations for which matching funds are not requested. Discretionary expenditures are not subject to the limiting provisions of this section and the rules promulgated by the Commission;

5. "Independent and certified audit" shall mean a financial-related audit performed in accordance with Generally Accepted Government Auditing Standards, issued by the Comptroller General of the United States. The scope of the audit shall, at a minimum, consist of a statement of revenue and expenditures and shall include

the specific requirements identified in this section and in the Department rules; and

6. "Tourism promotion expenditure" shall mean an expenditure for the preparation, printing, publication and distribution of media advertising in brochures, news and publicity materials, travel posters, mailing pieces, newspapers, magazines, television, radio, billboards, advertising and promotional specialties, exhibit space and displays at trade shows and conventions and the expenses for operating such exhibits, including travel expenses, not to exceed amounts provided in the State Travel Reimbursement Act the cost of travel writer, travel agent, tour broker and tour operator familiarization tours into the State of Oklahoma and registration fees for an annual tourism and recreation industry conference with the purpose of attracting tourists or generating travel or tourism activity within the state or multicounty organization areas. The amount expended within the multicounty organization area for tourism promotion shall not exceed fifty percent (50%) of the total of allowable expenditures and allocated matching funds.

B. It is the intent of the Legislature to encourage the promotion of tourism by multicounty organizations in cooperation with the Department's statewide program. Allowable administrative expenditures by multicounty organizations shall not exceed forty percent (40%) of the lesser of either the total amount allocated, including reallocations, to the organization from appropriations made by the Legislature or the total of the matched expenditures. The limitation on administrative expenditures applies only to those expenditures submitted for matching with state appropriated funds.

C. With the exception of those organizations identified as "country" or "lake" associations participating in the matching funds program on July 1, 2001, not more than one organization representing a recognized "country" or "lake" area shall be eligible to receive matching funds.

D. Matching funds for the allowable expenditures shall be based upon actual expenditures by the multicounty organization less any discount, refund, or rebate to the multicounty organization. Multicounty organizations shall use a State of Oklahoma Notarized Claim Form with all applicable statements and affidavits to request matching funds for the allowable expenditures.

E. In order for a multicounty organization to receive matching funds for expenditures incurred to publish and distribute a promotional periodical emphasizing the attractions, landmarks, activities, geographical features and other characteristics of counties within the multicounty organization's area of responsibility, the multicounty organization shall be subject to the following requirements:

1. A multicounty organization shall maintain an account with a financial institution subject to the regulatory control of a state or federal financial regulatory entity for the deposit and withdrawal of all funds collected by or on behalf of the multicounty organization;

2. A multicounty organization shall prepare an annual Statement of Income and Expense showing all deposits to the account maintained with the financial institution and all withdrawals from the account with the financial institution for the period covered by the annual income and expense statement;

3. A multicounty organization may enter into a contract with a person or legally organized business entity for the solicitation of advertising revenue in a promotional periodical publication and for the publication and distribution of the periodical emphasizing the attributes of sites, scenes, businesses and attractions located within the area for which the multicounty organization is responsible if:

- a. the person or legally organized business entity provides a detailed written disclosure to the

multicounty organization of its actual costs incurred in performance of the contract on a periodic basis during the period prescribed in the contract for performance which disclosure shall be at least quarterly,

- b. the multicounty organization ensures that the actual cost of publication for the promotional periodical is printed in at least 10-point type somewhere in the body of the publication,
- c. the multicounty organization ensures that the person or legally organized business entity performing services on behalf of the multicounty organization identifies to the multicounty organization each purchaser of advertising in the multicounty organization promotional periodical, the amount of money paid for advertising in the promotional periodical, and the size or other relevant characteristics of the material purchased for publication in the promotional periodical,
- d. the person or legally organized business entity soliciting advertising revenue may not advance or deposit their own funds as a means of securing matching state funds, and such acts shall be deemed as fraud, subject to prosecution, and
- e. the multicounty organization and the person or legally organized business entity acting on behalf of the multicounty organization both execute a statement, upon a form to be prescribed by the State Auditor and Inspector, under oath that any funds being requested from the Department for matching of an allowable expenditure as authorized by this section represent an amount of money equal to an amount of money that has

previously been deposited into the account maintained by the multicounty organization as of the date the request for matching funds is made. The statement shall include the identity of each purchaser of advertising in the multicounty organization promotional periodical and the amount of money paid for advertising in the periodical together with the other information required by subparagraph c of this paragraph. The statement shall also include a verification that the funds collected by or on behalf of the multicounty organization were expended for:

- (1) a legitimate operational expense of the multicounty organization,
- (2) the purpose of obtaining matching funds as authorized by this section, or
- (3) a promotional event sponsored, conducted or organized by the multicounty organization for attracting attention to a specific location or occasion in furtherance of a purpose of the multicounty organization.

F. 1. Each multicounty organization shall prepare and submit appropriate plans, including a budget work program, for the ensuing fiscal year to the Commission. Expenditures for obligations incurred before the Commission approves the multicounty organizations' plans and budget work programs and any changes thereto, and expenditures not in accordance with the multicounty organizations' plans and budget work programs, shall not be allowable expenditures. The Commission's approval of a multicounty organization budget work program constitutes a firm commitment of the multicounty organization's appropriated funds, subject to any fiscal year limitation, except that the Commission may reallocate unobligated funds as provided by law.

2. Any funds collected on behalf of the multicounty organization for advertisements in the promotional periodical shall be paid to the multicounty organization within twenty (20) working days after collection by any entity acting on behalf of the multicounty organization for solicitation of advertising revenue. The multicounty organization shall deposit any funds paid to it within five (5) working days of receipt;

G. Each multicounty organization shall be required to submit an annual independent and certified audit of the multicounty organization. The audits shall encompass all funds available to the multicounty organization. The audit report shall include a statement of Income and Expense and, at a minimum, encompass all monies received by the multicounty organization and all matched expenditures reimbursed to the multicounty organization. Revenue reported shall include all advertising revenue received and define all other individual sources of revenue. The names and addresses of and amounts received from each advertiser shall be included as an unaudited supplemental schedule to the audit report.

H. The person or entity engaged to perform the audit required by subsection F of this section shall:

1. Not be the same person or entity that performs bookkeeping, controllership or management functions, or other accounting services for the multicounty organization;

2. Be registered with the Oklahoma Accountancy Board and possess a license to practice; and

3. File a copy of the audit performed on behalf of a multicounty organization with the State Auditor and Inspector.

I. Failure to submit an audit report shall be cause for withholding of matching funds to a multicounty organization. Audit reports showing matching by any amount in excess of the allowable expenditures, matching for unallowable expenditures, or noncompliance with statutes, procedures prescribed herein, or in the

Department's rules shall be cause for withholding of matching funds until such time as restitution is made to the Department

J. The State Auditor and Inspector shall conduct an office examination of the audits filed pursuant to paragraph 3 of subsection G of this section on an annual basis. The examination shall include analysis of the quality of the audit performed and shall include written recommendations for modifications in future audits conducted on behalf of a multicounty organization.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2233 of Title 74, unless there is created a duplication in numbering, reads as follows:

Prior to the expenditure of matching funds to any multicounty organization pursuant to this act, the Department shall deduct from the matching funds the amount of any and all obligations due and owing to this state by said organization.

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2234 of Title 74, unless there is created a duplication in numbering, reads as follows:

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

B. 1. There is hereby established within the Oklahoma Tourism and Recreation Department, the Oklahoma Film and Music Commission which shall consist of the Lieutenant Governor, who shall serve as an ex officio member and as chair of such Commission, and eleven (11) members appointed by the Director of the Department. Appointed members shall serve two-year terms. Five appointed members shall have experience in the development and implementation of economic development programs. Three appointed members shall possess a broad working knowledge of the film industry. Three appointed members shall possess a broad working knowledge of the music industry.

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

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

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

D. The Office of the Oklahoma Film and Music Commission shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate prior to July 1 of each year regarding the activities of the Office. The report shall state the number of filming productions that the Office has helped bring to the state and the economic impact of those productions, and provide similar information concerning the efforts of the Office to promote the music industry in this state.

C. OKLAHOMA TODAY MAGAZINE

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2235 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Today Magazine is hereby authorized to sell advertising; provided, that all such advertising shall be approved by the appropriate division director prior to acceptance for publication.

B. In addition to a regular salary, any employee of the Oklahoma Today Magazine who obtains advertising, bulk subscription, newsstand, or ancillary product sales, for Oklahoma Today Magazine, at the discretion of the Executive Director, may be awarded additional compensation in the form of a commission on net sales by the employee. The commission shall not exceed twenty-five percent (25%), with the commission percentage to be determined by the Executive Director. In no case shall the additional compensation, when combined with an employee's salary, exceed ninety-five percent (95%) of the salary of the Executive Director. Commission payments shall be paid monthly, based on collected revenues from sales by the employee.

C. The sale of advertising and negotiation of rates for the advertising shall not be subject to the Public Competitive Bidding Act of 1974 or the Administrative Procedures Act.

D. Oklahoma Today Magazine articles, and photographs produced by or for Oklahoma Today Magazine shall be available for public inspection during Department business hours; however, the Department shall not be required to provide copies or allow copying of the magazine, articles, or photographs other than as the Department provides copies of Oklahoma Today Magazine for newsstand and subscription sales.

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2236 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Today Magazine Foundation is hereby created to encourage contributions by private individuals, companies, foundations, corporations and others in the private and public sectors by cooperating with a public, nonprofit foundation. The foundation shall operate for the exclusive purpose of receiving, investing and expending privately donated non-state funds for educational, cultural, historical and eleemosynary activities functions which relate to the support, promotion, development and growth of literacy and awareness of Oklahoma history and culture through "Oklahoma Today" magazine and its ancillary products and activities.

B. The foundation shall make all its financial records and documents, including work papers, except for the names of donors, available to auditors who are performing audits of the Department.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2237 of Title 74, unless there is created a duplication in numbering, reads as follows:

Merchandise for resale purchased for and sold through Oklahoma Today Magazine or in 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. Payment for 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.

D. ADMINISTRATIVE SERVICES

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2238 of Title 74, unless there is created a duplication in numbering, reads as follows:

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. 1. The State Auditor and Inspector or his or her designated agent shall perform an independent audit of the Department annually. The 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.

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 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.

D. The Commission shall provide notice to Department employees affected by this section of the prohibited acts and the penalties pursuant to the provisions of this section.

### III. ADMINISTRATIVE OPERATIONS PERSONNEL

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2239 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this act, seasonal employees shall be unclassified employees working less than one thousand two hundred (1,200) hours in any twelve month period. This category of employee may be employed in an interment, provisional, temporary, seasonal, or emergency basis.

B. The Department may to employ seasonal employees throughout the calendar year. Project labor employed by the Department 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 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 for such benefits.

C. The Department shall include in its annual budget request a summary of the use of project labor which shall include the number of workers employed under the provisions of this section and the total wages paid to these employees.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2240 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The offices and positions of the Executive Director, the Deputy Director, Directors of the Divisions of the Department herein created, and administrative assistant of each shall be in the unclassified service and shall not be subject to the Merit System of Personnel Administration.

B. The following positions in the Travel and Tourism Division within the 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 tourism information centers.

C. Any position associated with the development and production of Oklahoma Today Magazine.

D. Any position in the Division of State Parks utilized in the operation and administration of state resorts, cabins, lodges, and golf course.

#### ACCOUNTING (GENERAL OPS)

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2241 of Title 74, unless there is created a duplication in numbering, reads as follows:

Expenditure of funds for all purchases in excess of Twenty-five Thousand Dollars (\$25,000.00) shall not be contracted except upon approval of a majority of the Commission. The amount exempted by paragraph 1 of subsection A of Section 85.7 of this title shall apply to each separate department facility as identified by the annual budget submitted to the Office of State Finance pursuant to Section 41.7 of Title 62 of the Oklahoma Statutes.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2242 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Department shall be exempt from any provision of Section 85.1 through 85.45k of Title 74 of the Oklahoma Statutes 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 Commission shall promulgate rules, procedures, and forms necessary to adequately document the dollar savings resulting from the application of this section.

B. This exemption shall apply to individual department entities identified by the annual budget submitted to the Office of State Finance.

C. The 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 tourism information center facilities from Oklahoma prisons or reformatories.

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

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2243 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Department may place uncollectible accounts receivable in a special account for accounting and budgetary purposes. An "uncollectible account receivable" shall have been uncollectable or due for at least one (1) year and possess at least one of the following characteristics:

1. The debtor has been discharged from bankruptcy or is insolvent;
2. The debtor cannot be found or is deceased; or
3. A collection agency has indicated its inability to collect the debt.

B. If uncollectible accounts receivable are placed in a special account, the following procedures shall be observed:

1. The proposed uncollectible accounts shall be forwarded to the Department by the appropriate divisions. The Department shall then submit the accounts to the Commission and to the State Auditor and Inspector once each fiscal year for placement into the special uncollectible account; and

2. The Commission and the State Auditor and Inspector shall certify those accounts which meet the requirements of this section as "uncollectible accounts receivable" and shall place those accounts in the special account created by this section.

C. The special uncollectible accounts receivable account shall not be used for budgetary purposes in determining the assets of the Department or any of its divisions. The Department shall take all

reasonable steps to collect all accounts, including those placed in the special account by operation of this section.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2244 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Department may purchase, with public funds, insurance to protect against civil liability on the part of the Department, officers, employees and administrators of the Department. This section shall not be construed as waiving the governmental immunity of the state.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2245 of Title 74, unless there is created a duplication in numbering, reads as follows:

The contract performance bond requirement for lessees of the Department facilities wherein the estimated obligation of the lessee for a one-year period is less than Five Thousand Dollars (\$5,000.00) is hereby waived.

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2246 of Title 74, unless there is created a duplication in numbering, reads as follows:

The State Treasurer of Oklahoma shall ex officio be Treasurer of the Commission for all purposes of this act. All official action taken by the Commission shall be taken through the adoption of appropriate resolutions.

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2247 of Title 74, unless there is created a duplication in numbering, reads as follows:

The monies of the Commission, except monies appropriated by the Legislature, shall be disbursed only by checks, drafts, orders or other instruments signed by such persons as shall be authorized to sign the same by the bylaws or by appropriate resolution. The general manager, if any, and all other officers, agents and

employees of the Commission who shall be charged with the collection, custody or payment of any funds of the Commission shall give bond conditioned on the faithful performance of their duties and an accounting for all funds and properties of the Commission coming into their respective hands, each of which bonds, or if a blanket bond shall be prescribed, then such bond, shall be in form and amount and with a surety approved by the Commission, and the premiums on such bonds shall be paid by the Commission and charged as an operating expense.

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2248 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission shall keep complete and accurate accounts of all transactions and affairs of the Commission, conforming to approved methods of bookkeeping. Such accounts and the contracts, documents and records of the Commission shall be kept at its principal office and shall be open to public inspection at all reasonable times.

#### REVOLVING FUNDS

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2249 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 Department to be designated the "Oklahoma Tourism and Recreation Department Revolving Fund." The fund shall consist of all monies received by the Department pursuant to the provisions of this act, monies derived from the sale or conveyance of real property under the jurisdiction of the Commission, and interest attributable to investment of money in the fund. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Department. Expenditures from the fund created by this section shall be for the administration, operation, and maintenance expenses of the

Department, for purchase of real property, and shall be made pursuant to the laws of this state and the statutes relating to said Department. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2250 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 Department to be designated the "Oklahoma Today Magazine Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department from donations, gifts and bequests by individuals, corporations, organizations, associations and foundations specifying that such monies be expended on "Oklahoma Today" magazine and its ancillary products and activities. No state monies shall be deposited in this fund. From monies deposited in this fund, the Executive Director may reimburse the publisher of the "Oklahoma Today" magazine and its staff for all actual and necessary expenses for travel, subsistence and entertainment in order to gain advertising and promotion for the "Oklahoma Today" magazine, pursuant to Section 500.18 of Title 74 of the Oklahoma Statutes. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of supporting and promoting "Oklahoma Today" magazine and its ancillary products and activities, and for soliciting contributions for other expenses for the "Oklahoma Today" magazine, so that the magazine can become self-supporting and not dependent on state-appropriated funds in the future. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2251 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 "Tourism and Recreation Environmental Loan Proceeds Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from the State Revolving Fund loan programs as administered by the Oklahoma Water Resources Board designated specifically for the purposes of reimbursements, construction, repair, remediation, or improvement of eligible facilities under the jurisdiction of the Oklahoma Tourism and Recreation Commission. The fund shall be under the administrative direction of the Oklahoma Tourism and Recreation Department. All monies accruing to the credit of the fund may be budgeted and expended by the Oklahoma Tourism and Recreation Department for the purpose of constructing, repairing, remediating, improving loan eligible projects, reimbursing the Department for eligible planning and design expenses, or paying for associated loan financing requirements. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval of payment

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2252 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 the 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 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2253 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a petty cash fund in the revolving fund of each of the properties or activities with sales under the control of the Department. The petty cash funds shall be such amounts as are determined to be necessary by the Director of State Finance and the Executive Director of the Department. Petty cash funds may be expended for the payment of emergency purchases, for postage due, for bank charges, for resale merchandise and firewood purchases under One Hundred Dollars (\$100.00), for refund of charges for returned merchandise, for refund of advance deposits, to reimburse lease concessions, for purchases charged to guests' statement of account, to reimburse employees for gratuities charged to guests' statement of accounts, to pay artisans the net proceeds resulting from the sale of consignment arts and crafts products, to purchase beverage and vending licenses, and to purchase low-point beer.

B. The petty cash funds may be reimbursed by the State Treasurer upon the filing of a claim with the proper receipts or

from the agency clearing account if the petty cash disbursement was a refund of erroneous or excessive collections or credits. Petty cash funds may be reimbursed from the agency clearing account for shortages accruing to the account. Reimbursements are to be made from the revolving fund. The Director of State Finance shall prescribe all forms, systems and procedures for administering the petty cash funds of the various properties or activities with sales of the Department.

#### FINANCE - BONDS

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2254 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall have the power and is authorized to issue negotiable bonds in anticipation of the collection of all or any part of its revenues, not to exceed Five Million Dollars (\$5,000,000.00), for the purpose of constructing, reconstructing, improving, bettering or extending any properties which it is authorized to maintain or operate hereunder. The Commission shall pledge all or any part of the revenues derived from the operation of the parks controlled and operated by the Commission to the payment of the interest and principal on the principal of such bonds.

B. The bonds authorized by this section shall be authorized by resolution of the Commission and may, as provided in such resolution:

1. Be issued in one or more series;
2. Bear such date or dates and may mature at such time not exceeding twenty-five (25) years from their respective dates;
3. Bear interest at such rate or rates not exceeding ten percent (10%) per annum;
4. Contain such terms, covenants and conditions.

Bonds may be sold in a manner and upon terms as determined by the Commission; provided, the interest cost yield to maturity of any

issue of said bonds shall not exceed ten percent (10%) per annum, payable semi-annually.

C. Any resolution authorizing the issuance of bonds under this act may contain covenants, including, but not limited to:

1. The purpose or purposes to which the proceeds of the sale of bonds may be applied, and the deposit, use, and disposition thereof;

2. The use deposit, securing of deposits and disposition of the revenues of the Commission, including the creating and maintenance of reserves;

3. The issuance of additional bonds payable from revenues of the Commission;

4. The operation and maintenance of properties of the Commission;

5. The insurance to be carried thereon, and the use, deposit and disposition of insurance monies;

6. Books of account and the inspection and audit thereof and the accounting methods of the Commission;

7. The nonrendering of any free service by the Commission except for promotional activities as deemed in this act; and

8. The preservation of the properties of the Commission so long as any of the bonds remain outstanding, from any mortgage, sale, lease or other encumbrances not specifically permitted by the terms of the resolution.

D. In the discretion of the Commission, any bonds issued under the provisions of this act may be secured by a trust indenture by and between the Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state. Any such trust indenture may pledge or assign the revenues from the operation of properties of the Commission, but shall not convey or mortgage any properties, except such revenues. Any such trust indenture or any resolution providing for the issuance of such bonds may contain such provisions for protecting

and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Commission in relation to:

1. The construction, improvement, maintenance, repair, operation and insurance of the improvements in connection with which such bonds shall have been authorized;

2. The custody, safeguarding and application of all monies; and

3. The employment of consulting engineers in connection with the construction or operation of such improvements.

E. It shall be lawful for any bank or trust company incorporated under the laws of the state, which may act as depository of the proceeds of bonds or of revenues, to furnish such indemnifying bonds or to pledge such securities as may be required by the Commission. Any such trust indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, any such trust indenture may contain such other provisions as the Commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust indenture may be treated as a part of the cost of operation of the improvements for which the bonds are authorized.

F. Monies received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues from the operations of the properties which have been identified for bond repayment purposes, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds of any issue, or the trust indenture securing such bonds, shall provide that any officer to whom, or any bank or trust company to which, such monies shall be paid, shall act as trustee of such monies and shall hold and apply

the same for the purpose hereof, subject to such regulations as this act and such resolution or trust indenture may provide.

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2255 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission shall have the power and is authorized to refund the outstanding series of the revenue bonds authorized by this act. The Commission shall pledge to the payment of the principal and interest of such refunded bonds all or any part of the revenues derived from the operation of the parks and lodges controlled and operated by the Commission. If not prohibited by the terms of such revenue bonds, interest earnings on construction funds may be utilized by the Commission as provided by law.

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2256 of Title 74, unless there is created a duplication in numbering, reads as follows:

Bonds bearing the signatures of Commission officers on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery of the bonds, any or all the persons whose signatures appear thereon shall have ceased to be officers of the Commission. The validity of such bonds shall not be dependent upon nor affected by the validity or regularity of any proceedings relating to the construction, reconstruction, improvement, betterment or extension of the properties for which the bonds are issued. The resolution authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2257 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities rendered by all property of the Commission, the revenues a portion of which may be pledged to the payment of bonds issued hereunder, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to ensure that the revenues to be derived there from shall be fully sufficient to pay principal of and interest on such bonds. The gross revenues derived by the Commission from the operation of any part or parts of the properties of the Commission, but no revenues derived by the Commission through legislative appropriation or from sources other than operation of the properties of the Commission, may be pledged to the payment of such principal and interest. Notwithstanding any other provisions of law, the Commission may use money derived from annual legislative appropriations on a year-to-year basis, as authorized by the Legislature, to repay any obligations to the Oklahoma Water Resources Board pursuant to Sections 1085.51 and 1085.71 et seq. of Title 82 of the Oklahoma Statutes.

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

C. The Commission is further authorized to construct state-of-the-art tourism information centers on interstate highways, including but not limited to entry points near the state's borders and major metropolitan areas, and authorize the issuance of bonds for all such construction projects, and to pledge for the payment of such bonds and the interest thereon, revenues derived by the Commission from the lease or operation of any or all of the tourism

information centers, for the construction of the tourism information centers in which any such consolidated bond issue has been authorized.

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

SECTION 59. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2258 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. It may be provided in any resolution authorizing bonds under this act that, in the event of a default in the payment of principal or interest on the bonds or in the performance of any agreement or covenant contained in the resolution, and if such default shall have continued for a prescribed period, then the holders of a specified percentage of the outstanding bonds, or a trustee acting in their behalf, may for the equal and proportion benefit of the holders of all of the bonds and with or without possession thereof:

1. By mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the holders of such bonds;

2. Bring suit upon the defaulted bonds or coupons;

3. By action or suit in equity require the Commission to act as if it were the trustee or an express trust for the bondholders;

4. By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds;

5. After such notice to the Commission as the resolution may provide, declare the principal of all of the bonds due and payable; or

6. Apply as a matter of right for the appointment of a receiver who may enter and take possession of all or any part of the properties of the Commission and operate and maintain the same and fix, collect and receive fees and charges for the use thereof and services rendered thereby sufficient to provide revenues adequate to carry out all of the provisions of the bond resolution and the costs and disbursements of the proceeding and of the receiver.

B. Subject to the provisions of the Constitution of the State of Oklahoma, the courts of the county in which any of the real estate controlled and operated by the Commission may be located and the courts of Oklahoma County shall have jurisdiction of any such suit, action or proceeding and of all property involved therein.

SECTION 60. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2259 of Title 74, unless there is created a duplication in numbering, reads as follows:

Unless an action shall be filed in the Supreme Court for validation of the bonds in the manner hereinafter provided, no bonds shall be issued hereunder until a certified copy of the proceedings authorizing the issuance thereof, together with any other information which the Attorney General may require, shall be submitted to the Attorney General. If the Attorney General shall find that such bonds have been authorized in accordance with law, the Attorney General shall approve such bonds and shall execute a certificate to that effect, which shall be filed in the office of the State Auditor and Inspector. All bonds so approved by the Attorney General, registered by the State Auditor and Inspector, and issued in accordance with the approved proceedings shall be valid and binding obligations of the Commission, and the bonds and all of the provisions securing the bonds shall be incontestable for any

cause in any court in Oklahoma unless suit thereon shall be brought in a court having jurisdiction within thirty (30) days from the date of the approval.

SECTION 61. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2260 of Title 74, unless there is created a duplication in numbering, reads as follows:

Nothing in this act shall be construed to authorize the Commission to mortgage or otherwise encumber any of its property of any kind, except that the revenues thereof may be pledged as herein provided.

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2261 of Title 74, unless there is created a duplication in numbering, reads as follows:

All property controlled and operated by the Commission shall at all times be exempted from forced sale and nothing in this act shall authorize the sale of any such property under any judgment rendered in any suit, and such sales are hereby prohibited.

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2262 of Title 74, unless there is created a duplication in numbering, reads as follows:

All of the property controlled and operated by the Commission and all bonds issued hereunder and the interest thereon shall be exempt from taxation by the State of Oklahoma or by any municipal corporation, county or other political subdivision or taxing district of the state, except that the bonds shall be subject to the payment of inheritance taxes.

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2263 of Title 74, unless there is created a duplication in numbering, reads as follows:

All bonds issued hereunder shall have on the backs the certificate required by Section 29 of Article X of the Constitution of the State of Oklahoma.

SECTION 65. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2264 of Title 74, unless there is created a duplication in numbering, reads as follows:

Any bank, trust or insurance company organized under the laws of Oklahoma may invest its capital, and surplus and reserves in bonds issued under the provisions of this act. Such bonds are also approved as collateral security for the deposit of any public funds and for the investment of trust funds.

SECTION 66. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2265 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission may issue bonds under this act for the purpose of refunding any obligations of the Commission previously issued under this act, or may authorize and deliver a single issue of bonds hereunder, in part for the purpose of refunding such obligations and in part for the acquisition of additional properties or improvements. Where bonds are issued under this section solely for refunding purposes, such bonds may either be sold as above provided or delivered in exchange for the outstanding obligations. If sold, the proceeds may be either applied to the payment of the obligations, refunded or deposited in escrow for the retirement of the bond obligations. Nothing contained in this act shall be construed to authorize the refunding of any outstanding obligations which are not either maturing, callable for redemption under their terms or voluntarily surrendered by their holders for cancellation. All bonds issued under this section shall in all respects be authorized, issued, and secured in the manner provided for other bonds issued under this act and shall have all of the attributes of such bonds. The Commission may provide that any refunding bonds shall have the same priority of lien on the revenues pledged for their payment as was enjoyed by the obligations which are refunded.

SECTION 67. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2266 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any series of bonds to be issued hereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the Court to give such applications precedence over the other business of the Court and to consider and pass upon the applications any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the state informing that, on a day named, the Commission will ask the Court to hear its application and approve bonds. Such notice shall inform all persons interested that they may file protest against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one (1) time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with this act and that when issued they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds and shall be conclusive as to the Commission, its officers and agents. Thereafter, the bonds so approved and the revenue pledged to their payment and the provision and agreements contained in the bond resolution for the security of such bonds shall be incontestable in any court in the State of Oklahoma.

SECTION 68. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2267 of Title 74, unless there is created a duplication in numbering, reads as follows:

All revenues collected or received by the Commission under the provisions hereof shall be held in such separate fund or funds and deposited in such bank or banks as the Commission may from time to time direct, and need not be paid into the Oklahoma Tourism and Recreation Department Revolving Fund. All such revenues shall be subjected to payment out of such fund or funds from time to time as the Commission may direct.

SECTION 69. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2268 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Office of the State Auditor and Inspector shall perform an annual audit of any accounts of funds or expenditures from funds raised through bond issues.

SECTION 70. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2269 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Commission is hereby authorized to:

1. Make and issue notes and bonds, and pledge revenues of the Commission subject to the Oklahoma Bond Oversight and Reform Act. The Commission revenue notes and bonds issued under the provisions of this act shall not at any time be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any political subdivision. Such notes and bonds shall be payable solely from the revenues of the Department and such other funds as may be provided by law for such payments and shall contain on their face a statement to that effect; and

2. Arrange for guaranties or insurance of its notes and bonds by the federal government or by any private insurer, and to pay any premiums therefrom.

SECTION 71. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2270 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission may provide by resolution, from time to time, for the issuance of revenue notes and bonds for its lawful purposes, in such amount or amounts as are necessary, incidental, or convenient to the exercise of powers, rights, privileges, and functions conferred upon it by this act or other law. The principal of and interest on any indebtedness shall be payable solely from the revenues of the Department and such other funds as may be provided by law for such payments. The Commission may provide for credit enhancement as additional security or liquidity for its notes and bonds and enter into such agreements as may be necessary or appropriate to provide for the repayment of any funds advanced by the provider of any such credit enhancement including the payment of any fees and expenses incurred in connection therewith. The notes and bonds of each issue shall bear interest at fixed or variable rates and shall bear an average interest rate comparable to other revenue notes and bonds of like credit quality and maturity as prescribed by the State Bond Advisor, and shall mature at such time or times not exceeding thirty (30) years from the date or dates of issue, as may be determined by the Commission. The notes and bonds may be made redeemable before maturity at the option of the Commission, at such time or times and at such price or prices and pursuant to such terms and conditions as may be fixed by the Commission prior to the issuance of the notes and bonds. The Commission shall determine the form of the notes and bonds and the manner of execution thereof, and shall fix the denominations of the notes and bonds and the place or places of payment of principal and

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

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

C. The Commission shall promulgate rules governing the issuance of revenue bonds authorized pursuant to this act.

SECTION 72. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2271 of Title 74, unless there is created a duplication in numbering, reads as follows:

Before any bond shall be issued and delivered by the Commission, a certified copy of the proceedings for the issuance thereof, together with any other information which the Attorney General of the State of Oklahoma may require shall be submitted to the Attorney General. If the Attorney General shall find that the notes and bonds have been issued in accordance with the law, the Attorney

General shall approve the notes and bonds and execute a certificate to that effect. The Attorney General shall file the certificates in the Office of the State Auditor and Inspector, and the certificates shall be recorded in a record kept for that purpose. All notes and bonds approved by the Attorney General, and issued in accordance with the approved proceedings, shall be valid and binding obligations of the Commission and shall be incontestable from and after the date of such approval.

SECTION 73. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2272 of Title 74, unless there is created a duplication in numbering, reads as follows:

Revenue notes and bonds of the Commission issued pursuant to the provisions of this act shall not constitute a debt of the state or of any political subdivision thereof, or a pledge of the full faith and credit of the state, or of any political subdivision thereof, but such notes and bonds shall be payable solely from the funds provided therefrom. The forms of the notes and bonds so issued shall contain on the face thereof a statement to the effect that neither the state nor the Commission shall be obligated to pay the same or the interest thereon except from the revenues of the Department pledged to the payment of such notes and bonds and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of or interest on the notes and bonds. The notes and bonds so issued shall be exempt from taxation by the State of Oklahoma and any political subdivision thereof, including the income therefrom, and any gain from the sale thereof. Notwithstanding any other provisions of law, the Commission may use money derived from annual legislative appropriations on a year-to-year basis, as authorized by the Legislature, to repay any obligations to the Oklahoma Water

Resources Board pursuant to Sections 1085.51 and 1085.71 et seq. of Title 82 of the Oklahoma Statutes.

SECTION 74. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2273 of Title 74, unless there is created a duplication in numbering, reads as follows:

Notes and bonds issued pursuant to provisions of this act are hereby made securities in which all public officers and public boards, agencies and instrumentalities of the state and its political subdivisions, all banks, trust companies, trust and loan associations, investment companies, and others carrying on a banking business, and all insurance companies and insurance associations, and others carrying on an insurance business, may legally and properly invest. These notes and bonds are also approved as collateral security for the deposit of any public funds and for the investment of trust funds.

SECTION 75. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2274 of Title 74, unless there is created a duplication in numbering, reads as follows:

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

SECTION 76. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2275 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Any person, natural or corporate, who submits a bid on a contract for work or services, or for the furnishing of materials, equipment, or supplies, or for the sale of any other thing of value

where a contract is involved, shall submit, at the time of contract execution, a performance bond in such form and amount as may be required by the Commission, or any existing statutory provision. Any lessee leasing any portion of a state park, lake, or recreation area under the authority of any law shall submit a performance bond in such form and amount as may be required by the Commission. All such bonds shall be in such form as is approved by law for other performance bonds made to the State of Oklahoma, and shall be deposited with the Secretary of State. This section is cumulative to existing law, and is intended to require performance security for contracts and leases involving state parks, lakes, and recreation areas in those instances where no such bonds or other securities are presently required by law.

B. For the purpose of this section, performance bonds shall include, but not be limited to, cash payments, cashier's checks and irrevocable letters of credit.

#### OKLAHOMA TRAILS SYSTEM ACT

SECTION 77. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2276 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Trails System Act".

SECTION 78. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2277 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in this act:

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

2. "Political subdivision" means any county, municipality or other subdivision of state or local government.

SECTION 79. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2278 of Title 74, unless there is created a duplication in numbering, reads as follows:

The purpose of the Oklahoma Trails System Act is to provide public access to, and enjoyment and appreciation of, the Oklahoma outdoors in order to foster the conservation, development and wise use of the natural and historic resources of the state. It is the intent and purpose of the Oklahoma Trails System Act to encourage hiking, bicycling, horseback riding and other recreational activities and, because trail use by motorized vehicles is incompatible with some other trail uses, it is intended to provide separate trails and facilities for motorized vehicles whenever necessary and feasible.

SECTION 80. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2279 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a state trails system composed of:

1. State nature trails, which will be trails designed to deepen the public's awareness and understanding of various ecological, geological or cultural qualities within the state by means of an interpretive service program;

2. State hiking trails, which will be extensive trails and will serve to connect parks, scenic areas, historical points and neighboring communities;

3. State special-use trails, which will be trails designed to provide for those trail activities which require special trail definition and will include trails for bicycling, public riding and motorcycle and minibike activities, as well as trails designed to meet the needs of the handicapped, the blind and the elderly; and

4. State heritage trails, which will be trails designed to promote the identification and interpretation of significant cultural and historic sites throughout the state.

B. The Commission, in accordance with appropriate federal, state and local governmental organizations, shall establish a uniform marker for the trails system.

C. In the planning and designation of trails, the Commission shall give due regard to the interest of federal or state agencies, all political subdivisions, private land owners, interested individuals and citizen groups. Furthermore, the Commission encourages citizen participation in trail acquisition, construction, development and maintenance where such activities will not conflict with the purposes of this act.

SECTION 81. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2280 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission shall be vested with the responsibility and authority to:

1. Plan, purchase, develop, construct, maintain, operate and protect the state trails system and shall prescribe the uses and limits of each designated trail; and

2. Acquire, by lease, deed or contract, rights-of-way or easements of trails across private, municipal, county, state or federal lands. In selecting the rights-of-way, every effort will be made to minimize any adverse effects on the adjacent landowner or user and his operations. Acquisition shall be, whenever possible, in the form of an easement obtained by gift, exchange or purchase with donated funds. In cases where these attempts fail, the Commission may authorize the expenditure of state trail funds for acquisition in fee. Any agreement for acquisition of rights in land shall be for terms of not less than twenty-five (25) years whenever possible.

B. The Commission may abandon any portion or all of a trail or easement acquired for trail purposes; or it may transfer any trail or easement to a local government having jurisdiction over the area

in which the trail or easement is located, provided that such local government agrees to maintain and operate the trail.

C. The Commission shall notify the owner of the land, through which any trail or easement passes, prior to entering into any agreement with local government for the operation of a trail and shall secure the consent of the landowner prior to the transfer of any trail or easement to a local government.

D. The Commission shall review all formal declarations of railroad rights-of-way abandonment for possible inclusion into the state trails system.

E. Within the boundaries of a right-of-way the Commission may acquire, on behalf of the state, lands in fee title, any interest in lands in the form of scenic or other easements or any interest in lands under cooperative or other agreement. Acquisition of land or of any interest in land may be by gift, purchase or exchange. Acquisition may be through the use of funds obtained by donation, federal grants, legislative appropriation or otherwise. In acquiring real property or any interest therein, the power of eminent domain shall not be used.

F. 1. The Commission shall encourage the provision of bicycle routes within the rights-of-way of federal aid system highways and on or along county and city roadways. These bicycle routes will be composed of three types of pathways: bicycle trails, bicycle lanes and bicycle routes. Bicycle trails will be distinct pathways which separate bicycles from motorized vehicular traffic by means of an open space or barrier. Bicycle lanes will use designated portions of existing roadways and will be clearly marked and separated from automobile lanes. Bicycle routes will be existing, low-volume roads and will be designated by clearly-marked signs.

2. Prior to the designation and construction of the bicycle pathway system, the Commission will authorize the development of a bicycle master plan. This plan will be comprised of a set of

clearly defined goals, a statement of current and projected demands, a proposed layout of routes, construction specifications, cost projections and the scheduling of implementation. This plan will likewise devote serious consideration to those design criteria which will help to insure the safety of bicyclist, pedestrian and motorist alike.

3. Funds received for this pathway program will be expended in amounts deemed reasonable and necessary by the Commission for the establishment of said bicycle pathway system.

SECTION 82. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2281 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission may establish and designate state trails on lands under the jurisdiction of a federal agency when, in the opinion of the federal agency, such lands may be so developed under the provisions of federal law.

B. Nothing in this act shall prevent a segment of the state trails system from being a part of the National Scenic or Recreation Trails System. The Commission shall coordinate the state trails system with the National Trails System and will encourage and assist any federal studies for inclusion of state trails into the National Trails System.

SECTION 83. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2282 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No hunting of wild game or the shooting of firearms shall be permitted along the trail, with the exception of those portions of the trail which traverse public hunting areas. Such portions of the trail shall be closed to trail use, as listed in this act, during hunting season.

B. All horseback riding and motorcycling activities shall be restricted to their designated special-use trails. Foot travel on

these special-use trails will be permitted; however, the special-use activities have the right-of-way on these trails.

C. Each person is guilty of a misdemeanor, who shall:

1. Willfully mutilate, deface or destroy any guidepost, notice, tablet or other work for the protection or ornamentation of any state trail;

2. Place along any trail or affix to any object in the right-of-way, without a written license from the Commission, any word, character or device designed to advertise any business, trade, profession, article, thing, matter or event; or

3. Willfully cause any damage to lands within or adjacent to the state trails system.

#### TOURISM SIGNAGE ACT

SECTION 84. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2283 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Oklahoma Tourism Signage Advisory Task Force for the purpose of screening and issuing recommendations to the Department of Transportation concerning directional signs for tourist and traveler-related attractions and enterprises in this state.

B. The task force shall be composed of ten (10) members as follows:

1. One person appointed by the Governor;

2. The Chairman of the Senate Tourism and Recreation Committee or designee;

3. The Chairman of the House of Representatives Tourism and Recreation Committee or designee;

4. A representative from each of the following organizations or state agencies to be selected by the organization or agency:

a. Oklahoma Department of Transportation,

b. Oklahoma Tourism and Recreation Department,

- c. Oklahoma Historical Society,
- d. Oklahoma Museums Association,
- e. Oklahoma Lakes and Countries Association, and
- f. Oklahoma Travel Industry Association; and

5. The Director of the Oklahoma Arts Council or designee.

SECTION 85. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2284 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Department of Transportation, acting on the recommendations of the Oklahoma Tourism Signage Advisory Task Force, established in Section 1 of this act, may design, construct, erect and select the location of guide signs along the highways in this state. However, each person, firm, organization or entity approved for a guide sign shall be responsible for furnishing all materials for said signs in accordance with a general design and guidelines to be issued by the Oklahoma Department of Transportation. All signs shall be uniform in structure, style and design. All signs shall comply with the Manual on Uniform Traffic Control Devices, as published by the U.S. Department of Transportation, Federal Highway Administration.

All signs will be under the jurisdiction of the Oklahoma Department of Transportation. Maintenance and replacement of all signs, for whatever reason, shall be the sole responsibility of the entity sponsoring the sign.

SECTION 86. RECODIFICATION 74 O.S. 2001, Section 1837, shall be recodified as Section 47.8 of Title 53 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 87. RECODIFICATION 74 O.S. 2001, Section 1901, shall be recodified as Section 2285 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; 74 O.S. 2001, Section 1902, shall be recodified as Section 2286 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; 74 O.S. 2001, Section 1903, shall be

recodified as Section 2287 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; 74 O.S. 2001, Section 1904, shall be recodified as Section 2288 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; 74 O.S. 2001, Section 1905, shall be recodified as Section 2289 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; 74 O.S. 2001, Section 1906, shall be recodified as Section 2290 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; 74 O.S. 2001, Section 1907, shall be recodified as Section 2291 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering; and 74 O.S. 2001, Section 1908, shall be recodified as Section 2292 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 88. REPEALER 74 O.S. 2001, Sections 1801, 1802, 1803, 1803.1a, 1803.1b, 1803.2, 1803.3, 1804, as last amended by Section 1, Chapter 457, O.S.L 2003, 1805, 1805.1, 1806, 1806.1, 1807, 1808, 1808.1, 1809, 1810, 1810.2, as amended by Section 1, Chapter 316, O.S.L. 2002, 1810.3, 1811, as amended by Section 1, Chapter 400, O.S.L. 2003, 1811.1, as amended by Section 4, Chapter 343, O.S.L. 2002, 1811.1a, as amended by Section 5, Chapter 343, O.S.L. 2002, Section 2, Chapter 400, O.S.L. 2003, 1811.2, 1811.3, 1811.5A, as amended by Section 1, Chapter 27, O.S.L. 2002, 1811.6, 1811.7, 1811.9, Section 1, Chapter 159, O.S.L. 2004, 1812, 1813, as amended by Section 1, Chapter 197, O.S.L. 2002, 1813.3, as amended by Section 6, Chapter 343, O.S.L. 2002, 1813.4, 1813.5, 1816, as amended by Section 2, Chapter 197, O.S.L. 2002, 1817, 1820, 1822, 1823, 1824, 1824.1, as amended by Section 3, Chapter 197, O.S.L. 2002, 1825, 1825.1, 1826, 1827, 1828, 1829.2, as amended by Section 4, Chapter 197, O.S.L. 2002, 1830, 1830.1, 1831, 1832, 1833, 1834, 1838, 1839, 1846, 1846.1, 1846.2, 1846.3, 1846.4, 1847, 1847.1, as last amended by Section 105, Chapter 5, O.S.L. 2004, 1847.2, 1847.3,

1847.4, 1847.5, 1847.6, 1847.7, 1847.8, 1848, 1848.1, 1848.2, 1848.3, 1849, 1849.1, 1849.2, 1849.3, 1849.4, 1849.5, 1849.6, 1849.7, 1849.8, 1849.9, 1849.10, 1849.11, 1849.12, 1849.13, 1849.14, 1849.15, 1849.16, 1850, 1850.1, 1851, 1851.1, Section 10, Chapter 425, O.S.L. 2003, 1852, 1852.1, Section 8, Chapter 343, O.S.L. 2002, Section 9, Chapter 343, O.S.L. 2002, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1861.1, 1861.2, as amended by Section 1, Chapter 158, O.S.L. 2003, 1861.2A, 1862, 1863, as last amended by Section 2, Chapter 158, O.S.L. 2003, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, Section 10, Chapter 343, O.S.L. 2002, Section 11, Chapter 343, O.S.L. 2002, Section 13, Chapter 343, O.S.L. 2002, as amended by Section 3, Chapter 158, O.S.L. 2003, Section 14, Chapter 343, O.S.L. 2002, Section 15, Chapter 343, O.S.L. 2002, 1891, and 1892 (74 O.S. Supp. 2004, Sections 1804, 1810.2, 1811, 1811, 1811.1, 1811.1a, 1811.1b, 1811.5A, 1811.10, 1813, 1813.3, 1816, 1824.1, 1829.2, 1847.1, 1851.2, 1852.2, 1852.3, 1861.2, 1863, 1881, 1882 and 1884), are hereby repealed.

SECTION 89. This act shall become effective November 1, 2005.

50-1-816

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