

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1872

By: Garrison of the Senate

3 and

4 Hyman of the House

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7 An Act relating to tourism; amending Section 4,
8 Chapter 363, O.S.L. 2005 (74 O.S. Supp. 2007, Section
9 2203), which relates to the Oklahoma Tourism and
Recreation Commission membership; adding exemption;
and providing an effective date.

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

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13 "An Act relating to tourism; amending Section 4,
14 Chapter 363, O.S.L. 2005 (74 O.S. Supp. 2007,
15 Section 2203), which relates to the Oklahoma Tourism
and Recreation Commission membership; adding
16 exemption to certain restriction; amending Sections
38, Chapter 363, O.S.L. 2005, as amended by Section
17 4, Chapter 90, O.S.L. 2006 and 40, Chapter 363,
O.S.L. 2005 (74 O.S. Supp. 2007, Sections 2237 and
2239), which relate to the Oklahoma Today Magazine;
18 providing for creation of the Oklahoma Today
Magazine Division; stating responsibilities of the
19 division; modifying exemptions from The Oklahoma
Central Purchasing Act; Section 43, Chapter 363,
20 O.S.L. 2005, as amended by Section 5, Chapter 90,
O.S.L. 2006 (74 O.S. Supp. 2007, Section 2242),
which relates to positions in unclassified service;
21 modifying description of unclassified positions;
providing an effective date; and declaring an
22 emergency.

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

2 SECTION 1. AMENDATORY Section 4, Chapter 363, O.S.L.
3 2005 (74 O.S. Supp. 2007, Section 2203), is amended to read as
4 follows:

5 Section 2203. A. The Oklahoma Tourism and Recreation
6 Commission shall consist of eight (8) members who shall serve a term
7 of six (6) years. No more than one Commission member shall be from
8 any one county. The Lieutenant Governor shall serve as an ex
9 officio voting member of the Commission.

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

17 C. Commission members shall be appointed by the Governor, with
18 the advice and consent of the Senate, and shall serve at the
19 pleasure of the Governor. Whenever a vacancy on the Commission
20 occurs by death, resignation, or otherwise, the Governor shall fill
21 the same by appointment, with the advice and consent of the Senate,
22 and the appointee shall hold office during the unexpired term. Each
23 member shall hold office until a successor has been appointed and
24 qualified. Five members of the Commission shall constitute a

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

6 D. ~~No~~ With the exception of the ex officio, no member of the
7 Commission shall seek election to a federal, state, or county office
8 while serving on the Commission.

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

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

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

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

7 SECTION 2. AMENDATORY Section 38, Chapter 363, O.S.L.
8 2005, as amended by Section 4, Chapter 90, O.S.L. 2006 (74 O.S.
9 Supp. 2007, Section 2237), is amended to read as follows:

10 Section 2237. A. There is hereby created within the Oklahoma
11 Tourism and Recreation Department, the "Oklahoma Today Magazine"
12 Division. The Division shall be responsible for the publication of
13 the "Oklahoma Today Magazine" a minimum of six (6) times per year.

14 B. "Oklahoma Today Magazine" is hereby authorized to sell
15 advertising. All advertising shall be approved by the appropriate
16 division director prior to acceptance for publication.

17 ~~B.~~ C. In addition to a regular salary, any employee of the
18 "Oklahoma Today Magazine" who obtains advertising, bulk
19 subscription, newsstand, or ancillary product sales, for "Oklahoma
20 Today Magazine", at the discretion of the Executive Director, may be
21 awarded additional compensation in the form of a commission on net
22 sales by the employee. The commission shall not exceed twenty-five
23 percent (25%), with the commission percentage to be determined by
24 the Executive Director. In no case shall the additional

1 compensation, when combined with the salary of the employee, exceed
2 ninety-five percent (95%) of the salary of the Executive Director.
3 Commission payments shall be paid monthly, based on collected
4 revenues from sales by the employee.

5 ~~C.~~ D. The sale of advertising and negotiation of rates for the
6 advertising shall not be subject to The Oklahoma Central Purchasing
7 Act of 1974 or the Administrative Procedures Act.

8 ~~D.~~ E. "Oklahoma Today Magazine" articles, and photographs
9 produced by or for "Oklahoma Today Magazine", shall be available for
10 public inspection during Department business hours. The Department
11 shall not be required to provide copies or allow copying of the
12 magazine, articles, or photographs other than as the Department
13 provides copies of "Oklahoma Today Magazine" for newsstand and
14 subscription sales.

15 SECTION 3. AMENDATORY Section 40, Chapter 363, O.S.L.
16 2005 (74 O.S. Supp. 2007, Section 2239), is amended to read as
17 follows:

18 Section 2239. Merchandise for resale purchased for and sold
19 through "Oklahoma Today Magazine" or in Department retail outlets,
20 such as golf course pro shops, marinas, restaurants, and other
21 support facilities which are necessary for the efficient and
22 economical operation of Department-operated facilities and programs
23 and production of merchandise for resale, are exempt from The
24 Oklahoma Central Purchasing Act. Payment for services of writers,

1 artists, photographers or others ~~involved in the artistic production~~
2 of "Oklahoma Today Magazine" and other products produced by the
3 magazine such as ~~separators, prepress houses, film houses and such~~
4 as designers, prepress houses, and shippers of artistic and resale
5 merchandise involved in the artistic production of "Oklahoma Today
6 Magazine" and other products produced by the magazine shall also be
7 exempt from The Oklahoma Central Purchasing Act. Production and
8 mailing of revenue-generating materials such as monthly renewals and
9 direct mail efforts which are necessary to the ongoing operation of
10 "Oklahoma Today Magazine" shall also be exempt from The Oklahoma
11 Central Purchasing Act.

12 SECTION 4. AMENDATORY Section 43, Chapter 363, O.S.L.
13 2005, as amended by Section 5, Chapter 90, O.S.L. 2006 (74 O.S.
14 Supp. 2007, Section 2242), is amended to read as follows:

15 Section 2242. A. ~~The following~~ offices and positions ~~of the~~
16 ~~Executive Director, the Deputy Director, Directors of the Divisions~~
17 ~~of the Department herein created, and administrative assistant of~~
18 ~~each~~ in the Oklahoma Tourism and Recreation Department shall be in
19 the unclassified service and shall not be subject to the Merit
20 System of Personnel Administration-

21 B. ~~The following positions in the Travel and Tourism Division~~
22 ~~within the Department filled after the effective date of the~~
23 ~~Oklahoma Tourism, Parks and Recreation Enhancement Act shall be in~~
24 ~~the unclassified service:~~

1 1. The Executive Director, the Deputy Director, directors of
2 the divisions of the Department and administrative assistant of
3 each, and not more than four positions involved in the executive
4 management of the Department;

5 2. All positions in the Traveler Response Information Program;

6 ~~2.~~ 3. All professional or managerial positions ~~in the Division~~
7 whose principal function is one of the following:

8 a. marketing and promotion of travel and tourism to and
9 within the state,

10 b. promoting the state as a viable location for producing
11 motion pictures and television programs and for
12 recording music,

13 c. developing, producing, and on-air broadcasting of
14 "Discover Oklahoma", the weekly promotional television
15 program,

16 d. not more than fifteen positions performing financial
17 management functions for the Department,

18 e. not more than five positions performing human
19 resources functions for the Department, and

20 f. not more than two positions performing information
21 services functions for the Department;

22 ~~3.~~ 4. Any position associated with the development and
23 production of "Oklahoma Today" ~~Magazine" magazine;~~ and
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