CS for ESB 1872

THE HOUSE OF REPRESENTATIVES
Thursday, April 10, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1872

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1872 - By: GARRISON of the Senate and HYMAN of the House.

An Act relating to tourism; amending Section 4, Chapter 363, O.S.L. 2005 (74 O.S. Supp. 2007, Section 2203), which relates to the Oklahoma Tourism and Recreation Commission membership; adding exemption to certain restriction; amending Sections 38, Chapter 363, O.S.L. 2005, as amended by Section 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; providing for creation of the Oklahoma Today Magazine Division; stating responsibilities of the division; modifying exemptions from The Oklahoma Central Purchasing Act; Section 43, Chapter 363, 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; modifying description of unclassified positions; providing an effective date; and declaring an emergency.

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

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

Section 2203. A. The <u>Oklahoma Tourism and Recreation</u> 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 serve at the pleasure of the Governor. 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 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~~ <u>With the exception of the ex officio, no</u> 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 Statutes.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present 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 Oklahoma 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 2. AMENDATORY Section 38, Chapter 363, O.S.L. 2005, as amended by Section 4, Chapter 90, O.S.L. 2006 (74 O.S. Supp. 2007, Section 2237), is amended to read as follows:

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

<u>B.</u> "Oklahoma Today Magazine" is hereby authorized to sell advertising. All advertising shall be approved by the appropriate division director prior to acceptance for publication.

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~~B.~~ C. 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 the salary of the employee, 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.~~ D. The sale of advertising and negotiation of rates for the advertising shall not be subject to The Oklahoma Central Purchasing Act of 1974 or the Administrative Procedures Act.

~~D.~~ E. "Oklahoma Today Magazine" articles, and photographs produced by or for "Oklahoma Today Magazine", shall be available for public inspection during Department business hours. 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 3. AMENDATORY Section 40, Chapter 363, O.S.L. 2005 (74 O.S. Supp. 2007, Section 2239), is amended to read as follows:

Section 2239. 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

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economical operation of Department-operated facilities and programs and production of merchandise for resale, are exempt from The Oklahoma 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~~ such as designers, prepress houses, and shippers of artistic and resale merchandise involved in the artistic production of "Oklahoma Today Magazine" and other products produced by the magazine shall also be exempt from The Oklahoma Central Purchasing Act. Production and mailing of revenue-generating materials such as monthly renewals and direct mail efforts which are necessary to the ongoing operation of "Oklahoma Today Magazine" shall also be exempt from The Oklahoma Central Purchasing Act.

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

Section 2242. ~~A.~~ The following offices and positions ~~of the Executive Director, the Deputy Director, Directors of the Divisions of the Department herein created, and administrative assistant of each~~ in the Oklahoma Tourism and Recreation Department 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 the Oklahoma Tourism, Parks and Recreation Enhancement Act shall be in the unclassified service~~:

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

2. All positions in the Traveler Response Information Program;

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

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

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

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

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

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

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

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

~~4.~~ 5. Any position in the Division of State Parks utilized in the operation and administration of state resorts, cabins, lodges, and golf courses.

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SECTION 5. This act shall become effective July 1, 2008.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 04-09-08 - DO PASS, As Amended.

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