

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3028

By: Shannon

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to tourism, history and cultural
9 affairs; creating the Tourism, History and Cultural
10 Affairs Act of 2014; consolidating the Oklahoma
11 Tourism and Recreation Department, the Oklahoma
12 Historical Society and the Oklahoma Arts Council into
13 the Department of Tourism, History and Cultural
14 Affairs; providing for appointment of the Director;
15 providing for assumption of certain responsibilities;
16 defining term; providing for funding; requiring
17 certain personnel to deliver certain property to the
18 Department; transferring funds, personnel and
19 functions to the Department; providing for
20 continuation of certain rules, regulations and
21 decisions; establishing the organization of the
22 Department; specifying responsibilities of the
23 Director of the Department; creating certain
24 divisions; authorizing the Director to take certain
actions; amending 53 O.S. 2011, Sections 1.2, 1.3,
1.4 and 1.6, which relate to the Oklahoma Historical
Preservation Act; deleting membership of the Oklahoma
Historical Society; changing references from the
Oklahoma Historical Society to the Oklahoma
Historical Society Division of the Department of
Tourism, History and Cultural Affairs; deleting
certain powers; providing for meaning of certain
references; modifying certain duties; changing
references to the Board of Directors of the Oklahoma
Historical Society; amending 53 O.S. 2011, Sections
163 and 166, which relate to the Oklahoma Arts and
Humanities Act; changing references from the Oklahoma
Arts Council to the Oklahoma Arts Council Division of
the Department of Tourism, History and Cultural
Affairs; providing for meaning of certain references;

1 adding reference to the Board of Directors; amending
2 74 O.S. 2011, Sections 2201, 2202, 2203, 2204, 2205,
3 2206, 2207, 2208, 2209, 2210, 2211 and 2236, as
4 amended by Section 33, Chapter 227, O.S.L. 2013 (74
5 O.S. Supp. 2013, Section 2236), which relate to the
6 Oklahoma Tourism, Parks and Recreation Enhancement
7 Act; deleting certain names; creating the Tourism and
8 Recreation Division of the Department of Tourism,
9 History and Cultural Affairs; providing for meaning
10 of certain references; changing references from the
11 Oklahoma Tourism and Recreation Commission and the
12 Oklahoma Tourism and Recreation Department to the
13 Tourism and Recreation Division of the Department of
14 Tourism, History and Cultural Affairs; changing
15 authority for certain powers, duties and functions;
16 deleting certain powers and duties; modifying date of
17 certain report; modifying names of certain divisions
18 to offices; authorizing the Director to create
19 offices or subdivisions; changing reference from the
20 Oklahoma Film and Music Office to the Division of
21 Film and Music; repealing 53 O.S. 2011, Section 168,
22 which relates to expenditures by the Oklahoma Arts
23 Council; providing for codification; providing an
24 effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2131 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 "Tourism,
History and Cultural Affairs Act of 2014".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2132 of Title 74, unless there
is created a duplication in numbering, reads as follows:

1 A. The Oklahoma Tourism and Recreation Department, the Oklahoma
2 Historical Society and the Oklahoma Arts Council are hereby
3 consolidated into the Department of Tourism, History and Cultural
4 Affairs. The Governor shall appoint and set the compensation of the
5 Director of the Department of Tourism, History and Cultural Affairs,
6 who shall assume all executive-level responsibilities for each
7 agency and shall function as and possess the powers of the agency
8 director for each consolidated agency as enumerated by existing
9 statute.

10 B. For the purposes of this section, the term "consolidated
11 agencies" shall mean the Oklahoma Tourism and Recreation Department,
12 the Oklahoma Historical Society and the Oklahoma Arts Council.

13 C. Any funds appropriated to, in the possession of or allocated
14 to any of the consolidated agencies shall be deemed to be funds of
15 the Department of Tourism, History and Cultural Affairs.

16 D. Upon request of the Director of the Department of Tourism,
17 History and Cultural Affairs, the personnel of the consolidated
18 agencies shall deliver to the Department all books, papers, records
19 and property of the consolidated agencies.

20 E. All funds, personnel, functions, powers, duties and
21 obligations previously assigned to each of the consolidated agencies
22 are hereby transferred to the Department of Tourism, History and
23 Cultural Affairs.

1 F. All rules, regulations, acts, orders, determinations and
2 decisions of the consolidated agencies pertaining to the functions
3 and powers herein transferred and assigned to the Department of
4 Tourism, History and Cultural Affairs, in force at the time of such
5 transfer, assignment, assumption or devolution shall continue to be
6 in force and effect as rules, regulations, acts, orders,
7 determinations and decisions of the consolidated agencies until duly
8 modified or abrogated by the appropriate body or until otherwise
9 provided by law.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 2133 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 The Department of Tourism, History and Cultural Affairs shall be
14 organized as follows:

15 1. The Director of the Department shall have direct
16 responsibility for administrative functions, including but not
17 limited to, policy and research, administration and human resources,
18 legal services and communications;

19 2. The following divisions are hereby created:

20 a. the Tourism and Recreation Division, as provided for
21 in Section 2201 of Title 74 of the Oklahoma Statutes,
22 which shall be under the governance of the Oklahoma
23 Tourism and Recreation Commission created in Section
24

2203 of Title 74 of the Oklahoma Statutes, except as
otherwise provided by law,

b. the Division of Film and Music, as provided for in
Section 2236 of Title 74 of the Oklahoma Statutes,

c. the Oklahoma Historical Society Division, as provided
for in Section 1.2 of Title 53 of the Oklahoma
Statutes, which shall be under the governance of the
Board of Directors of the Division as provided for in
Section 1.6 of Title 53 of the Oklahoma Statutes,

except as otherwise provided by law, and

d. the Oklahoma Arts Council Division, as provided for in
Section 163 of Title 53 of the Oklahoma Statutes,
which shall be under the governance of the Oklahoma
Arts Council as provided for in Section 163 of Title
53 of the Oklahoma Statutes, except as otherwise
provided by law; and

3. The Director of the Department is hereby authorized to
appoint and set the compensation of personnel of the Department.
The Director is further authorized to create subdivisions or
otherwise organize the Department in a manner deemed appropriate by
the Director to fulfill the duties imposed upon the Department as
provided by law.

SECTION 4. AMENDATORY 53 O.S. 2011, Section 1.2, is
amended to read as follows:

1 Section 1.2 A. There is hereby created the Oklahoma Historical
2 Society ~~consisting of members who have heretofore become and are now~~
3 ~~members of said Society, and such others as may be admitted and~~
4 ~~elected as members thereof, in accordance with the terms of the~~
5 ~~constitution and bylaws, or as otherwise provided by the Oklahoma~~
6 ~~Historical Preservation Act~~ Division of the Department of Tourism,
7 History and Cultural Affairs.

8 B. ~~The Oklahoma Historical Society is hereby declared to be an~~
9 ~~organized agency of the State of Oklahoma, with power to formulate~~
10 ~~and promulgate, rules and regulations pursuant to the Administrative~~
11 ~~Procedures Act by means of its constitution and bylaws, and~~
12 ~~resolutions for its government and regulation subject to the laws of~~
13 ~~the state.~~

14 C. The Oklahoma Historical Society Division shall faithfully
15 expend and apply all money received from the state to the uses and
16 purposes directed by law. The ~~Society~~ Division shall hold all its
17 present and future collections of property for the state, and shall
18 not sell, mortgage or dispose of any such property without authority
19 of law.

20 C. Whenever in the Oklahoma Statutes reference is made to the
21 Oklahoma Historical Society, it shall mean the Oklahoma Historical
22 Society Division of the Department of Tourism, History and Cultural
23 Affairs.

1 SECTION 5. AMENDATORY 53 O.S. 2011, Section 1.3, is
2 amended to read as follows:

3 Section 1.3 It shall be the duty of the Oklahoma Historical
4 Society Division of the Department of Tourism, History and Cultural
5 Affairs to:

6 1. Collect, purchase, catalog, store, preserve, conserve and
7 maintain books, maps, photographs, newspapers, records, reports,
8 manuscripts, charts, paintings, three-dimensional artifacts and
9 other materials germane to the history of Oklahoma, the Indian and
10 the West;

11 2. Gather and utilize collected materials to create
12 interpretive exhibits illustrative of the history of Oklahoma, the
13 United States and the world in the Oklahoma Museum of History and at
14 other assigned museums and historic sites;

15 3. Prepare and publish materials relative to the history of the
16 State of Oklahoma. Such materials may be offered for sale to the
17 public at museums and historic sites operated by the ~~Society~~
18 Division;

19 4. Prepare and publish matters relating to the ~~Society's~~
20 Division's transactions and research as may be useful to its
21 membership and the public. Such publications shall include an
22 annual report of its collections;

23 5. Develop an oral history program for the State of Oklahoma
24 designed to promote the preservation and utilization of oral history

1 within the state concerning significant elements of the social,
2 political, economic, cultural, educational, ethnic and military
3 history of the geographical area now known as the State of Oklahoma;
4 transcribe, index, catalog and maintain the results of these
5 interviews to make them readily available to the public and
6 historical researchers;

7 6. Develop an educational program for the purpose of making
8 available to schools and the public information pertaining to the
9 history of Oklahoma through the utilization of collections and
10 properties held by the ~~Society~~ Division. Reasonable charges may be
11 made for the dissemination of any such facts or information; and

12 7. ~~Work with the Oklahoma Capitol Complex and Centennial~~
13 ~~Commemoration Commission to prepare~~ Prepare a master report for the
14 Governor and Legislature on promotion, enhancement and preservation
15 of the military history of Oklahoma.

16 SECTION 6. AMENDATORY 53 O.S. 2011, Section 1.4, is
17 amended to read as follows:

18 Section 1.4 A. In addition to other powers and duties
19 specified by law, the Oklahoma Historical Society Division of the
20 Department of Tourism, History and Cultural Affairs shall have the
21 power and duty to:

22 1. Acquire by gift, devise, purchase or otherwise, absolutely
23 or in trust, and to hold any real property or real estate or other
24

1 interest therein as may be necessary in carrying into effect the
2 purpose of the Oklahoma Historical Preservation Act-;

3 2. Enter into contracts and to execute all instruments
4 necessary to fulfill its duties, respecting the protection,
5 preservation, maintenance and operation of such historic buildings,
6 sites and/or objects as it may select-;

7 3. Correlate and preserve drawings, plans, photographs and
8 other data of historic and archaeologic sites, buildings and
9 objects-;

10 4. Make surveys of historic and archaeologic sites, buildings
11 and objects for the purpose of determining which ~~possesses~~ possess
12 exceptional value as commemorating or relating to the history of
13 Oklahoma-;

14 5. Make necessary investigations and research in Oklahoma
15 relating to particular sites, buildings or objects to obtain true
16 and accurate historical and archaeological facts and information
17 concerning such sites, buildings or objects-;

18 6. Contract and make cooperative agreements with
19 municipalities, corporations, associations and individuals, with
20 proper bond where deemed advisable to protect, preserve, maintain or
21 operate any historic or archaeologic building, site, object or
22 property used in connection therewith for public use, regardless
23 whether the title thereto is in the State of Oklahoma. No contract
24 or cooperative agreement shall be made or entered into which will

1 obligate the General Revenue Fund of the State Treasury unless or
2 until the Legislature has appropriated sufficient monies for such
3 purpose-;

4 7. Restore, reconstruct, rehabilitate, preserve and maintain
5 historic or prehistoric sites, buildings, objects and properties of
6 historical and archaeological significance and where deemed
7 desirable establish and maintain museums in connection therewith-;

8 8. Operate and manage historic and archaeologic sites,
9 buildings and properties acquired under the provisions of the
10 Oklahoma Historical Preservation Act, together with lands and
11 subordinate buildings for the benefit of the public, such authority
12 to include the power to charge reasonable visitation fees and grant
13 concessions, leases or permits for the use of land, building space,
14 roads or trails when necessary or desirable either to accommodate
15 the public or to facilitate administration; provided, that such
16 concessions, leases or permits shall be granted only after
17 competitive bids to the person making the highest and best bid-; and

18 9. Organize a corporation under the laws of this state when it
19 would be administratively burdensome to restore, reconstruct,
20 operate or maintain any particular historic or archaeologic site,
21 building or property donated to the state.

22 B. The Oklahoma Historical Society Division is authorized to
23 make exchanges of duplicates held by it for matters of historical
24

1 importance which are of the same approximate value as determined by
2 professional appraisal.

3 SECTION 7. AMENDATORY 53 O.S. 2011, Section 1.6, is
4 amended to read as follows:

5 Section 1.6 A. The Board of Directors of the Oklahoma
6 Historical Society Division of the Department of Tourism, History
7 and Cultural Affairs shall consist of not more than twenty-five ~~(25)~~
8 members, with the Governor as an ex officio member. The number of
9 members of ~~said~~ the Board may be decreased by act of the Legislature
10 or by act of ~~said Society~~ the Division by amending its constitution.
11 Each member of the Board of Directors shall hold office until the
12 successor of the member is elected and qualified pursuant to the
13 provisions of the constitution of the ~~Society~~ Division or as
14 otherwise provided by the Oklahoma Historical Preservation Act,
15 Section 1.1 et seq. of this title. If at any time the provisions of
16 the ~~Society's~~ Division's constitution or bylaws are in conflict with
17 statutory provisions relating to appointment of members by
18 congressional district, statutory provisions shall prevail.

19 B. Members of the Board of Directors are hereby declared to be
20 agents of the State of Oklahoma.

21 SECTION 8. AMENDATORY 53 O.S. 2011, Section 163, is
22 amended to read as follows:

23 Section 163. The State Arts Council of Oklahoma is hereby re-
24 created and renamed the Oklahoma Arts Council Division of the

1 Department of Tourism, History and Cultural Affairs. The ~~Council~~
2 Board of Directors of the Division shall consist of fifteen (15)
3 members appointed by the Governor with the approval of the State
4 Senate. Members shall be individuals who have a real and active
5 interest in the arts and an understanding of the value of these
6 pursuits to our society.

7 The term of office of each member shall be three (3) years
8 beginning July 1 of the year of appointment, or until a successor
9 has been appointed and qualified for the office. The Governor shall
10 appoint five members on or before July 1 of each year. A vacancy
11 shall be filled for the remainder of the term only. No person may
12 be appointed to the ~~Council~~ Board for more than two consecutive
13 terms.

14 The name prescribed by this section shall not affect in any
15 manner whatsoever any legal relationships, bonds, contracts,
16 supervisory authority of the ~~Council~~ Division, title to property,
17 obligations, or any other phase or aspect of the legal status of the
18 ~~Council~~ Division for any purpose, except that the Council shall be
19 referred to as the "Oklahoma Arts Council Division of the Department
20 of Tourism, History and Cultural Affairs" in all current and future
21 references to the Council.

22 Supplies, including but not limited to letterheads, which on the
23 effective date of this section carry or are labeled with the name
24 "~~State~~ Oklahoma Arts Council ~~of Oklahoma~~" shall be utilized after

1 the effective date of this section until such supplies are depleted.
2 Any new supplies ordered for use after the effective date of this
3 section shall bear the name "Oklahoma Arts Council Division of the
4 Department of Tourism, History and Cultural Affairs". For purposes
5 of this section, "supplies" shall not mean signs designating the
6 name of the Council.

7 SECTION 9. AMENDATORY 53 O.S. 2011, Section 166, is
8 amended to read as follows:

9 Section 166. A. Whenever reference is made in the Oklahoma
10 Statutes to the Oklahoma Arts Council, it shall mean the Oklahoma
11 Arts Council Division of the Department of Tourism, History and
12 Cultural Affairs.

13 B. The Oklahoma Arts Council Division of the Department of
14 Tourism, History and Cultural Affairs shall be responsible for the
15 acquisition, exhibition, management and care of the State Art
16 Collection and is empowered and directed to ~~exercise these powers~~
17 ~~and duties:~~

18 ~~(a)~~ 1. Consider the whole state of the arts, cultural
19 activities and cultural heritage of Oklahoma. The purview of the
20 ~~Council~~ Division shall not be limited but shall include music,
21 theater, dance, opera, graphic arts, plastic arts, architecture,
22 poetry, plays or any other art, regardless of period, school or
23 type. Full attention shall also be given to art, art museums, live
24 performances or concerts, art exhibits and other like endeavors;i

1 ~~(b)~~ 2. Survey the artistic and cultural activities and
2 facilities of the state, and the institutions, organizations or
3 individuals engaged in these undertakings~~;~~i

4 ~~(c)~~ 3. Study information collected and prepare proposals for
5 the study, practice and presentation of the arts~~;~~i

6 ~~(d)~~ 4. Foster conferences, institutes and exhibits on the arts
7 and hold or cooperate in such ventures~~;~~i

8 ~~(e)~~ 5. Report biennially to the Governor and Legislature on or
9 before January 31 of each odd-numbered year. Reports shall include
10 recommendations and suggestions for the expansion and improvement of
11 the arts and for wider opportunity of participation in these
12 activities by our citizens~~;~~i

13 ~~(f)~~ 6. Publish any reports, surveys, news bulletins or other
14 materials pertaining to its findings, recommendations and work~~;~~i and

15 ~~(g)~~ 7. Perform or engage in all else necessary or desirable to
16 give full force and effect to the provisions of ~~this act~~ the
17 Oklahoma Arts and Humanities Act.

18 SECTION 10. AMENDATORY 74 O.S. 2011, Section 2201, is
19 amended to read as follows:

20 Section 2201. A. There is hereby created the ~~Oklahoma~~ Tourism
21 and Recreation ~~Commission, hereinafter referred to as the~~
22 ~~"Commission," and the Oklahoma Tourism and Recreation Department,~~
23 ~~hereinafter referred to as the "Department"~~ Division of the
24 Department of Tourism, History and Cultural Affairs.

1 B. Whenever in the Oklahoma Statutes reference is made to the
2 Oklahoma Tourism and Recreation Department, it shall mean hereafter
3 the Tourism and Recreation Division of the Department of Tourism,
4 History and Cultural Affairs.

5 C. Whenever, in the Oklahoma ~~State~~ Statutes reference is made
6 to the Governor's Economic Development Commission, the State
7 Department of Commerce and Industry, the Oklahoma Planning and
8 Resources Board, the Oklahoma Industrial Development and Park
9 Commission or the Oklahoma Industrial Development and Park
10 Department, it shall mean hereafter the ~~Oklahoma~~ Tourism and
11 Recreation ~~Commission created by this act~~ Division of the Department
12 of Tourism, History and Cultural Affairs, or the Oklahoma Department
13 of Commerce, as the context may require.

14 SECTION 11. AMENDATORY 74 O.S. 2011, Section 2202, is
15 amended to read as follows:

16 Section 2202. ~~A.~~ It shall be the purpose of the ~~Commission and~~
17 Tourism and Recreation Division of the Department of Tourism,
18 History and Cultural Affairs to:

19 1. Conserve and protect the parkland under the control of the
20 ~~Commission~~ Division;

21 2. Oversee the operation and maintenance of the state's lodges
22 and golf courses;

23 3. Promote tourism by publicity and dissemination of
24 information;

1 4. Assist in promotion of events sponsored by municipalities,
2 associations, and organizations commemorating special events of
3 local or historical interest;

4 5. Educate the public on the people, places, events, culture,
5 and history of Oklahoma; and

6 6. Function in an advisory capacity to the Governor, State
7 Legislature, and state agencies, ~~municipalities, and to private~~
8 ~~organizations~~ on matters pertaining to tourism and recreation.

9 ~~B. The Commission shall determine or set policy for the~~
10 ~~Department and shall determine the broad plans and programs~~
11 ~~necessary to accomplish the duties and responsibilities in the~~
12 ~~Commission.~~

13 SECTION 12. AMENDATORY 74 O.S. 2011, Section 2203, is
14 amended to read as follows:

15 Section 2203. A. ~~The~~ There is hereby created the Oklahoma
16 Tourism and Recreation Commission. The Commission shall consist of
17 eight (8) members who shall serve a term of six (6) years. No more
18 than one Commission member shall be from any one county. The
19 Lieutenant Governor shall serve as an ex officio voting member of
20 the Commission.

21 B. One member shall be appointed from each congressional
22 district, who shall be a resident and a qualified elector in the
23 district from which appointed, and the remaining members shall be
24 appointed from the state at large. If congressional districts are

1 redrawn each member appointed shall complete the current term of
2 office at which time a new appointment shall be made in compliance
3 with the redrawn congressional district.

4 C. Commission members shall be appointed by the Governor, with
5 the advice and consent of the Senate, and shall serve at the
6 pleasure of the Governor. Whenever a vacancy on the Commission
7 occurs by death, resignation, or otherwise, the Governor shall fill
8 the same by appointment, with the advice and consent of the Senate,
9 and the appointee shall hold office during the unexpired term. Each
10 member shall hold office until a successor has been appointed and
11 qualified. Five members of the Commission shall constitute a
12 quorum, and the vote of the majority of members present shall be
13 necessary for any action to be taken by the Commission. No vacancy
14 in the membership of the Commission shall impair the rights of a
15 quorum to exercise and perform all the rights and duties of the
16 Commission.

17 D. With the exception of the ex officio, no member of the
18 Commission shall seek election to a federal, state, or county office
19 while serving on the Commission.

20 E. Each member of the Commission, before serving on the
21 Commission, shall take and subscribe to the constitutional and
22 statutory oaths of office and file said oaths with the Secretary of
23 State. Members of the Commission shall be reimbursed for travel
24

1 expenses to Commission meetings as provided in the State Travel
2 Reimbursement Act of the Oklahoma Statutes.

3 F. The Commission shall be organized by the Governor who shall
4 appoint from the Commission the Chair, the Vice Chair, and the
5 Secretary. The Commission is authorized and directed to adopt rules
6 pursuant to the provisions of the Administrative Procedures Act to
7 execute the powers and duties of the Commission and the Tourism and
8 Recreation Division of the Department of Tourism, History and
9 Cultural Affairs.

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

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

20 SECTION 13. AMENDATORY 74 O.S. 2011, Section 2204, is
21 amended to read as follows:

22 Section 2204. There are hereby granted to and imposed in the
23 Oklahoma Tourism and Recreation Commission, and in any commission or
24

body which may hereafter succeed to the powers, rights and duties of the Commission, the following additional powers, rights and duties:

1. Sue and be sued;

2. Adopt, use, and alter an official seal;

3. Make bylaws for the management and regulation of its affairs;

4. ~~Appoint, prescribe the duties, and fix the compensation for officers, agents, and employees;~~

~~5.~~ 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

~~6.~~ 5. Promulgate rules and policies necessary and convenient to the exercise of the powers conferred upon it by law.

SECTION 14. AMENDATORY 74 O.S. 2011, Section 2205, is amended to read as follows:

Section 2205. The ~~Commission~~ Tourism and Recreation Division of the Department of Tourism, History and Cultural Affairs shall prepare and submit to the Governor and to the Legislature on or before the first day of each legislative session a report of the activities of the ~~Department~~ Division, together with all information and data in the possession of the ~~Department~~ Division as ~~the~~ Commission ~~it~~ shall deem of value to the Governor, the Legislature and the people of the State of Oklahoma. Each report may contain recommendations for legislation as the ~~Commission~~ Division may deem

1 necessary to give full effect to all the provisions of the Oklahoma
2 Tourism, Parks and Recreation Enhancement Act.

3 SECTION 15. AMENDATORY 74 O.S. 2011, Section 2206, is
4 amended to read as follows:

5 Section 2206. The chief executive officer of the Tourism and
6 Recreation Division of the Department of Tourism, History and
7 Cultural Affairs shall be the ~~Executive~~ Division Director, who shall
8 be appointed by the ~~Commission~~ Director of the Department and who
9 shall serve at the pleasure of ~~said Commission~~ the Director. The
10 ~~Executive~~ Division Director shall be chosen with regard to
11 knowledge, training, experience, and ability to administer the
12 functions of the ~~Department~~ Division. The ~~Commission~~ Director of
13 the Department shall establish the salary of the ~~Executive~~ Division
14 Director. Whenever in the Oklahoma Statutes reference is made to
15 the Director or Executive Director of the Oklahoma Tourism and
16 Recreation Department, it shall mean the Director of the Tourism and
17 Recreation Division of the Department of Tourism, History and
18 Cultural Affairs.

19 SECTION 16. AMENDATORY 74 O.S. 2011, Section 2207, is
20 amended to read as follows:

21 Section 2207. Subject to the policies and rules of the
22 ~~Commission~~ Director of the Department of Tourism, History and
23 Cultural Affairs, the ~~Executive~~ Director of the Tourism and
24 Recreation Division shall:

1 1. Organize the ~~Department~~ Division in a manner to efficiently
2 achieve ~~the its~~ objectives ~~of the Commission~~;

3 2. Prepare and submit plans for administering the programs of
4 the ~~Commission~~ Division;

5 3. Prepare a personnel schedule, employ personnel, define
6 duties, appoint technicians and consultants, and fix salaries or
7 compensation;

8 4. Administer all policies formulated and adopted by the
9 ~~Commission~~ Director of the Department;

10 5. Enter into leases, grant easements and execute such
11 instruments as in the judgment of the ~~Commission~~ Director of the
12 Department are necessary or convenient to the exercise of those
13 powers and duties of the ~~Commission~~ Division pursuant to the
14 Oklahoma Tourism, Parks and Recreation Enhancement Act. The
15 ~~Executive~~ Division Director shall provide a monthly report to the
16 ~~Commission~~ Director of the Department of actions taken as a result
17 of such delegation;

18 6. Develop and implement a pay incentive plan for employees of
19 the ~~Department~~ Division. Incentive pay shall not be included in the
20 base salary of an employee, and shall be based on the goals and
21 eligibility established by the ~~Commission~~ Department on an annual
22 basis. Incentive pay shall not exceed ten percent (10%) of the
23 salary of each eligible employee or the total change in improved
24 financial performance for each facility over the previous fiscal

1 year. Such compensation shall not be subject to the requirements of
2 Section 840-2.17 of Title 74 of the Oklahoma Statutes. The
3 ~~Commission~~ Director of the Department shall promulgate rules for the
4 implementation of the plan; and

5 7. Authorize ~~any division of the Department to sell~~ the sale of
6 advertising in any of the publications of the ~~division~~ Division, on
7 ~~division~~ Division property on which advertising is sold in the
8 tourism industry, or on its web site, provided that such advertising
9 shall be approved by the ~~Division~~ Director of the Department or
10 designee prior to acceptance for publication. The sale of
11 advertising and negotiation of rates for the advertising shall not
12 be subject to the Central Purchasing Act or the Administrative
13 Procedures Act.

14 SECTION 17. AMENDATORY 74 O.S. 2011, Section 2208, is
15 amended to read as follows:

16 Section 2208. The ~~Executive~~ Director of the Tourism and
17 Recreation Division of the Department of Tourism, History and
18 Cultural Affairs may authorize the use of revolving fund income for
19 entertainment and promotion expenses of the ~~Department~~ Division,
20 provided that the expenses are directly related to business
21 development for state-operated or state-owned facilities and the
22 furtherance of tourism in Oklahoma. In all cases, the expenses
23 shall be approved in advance by the ~~Executive~~ Division Director, be
24 audited by the fiscal officer for the ~~Department~~ Division on a

1 monthly basis, and submitted to the ~~Commission~~ Director of the
2 Department as an item for information.

3 SECTION 18. AMENDATORY 74 O.S. 2011, Section 2209, is
4 amended to read as follows:

5 Section 2209. The ~~Executive~~ Director of the Tourism and
6 Recreation Division of the Department of Tourism, History and
7 Cultural Affairs may authorize the provision of aid and assistance
8 to the governmental units of Oklahoma or to any nongovernmental
9 agency or organization in planning for the development of community
10 recreation programs. The ~~Department~~ Division may act jointly with
11 other state agencies, institutions, departments, boards or
12 commissions, to coordinate the park and recreational functions at
13 the state level of government.

14 SECTION 19. AMENDATORY 74 O.S. 2011, Section 2210, is
15 amended to read as follows:

16 Section 2210. The ~~Executive~~ Director of the Tourism and
17 Recreation Division of the Department of Tourism, History and
18 Cultural Affairs is hereby authorized to employ an attorney as
19 needed, within the total employee limit authorized for the operation
20 of the Department, on a full- or part-time basis, to advise the
21 ~~Commission, the Executive Director and other department~~ Director of
22 the Department, the Director of the Division or other personnel on
23 legal matters and to appear for and represent the ~~Commission and the~~
24 ~~Executive Director~~ Division in administrative hearings and other

1 legal actions and procedures related to their official duties. Upon
2 the request of the ~~Commission or the Executive Director~~ Director of
3 the Department, it shall be the duty of the Office of the Attorney
4 General to give an official opinion, prosecute, and defend actions
5 of the ~~Commission or Department~~ Division.

6 SECTION 20. AMENDATORY 74 O.S. 2011, Section 2211, is
7 amended to read as follows:

8 Section 2211. There are hereby created within the ~~Oklahoma~~
9 Tourism and Recreation Division of the Department of Tourism,
10 History and Cultural Affairs, the ~~Division~~ Office of State Parks,
11 the Travel Promotion ~~Division~~, "~~Oklahoma Today Magazine~~" Office, and
12 the ~~Division~~ Office of Administrative Services; provided, however,
13 the ~~Commission~~ Director of the Department shall have authority, ~~by~~
14 ~~resolution~~, to create other ~~divisions~~ offices or subdivisions and
15 may, ~~by resolution~~, combine or abolish any or all such ~~divisions~~
16 offices or subdivisions, as deemed to be necessary to carry out ~~its~~
17 the duties established under the Oklahoma Tourism, Parks and
18 Recreation Enhancement Act.

19 SECTION 21. AMENDATORY 74 O.S. 2011, Section 2236, as
20 amended by Section 33, Chapter 227, O.S.L. 2013 (74 O.S. Supp. 2013,
21 Section 2236), is amended to read as follows:

22 Section 2236. A. There is hereby created within the Department
23 of Tourism, History and Cultural Affairs, the ~~Oklahoma~~ Division of
24 Film and Music ~~Office~~. The ~~Office~~ Division shall have the primary

1 responsibility in state government for promoting the state as a
2 location for producing motion pictures, television programs, videos
3 and recording or performing music. The ~~Office~~ Division shall assist
4 the motion picture, television and video film and music industries
5 by providing production contacts in the state, suggesting possible
6 filming, performing, publishing, and recording locations, and other
7 activities that may be required to promote the state as a filming
8 and music center. The ~~Office~~ Division shall develop resource
9 guides, a database, and a ~~web site~~ website. The ~~Office~~ Division
10 shall develop listings of music festivals and music events being
11 held in Oklahoma.

12 B. The ~~Oklahoma Film and Music Office~~ Division shall cooperate
13 with other state and local offices as required to promote the film
14 and music industries in this state.

15 C. The ~~Oklahoma Film and Music Office~~ Division shall establish
16 a film production registration program. Under the program, film
17 production companies shall be required to register with the ~~Office~~
18 Division prior to starting production on a film located in the
19 state. The ~~Office~~ Division shall not require production companies
20 to pay a fee for registration. The purpose of the program shall be
21 to allow the ~~Office~~ Division to accurately track the number of
22 filming productions occurring in the state and the economic impact
23 of those productions.

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

10 SECTION 22. REPEALER 53 O.S. 2011, Section 168, is
11 hereby repealed.

12 SECTION 23. This act shall become effective July 1, 2014.

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

17
18 54-2-10485 LRB 02/27/14
19
20
21
22
23
24