

An Act

ENROLLED HOUSE
BILL NO. 3603

By: Lepak, McCall and Cockroft
of the House

and

Treat of the Senate

An Act relating to the Oklahoma Tourism and Recreation Department; amending 74 O.S. 2011, Sections 2203, 2204 and 2206, which relate to the Oklahoma Tourism and Recreation Commission; making Commission an advisory body; transferring duties to the Executive Director; modifying powers and duties of Commission; authorizing Governor to appoint Executive Director; providing for determination of compensation; and providing an effective date.

SUBJECT: Oklahoma Tourism and Recreation Department

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 2203, is amended to read as follows:

Section 2203. A. The Oklahoma Tourism and Recreation Commission shall be an advisory body to the Executive Director of the Oklahoma Tourism and Recreation Department and shall consist of eight (8) members who shall serve a term of six (6) years. Effective January 14, 2019, all duties and powers of the Commission shall be transferred to the Executive Director. Any provision in statute that provides to the Commission authority that is not advisory in nature shall be deemed to grant the duty or power to the Executive Director. 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. With the exception of the ex officio, 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 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 74 O.S. 2011, Section 2204, is amended to read as follows:

Section 2204. 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,~~ Oklahoma Tourism and Recreation Department 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~~ Department are necessary or convenient to the exercise of the powers conferred upon it by law; and
6. Promulgate rules and policies necessary and convenient to the exercise of the powers conferred upon it by law.

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

Section 2206. The chief executive officer of the Oklahoma Tourism and Recreation Department shall be the Executive Director, who shall be appointed by the ~~Commission~~ Governor, with the advice and consent of the Senate, and who shall serve at the pleasure of ~~said Commission~~ the Governor and may be removed or replaced without cause. 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~~ Compensation for the Executive Director shall be determined pursuant to Section 3601.2 of this title.

SECTION 4. This act shall become effective January 14, 2019.

Passed the House of Representatives the 13th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____