

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3603

By: Lepak and McCall of the
House

7
8 and

9 Treat of the Senate
10

11 COMMITTEE SUBSTITUTE

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

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

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

24 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

1 eight (8) members who shall serve a term of six (6) years.
2 Effective January 14, 2019, all duties and powers of the Commission
3 shall be transferred to the Executive Director. Any provision in
4 statute that provides to the Commission authority that is not
5 advisory in nature shall be deemed to grant the duty or power to the
6 Executive Director. No more than one Commission member shall be
7 from any one county. The Lieutenant Governor shall serve as an ex
8 officio voting member of the Commission.

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

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

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

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

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

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

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

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

5 SECTION 2. AMENDATORY 74 O.S. 2011, Section 2204, is
6 amended to read as follows:

7 Section 2204. There are hereby granted to and imposed in the
8 ~~Commission, and in any commission or body which may hereafter~~
9 ~~succeed to the powers, rights and duties of the Commission, Oklahoma~~
10 ~~Tourism and Recreation Department~~ the following additional powers,
11 rights and duties:

- 12 1. Sue and be sued;
- 13 2. Adopt, use, and alter an official seal;
- 14 3. Make bylaws for the management and regulation of its
15 affairs;
- 16 4. Appoint, prescribe the duties, and fix the compensation for
17 officers, agents, and employees;
- 18 5. Make contracts and execute instruments as in the judgment of
19 the ~~Commission~~ Department are necessary or convenient to the
20 exercise of the powers conferred upon it by law; and
- 21 6. Promulgate rules and policies necessary and convenient to
22 the exercise of the powers conferred upon it by law.

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

1 Section 2206. The chief executive officer of the Oklahoma
2 Tourism and Recreation Department shall be the Executive Director,
3 who shall be appointed by the ~~Commission~~ Governor, with the advice
4 and consent of the Senate, and who shall serve at the pleasure of
5 ~~said Commission~~ the Governor and may be removed or replaced without
6 cause. The Executive Director shall be chosen with regard to
7 knowledge, training, experience, and ability to administer the
8 functions of the Department. ~~The Commission shall establish the~~
9 ~~salary of the~~ Compensation for the Executive Director shall be
10 determined pursuant to Section 3601.2 of this title.

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

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2018 - DO PASS,
14 As Amended and Coauthored.

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