

ENGROSSED HOUSE
BILL NO. 1618

BY: MADDUX (Elmer), DUNEGAN,
HILLIARD, MATLOCK,
RHOADS (Karroll),
STANLEY, APPLE, BATES,
BOECKMAN, DAVIS, DUNLAP,
FERGUSON, GLOVER,
GRIESER, HEFNER, HOLT,
KINNAMON, KOUBA, LUCAS,
MITCHELL, REESE, ROBERTS
(Walt), SMITH (Bill),
THOMAS and WIDENER of
the HOUSE

and

WILKERSON, TALIAFERRO,
KERR, CAPPS, LONG (Ed),
WEEDN, CHANDLER, MUEGGE,
HARRISON, LAWLER, TAYLOR
and SHURDEN of the
SENATE

AN ACT RELATING TO EMINENT DOMAIN; LIMITING THE RIGHT
OF EMINENT DOMAIN OF CERTAIN STATE ENTITIES;
AMENDING 29 O.S. 1981, SECTION 3-103, AS LAST
AMENDED BY SECTION 1, CHAPTER 193, O.S.L. 1990 (29
O.S. SUPP. 1990, SECTION 3-103), WHICH RELATES TO
POWERS AND DUTIES OF THE WILDLIFE CONSERVATION
COMMISSION; DELETING POWER OF CONDEMNATION;
AMENDING 74 O.S. 1981, SECTION 356.2, AS RENUMBERED
BY SECTION 25, CHAPTER 188, O.S.L. 1987, AND AS
LAST AMENDED BY SECTION 10, CHAPTER 287, O.S.L.
1988 (74 O.S. SUPP. 1990, SECTION 1847.1), WHICH
RELATES TO POWERS OF THE OKLAHOMA TOURISM AND
RECREATION COMMISSION; DELETING POWER OF
CONDEMNATION; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.

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 5.1 of Title 27, unless there is created a duplication in numbering, reads as follows:

Except as otherwise specifically authorized by the Legislature, no department, board, commission, institution or agency of this state shall have the right of eminent domain exclusively for recreational, tourism or wildlife purposes.

SECTION 2. AMENDATORY 29 O.S. 1981, Section 3-103, as last amended by Section 1, Chapter 193, O.S.L. 1990 (29 O.S. Supp. 1990, Section 3-103), is amended to read as follows:

Section 3-103. A. The Wildlife Conservation Commission shall constitute an advisory, administrative and policymaking board with whom the Director shall consult regarding the administration of the affairs of the Department. The Commission is authorized and empowered to require from the Director complete reports and information relative to the affairs of the Department at such time and in such manner as the Commission may deem advisable. The Commission shall meet on the first Monday in each month in regular session and in such special sessions as may be called by the Chairman or a majority of the Commission. All regular sessions and all special sessions will be held at the Commission headquarters at 1801 North Lincoln in Oklahoma City, Oklahoma.

B. In addition to the other powers and duties prescribed by law, the Commission shall:

1. Institute ~~and~~ an affirmative action plan setting goal of hiring women and minorities throughout the agency; and

2. Elect a chairman, vice-chairman, and secretary, who shall perform the duties required of them by the rules and regulations of the Commission and the statutes and Constitution of the State of

Oklahoma. Said chairman, vice-chairman, and secretary shall receive no extra compensation therefor; and

3. Appoint a Director, and determine the qualifications of said Director and all assistants and employees. A Commissioner shall not be eligible for employment in any position within the Department; and

4. Prescribe rules, regulations, and policies for the transaction of its business and the control of the Department; and

5. Develop and implement a plan to provide step raises for Commission Employees so that discrepancies within pay levels within a pay grade will be eliminated; and

6. Acquire by purchase, lease, ~~condemnation~~, gift, or devise, waters, real property, and personal property incident to the exercise of its functions and to maintain, operate, and dispose of the same; and

7. Supervise the establishment, extension, improvement, and operation of the wildlife refuges, propagation areas or stations, public hunting areas, public fishing areas, game management areas, and fish hatcheries; and

8. Prescribe the manner of cooperation with the Tourism and Recreation Department, colleges and universities within the state, other state agencies, any agency of the federal government, and any city, town, school district, or any other agency or organization in study of conservation and propagation of wildlife and in the establishment, maintenance, and operation of visual educational facilities, recreational facilities, and hunting and fishing facilities, in the study and propagation of wildlife; and

9. Supervise the letting of all contracts and purchases for the Department, with all purchases of personal property to be made through the Purchasing Division of the Office of Public Affairs; and

10. Authorize all claims or expenditures prior to the incurring of payment therefor except as otherwise provided in this Code; and

11. Prescribe rules and regulations for the sale of all regular or special licenses; and

12. Publicize and encourage the conservation and appreciation of wildlife and all other natural resources; and

13. Regulate the seasons and harvest of wildlife; and

14. Annually report to the Governor and the Legislature on the complete operation, activities, and plans of the Department, together with such recommendations for future activities as the Commission may deem to be in the best interest of the state; and

15. Provide the Governor and the Legislature with an annual inventory of all property and equipment.

SECTION 3. AMENDATORY 74 O.S. 1981, Section 356.2, as renumbered by Section 25, Chapter 188, O.S.L. 1987, and as last amended by Section 10, Chapter 287, O.S.L. 1988 (74 O.S. Supp. 1990, Section 1847.1), is amended to read as follows:

Section 1847.1 A. The Commission is granted the additional powers herein given it for the purpose of operating, maintaining, extending and improving state parks in the State of Oklahoma, including specifically all parks and park and recreational properties now owned or leased by the state or by the Commission together with all additions which may be made thereto and all additional park and recreational properties which may be acquired hereafter by the Commission and by the state.

The Commission shall have and is hereby authorized to exercise the following powers, rights and privileges:

1. To have the exclusive possession and control of, and to control, operate and maintain for the benefit of the people of the State of Oklahoma all state parks and all lands and other properties now or hereafter owned or leased by the state or Commission for park or recreational purposes.

2. To acquire by purchase, lease, gift, ~~condemnation~~ or in any other manner, except condemnation, and to maintain, use and operate

any and all property, real, personal or mixed, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this act. Title to all such property shall be vested in the State of Oklahoma, although such property is sometimes herein referred to as property "of the Commission." ~~The power of condemnation herein granted shall be exercised in the manner provided by the general laws of the state for the condemnation of property by the state.~~

3. Subject to the provisions of this act, from time to time to lease, without restriction as to term, any property which said Commission shall determine advisable to more fully carry into effect the duties and powers of said Commission.

4. To acquire, construct, extend, improve, maintain and operate any and all facilities of all kinds which in the judgment of the Commission will provide recreational or other facilities for the benefit of the public, or which are necessary or convenient to the exercise of the powers of the Commission.

5. To sue and be sued.

6. To adopt, use and alter an official seal.

7. To make bylaws for the management and regulation of its affairs.

8. To appoint officers, agents and employees and prescribe their duties and to fix their compensation.

9. To make such contracts and execute such instruments as in the judgment of the Commission are necessary or convenient to the exercise of the powers conferred upon it by this act.

10. To prescribe and enforce rules and regulations for the use of all recreational and other facilities and properties of the Commission, including the restriction or prohibition of the use of firearms, the inspection of boats, the issuance of permits for the operation of watercraft of all kinds, the charging and collection of fees for the inspection and for the operation of such craft,

prescribing the type, style, location and equipment of all wharves, docks and anchorages, pavilions, restaurants and other structures or buildings which may be constructed along shores or upon the waters of any body of water or upon other property controlled by the Commission and providing for the licensing, inspection and supervision of same, and granting and imposing charges for permits and for all commercial uses or purposes to which any of the properties of the Commission or any structures or buildings located on property of the Commission may be used.

11. The Commission shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities rendered by all property of the Commission. The Commission may erect cabins and support facilities on any land under its control. The Commission may operate or lease cabins, lodges, restaurants and other facilities and improvements for the public making use of the recreational facilities surrounding such improvements.

B. All fees, licenses and other charges shall be posted in a convenient place in each park. Each and everyone using any of the facilities of said park shall be charged the same fees, licenses and every other charge except:

1. individuals sixty-two (62) years of age and over and his or her spouse;

2. individuals who have been certified as totally disabled under state or federal law and his or her spouse will be entitled to a fifty percent (50%) reduction which shall apply to recreation use facilities; and

3. children's groups that provide beneficial services at the facility for which the fee is reduced. Identification may be established by presentation of state driver's license or birth certificate. The failure to collect such fees, licenses and other

charges shall subject the employees of the Commission to a fine of Twenty-five Dollars (\$25.00) for each and every violation.

SECTION 4. This act shall become effective September 1, 1991.

Passed the House of Representatives the 5th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate