

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 530

By: Herbert and Hooper of the
Senate

and

Mitchell of the House

COMMITTEE SUBSTITUTE

An Act relating to tourism; amending 74 O.S. 1991, Sections 1810, as amended by Section 1, Chapter 97, O.S.L. 1992 and 1847.1, as amended by Section 20, Chapter 373, O.S.L. 1992 (74 O.S. Supp. 1992, Sections 1810 and 1847.1), which relate to state-owned lodges and powers and duties of the Oklahoma Tourism and Recreation Commission; authorizing certain lease agreements for state-owned lodges; providing exceptions; authorizing disposal of certain lodges; authorizing Commission to enter into certain contracts for the purpose of managing the operation and maintenance of golf courses and pro shops; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1810, as amended by Section 1, Chapter 97, O.S.L. 1992 (74 O.S. Supp. 1992, Section 1810), is amended to read as follows:

Section 1810. The Division of Lodges shall, subject to the policies, rules and regulations of the Oklahoma Tourism and Recreation Commission:

1. Plan, supervise, construct, enlarge, improve, equip and operate state-owned lodges and cabins, under the jurisdiction and control of the Commission;
2. Adopt rules and regulations for the administration and use of state-owned lodges, ~~except that the five original state lodges, namely, Lake Murray Lodge, Quartz Mountain Lodge, Roman Nose Lodge, Western Hills Lodge and Texoma Lodge, shall be operated by the State of Oklahoma and shall not be leased to any person, firm or agency for the operation thereof; except~~ to include rules

allowing the State of Oklahoma may to lease concessions in any of
said lodges state-owned lodge if the Commission deems it
feasible, except that Quartz Mountain Lodge shall be operated by
the State of Oklahoma and shall not be leased or sold to any
person, firm or agency for the operation thereof;

3. Obligate and expend funds in conformity with the general
state laws governing such activity; ~~and~~

4. Exercise all authority and powers now vested in the
Oklahoma Industrial Development and Park Commission and the
Oklahoma Industrial Development and Park Department relating to
state-owned lodges; and

5. Be authorized to enter into contracts for the sale of any
state-owned lodge or attendant facilities including golf courses,
swimming pools or other improvements, except Quartz Mountain
Lodge.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1847.1, as
amended by Section 20, Chapter 373, O.S.L. 1992 (74 O.S. Supp.
1992, 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, or in any other
manner 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. To acquire real property by condemnation only when the Attorney General or other counsel deems it an appropriate means of clearing title from willing or unavailable sellers.

4. 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.

5. 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.

6. To sue and be sued.

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

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

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

10. 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.

11. 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.

12. To 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, provided that their home state provides similar discounts to Oklahoma residents;

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;

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; and

4. Special discount rates as authorized in paragraphs 1 and 2 of this subsection may be waived for subject individuals who are members of a group being provided a special group rate in accordance with Section 1834 of this title.

C. Subject to the approval of the Contingency Review Board, the Commission shall have the authority to enter into contracts with individuals or corporations for the purpose of the sale as authorized by law of any state-owned lodge or for the purpose of managing the operation and maintenance of state-owned golf courses and pro shops, either individually or collectively. Such contracts may include multiple provisions for compensation, including but not limited to the payment of salary, payment of commission for net sales, payment of commission for total green fees, payment of commission for pro shop sales, or any combination thereof. Additionally, the Commission shall have the authority to lease the pro shops to individuals or corporations, in conjunction with contracts heretofore mentioned.

SECTION 3. 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.

44-1-9569

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