

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 917

By: Taylor and Haney of the  
Senate

and

Hamilton (James) and  
Steidley of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to cultural development entities; amending 62 O.S. 1991, Section 7.12, as amended by Section 11, Chapter 367, O.S.L. 1992 (62 O.S. Supp. 1993, Section 7.12), which relates to minimum annual salary of state employees; modifying exceptions; amending 74 O.S. 1991, Section 1847.1, as last amended by Section 2, Chapter 331, O.S.L. 1993 (74 O.S. Supp. 1993, Section 1847.1), which relates to powers of the Oklahoma Tourism and Recreation Commission; authorizing establishment of rates; providing method of determination; requiring submission of proposed rate changes; requiring reporting of rate changes; providing for promulgation of fees; amending Section 67, Chapter 189, O.S.L. 1993, which relates to bond proceeds; modifying project descriptions for the Oklahoma Tourism and Recreation Commission; and providing operative date.

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

OKLAHOMA TOURISM AND RECREATION DEPARTMENT

SECTION 1. AMENDATORY 62 O.S. 1991, Section 7.12, as amended by Section 11, Chapter 367, O.S.L. 1992 (62 O.S. Supp. 1993, Section 7.12), is amended to read as follows:

Section 7.12 Except as otherwise provided by law, any full-time classified, unclassified or exempt employee of the state, excluding members of boards and commissions, institutions under the administrative authority of the Oklahoma State Regents ~~of~~ for Higher Education, employees of public school districts and elected officials, on July 1, 1991, and earning less than Twelve Thousand Sixty-three Dollars (\$12,063.00) per annum shall receive the

necessary grade or salary adjustment to provide for a minimum annual salary of Twelve Thousand Four Hundred Eighty-three Dollars (\$12,483.00). Any full-time classified, unclassified or exempt employee of the state, excluding members of boards and commissions, institutions under the administrative authority of the Oklahoma State Regents ~~of~~ for Higher Education, employees of public school districts and elected officials, employed after July 1, 1991, shall receive a minimum annual salary of Twelve Thousand Four Hundred Eighty-three Dollars (\$12,483.00). This section shall not apply to those persons employed pursuant to paragraph 12, Section 840.8 of Title 74 of the Oklahoma Statutes or to those persons employed pursuant to Sections 1806.1 ~~and~~, 1825 and 1825.1 of Title 74 of the Oklahoma Statutes or those persons employed pursuant to Section ~~10~~ 1.6a of ~~this act~~ Title 53 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1847.1, as last amended by Section 2, Chapter 331, O.S.L. 1993 (74 O.S. Supp. 1993, 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 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, and fees, ~~tolls or charges~~ pursuant to the provisions of this section for the services, facilities and commodities rendered by all property of the Commission.

- a. The Commission may establish rates for rooms at the state lodges and cabins, for recreational activities, for recreational vehicles and camping sites, and for community facilities under control of the Commission. The method whereby such rates are determined shall be promulgated pursuant to Article I of the Administrative Procedures Act. At least twenty (20) days prior to the adoption or approval of any rate changes by the Commission, the Department shall submit a copy of such proposed rates, for informational purposes, to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate. Any change in such rates during the year or when the Legislature is not in session shall be reported in writing to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate within five (5) business days of such Commission action.
- b. Fees shall be promulgated pursuant to Article I of the Administrative Procedures Act.

13. 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.

~~13.~~ 14. To develop a pay incentive plan for employees of the Division of State Lodges. Such incentive pay shall be considered as bonus pay, not to be included in an employee's base salary, and shall be based on customer service and improved financial conditions of state lodges if gross revenues for fiscal year 1994 and each fiscal year thereafter from sales and products and services at the state lodges exceeds fiscal year 1993 gross revenues. The total amount of all pay incentives shall be limited to the difference between the increases from the previous fiscal year. Such pay incentive plan shall not be implemented before April 1, 1994. The Commission shall promulgate rules for the implementation of such plan.

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. Residents of this state sixty-two (62) years of age and over and their spouses, and nonresidents sixty-two (62) years of age and over and their spouses, provided that their home state provides similar discounts to Oklahoma residents. Identification may be established by presentation of the state driver's license, state license for identification only, birth certificate of such persons or any other form of identification authorized by the Commission;

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

3. Children's groups, volunteer groups as specified by the Commission, or governmental entities that provide beneficial services at the facility for which the fee may be reduced or waived. 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.

SECTION 3. AMENDATORY Section 67, Chapter 189, O.S.L. 1993, is amended to read as follows:

Section 67. The funds appropriated in Section 66 of this act shall be allocated by the Oklahoma Tourism and Recreation Department for the following projects and in the following amounts:

Statewide Park Improvements:

Tourist Information Center, Miami	\$500,000.00
Tourist Information Center, Catoosa	500,000.00
Tourist Information Center, Colbert	500,000.00
Tourist Information Center, <del>Walters</del>	500,000.00

Interstate 44 (Comanche County)

Tourist Information Center, Highway 412 (Deleware County)	500,000.00
Road Emergencies	100,000.00
Handicap Compliance	349,991.00
Recreation Equipment & Trails	400,000.00
Federal Match for Fisherman Access and other federal programs	<u>200,000.00</u>

Subtotal - Statewide Park Improvements \$3,549,991.00

Beavers Bend State Park:

Infrastructure & Park Improvement	\$800,000.00
Forest Heritage Center Repairs	<u>150,000.00</u>

Subtotal - Beavers Bend State Park \$950,000.00

Western Hills Nature Center,

Visitor Center, Pro Shop	\$650,000.00
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Lake Texoma State Park:

Kitchen, Dining Room, Meeting Facilities and other <del>ledge resort/park</del> improvements or repairs	\$750,000.00
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Road and parking lot construction

or repairs	<u>288,474.00</u>	
Subtotal - Lake Texoma State Park		\$1,038,474.00
Lake Murray State Park:		
Tucker Tower Historical Preservation	\$100,000.00	
Gas Line/Utility Improvements	100,000.00	
Swimming Pool	131,000.00	
Facility Rehabilitation	<u>100,000.00</u>	
Subtotal - Lake Murray State Park		\$431,000.00
Fountainhead State Park:		
Sewage Treatment	\$100,000.00	
Road and parking lot construction or repairs	<u>179,453.00</u>	
Subtotal - Fountainhead State Park		\$279,453.00
Roman Nose State Park:		
Water Treatment		\$148,940.00
Quartz Mountain State Park:		
Sewage Treatment	\$263,000.00	
<del>Road and parking lot construction or repairs</del>		
<u>Park sewer system construction and repair</u>	<u>87,379.00</u>	
Subtotal - Quartz Mountain State Park		\$350,379.00
Robbers Cave State Park:		
Sewage Treatment	\$ 51,400.00	
Campgrounds, Stables, & Park Improvements	<u>300,000.00</u>	
Subtotal - Robbers Cave State Park		\$351,400.00
Red Rock Canyon State Park:		
Sewage Treatment	\$111,420.00	
Road and parking lot construction or repairs	114,492.00	
Park Visitor Center	<u>50,000.00</u>	
Subtotal - Red Rock Canyon State Park		\$275,912.00
McGee Creek State Park:		
Road and parking lot construction		

or repairs	\$495,283.00	
Park Visitor Center	50,000.00	
Park Improvements	<u>400,000.00</u>	
Subtotal - McGee Creek State Park		\$945,283.00
Keystone State Park:		
Road and parking lot construction		
or repairs	\$310,346.00	
Facility Rehabilitation	<u>100,000.00</u>	
Subtotal - Keystone State Park		\$410,346.00
Sequoyah State Park:		
Road and parking lot construction		
or repairs	\$260,730.00	
Facility Rehabilitation	<u>100,000.00</u>	
Subtotal - Sequoyah State Park		\$360,730.00
Okmulgee State Park:		
Road and parking lot construction		
or repairs		\$117,332.00
Osage Hills State Park:		
Facility Rehabilitation		\$100,000.00
Boiling Springs State Park:		
Facility Rehabilitation		\$100,000.00
Black Mesa State Park:		
Facility Rehabilitation		\$100,000.00
Lake Wister State Park:		
Facility Rehabilitation	\$100,000.00	
Road and parking lot construction		
or repairs	5,760.00	
Park Visitor Center	<u>50,000.00</u>	
Subtotal - Lake Wister State Park		\$155,760.00
Greenleaf State Park:		
Facility Rehabilitation		\$50,000.00
Lake Tenkiller State Park:		
Facility Rehabilitation		\$50,000.00
Honey Creek State Park:		
Park Visitor Center		\$50,000.00
Cherokee Landing State Park:		

<del>Park Visitor Center Facility rehabilitation</del>	\$50,000.00
Dripping Springs State Park - Okmulgee:	
Park Visitor Center	\$50,000.00
Dripping Springs State Park - Delaware County:	
Park Improvements	\$350,000.00
Little River State Park:	
Park Improvements	\$300,000.00
Southeastern University Museum	\$500,000.00
Oklahoma Jazz Hall of Fame	\$750,000.00
Talimena State Park	\$25,000.00
Heavener Runestone State Park	\$25,000.00
Little Sahara State Park	\$80,000.00
Oklahoma Outdoor Performing Arts Center	<u>\$185,000.00</u>
TOTAL - Tourism & Recreation	\$12,780,000.00

SECTION 4. This act shall become operative July 1, 1994.

44-2-2650           BH