

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE JOINT
RESOLUTION NO. 1082

By: Mitchell of the House

and

Hooper of the Senate

AS INTRODUCED

A Joint Resolution disapproving certain proposed rule of the Oklahoma Tourism and Recreation Commission relating to changes in certain fees; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to determine that a proposed rule is not consistent with legislative intent and disapprove such rule or any portion thereof; and

WHEREAS, on March 7, 1994, the Oklahoma Tourism and Recreation Commission adopted amendments to OAC Rule 725:30-6-1, which relates to recreation fees, discounts and waivers; and

WHEREAS, state law pursuant to paragraph 11 of subsection A of Section 1847.1 of Title 74 of the Oklahoma Statutes authorizes the Oklahoma Department of Tourism and Recreation to promulgate rules relating to the setting of certain fees; and

WHEREAS, Rule 725:30-6-1 adds a provision that eliminates both public input and legislative oversight of fee increases and decreases; and

WHEREAS, proposed OAC Rule 725:30-6-1 does not reflect the intent of the Legislature or the policy or law of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
AND THE SENATE OF THE 2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. Proposed modifications and deletions of OAC Rule
725:30-6-1 are hereby disapproved by the Oklahoma Legislature.

SECTION 2. All proposed modifications and deletions of the
language of the Rule which are disapproved by this resolution read
as follows:

"725:30-6-1. Fee authority, requirements, discounts and
waivers.

(a) Recreation fees are hereby established as approved by the
Oklahoma Tourism and Recreation Department Commission. The
Commission shall prescribe rates, fees, tolls, or charges for the
services, facilities and commodities rendered by all property of the
Commission [74:1847.1(A)(11)]. Such fees, rates and charges shall
be based upon staff recommendation pursuant to prevailing market
conditions for similar facilities, services or merchandise. Fees,
rates and charges shall be structured in a manner which is
competitive with the private sector and avoids undercutting.

~~(b) For the purposes of this chapter all fees defined are
established at the maximum rate.~~

~~(c)~~ (b) All fees and charges shall be posted in a convenient
location in each park. Every person using any facility shall be
charged the same fee except:

(1) Individuals 62 years of age and over and his or her spouse,
provided that their home state provides similar discounts to
Oklahoma residents, are entitled to discounts for camping, cabin
rental, golf, cave tours, swimming and bicycle rentals. A driver's
license shall be used for verification of age and residency state.
A current list of reciprocal states and discounts offered shall be
available at park offices [74:1847.1(B)(1)]. ~~Discounts are defined
within specific sections of this subchapter.~~

(2) Individuals who have been certified as totally (100%) disabled or blind as defined by state or federal law and ~~his or her spouse will~~ immediate family members (living in household) shall be entitled to a ~~fifty percent (50%)~~ discount which shall apply to camping, cabins, golf, cave tours, swimming and bicycle rentals regardless of residency. Accepted means of verifying total disability are by the presentation of a medicare card; hunting and fishing license issued by the Veteran's Administration; award letter of disability from a retirement insurance board, commission or administrator which defines total disability, or a letter from their physician defining total disability [74:1847.1(B)(2)]. ~~Discounts are defined within specific sections of this subchapter.~~

(3) Children's groups that provide beneficial services are entitled to discounts for camping, shelters and swimming [74:1847.1(B)(3)]. Such services shall be restricted to projects which provide environmental education awareness such as tree planting, refuse clean up, or wildlife habitat improvement. Children's groups performing a minimum of 2 hours service toward such projects shall be entitled to prescribed fee discounts. For the purpose of this section a group is 5 or more persons and a child is a person under the age of 18. ~~Discounts are defined within specific sections of this subchapter.~~

~~(d)~~ (c) The director may, when in the public interest, prescribe times or periods during which the collection of fees may be waived or suspended.

~~(e)~~ (d) The director may offer special group or promotional rates in accordance with 74 O.S., Section 1834. Current discounts are offered for camping to the Good Sam Club and Family Campers and RVers Association.

~~(f)~~ (e) Using campground sites, facilities, equipment or services, or participating in group activities, recreation events, or other specialized recreation uses for which fees have been

established without paying such fees is prohibited. Violation of the terms and conditions of this section may result in the suspension or revocation of the use of the facility, equipment or service or any other penalties prescribed by state law."

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Oklahoma Tourism and Recreation Commission and the editor of "The Oklahoma Register".

SECTION 4. 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.

44-2-L9548

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