

SHORT TITLE: Waters and water rights; modifying authority of Scenic Rivers Commission; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 210

By: Rozell

AS INTRODUCED

An Act relating to the Scenic Rivers Commission;

amending 82 O.S. 1991, Section 1470, which relates to Scenic Rivers Commission; authorizing additional fee for late payments of certain fees; authorizing Administrator to be certified as a state park ranger for certain purposes; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1470, is amended to read as follows:

Section 1470. A. The Scenic Rivers Commission for the Flint Creek, Illinois River and those portions of Barren Fork Creek within Cherokee County is authorized and directed to charge an annual use fee of Five Dollars (\$5.00) per commercially owned and operated flotation device. The operation of a commercial flotation device without displaying a proper Oklahoma Scenic Rivers Commission license is subject to a fine not to exceed One Hundred Dollars (\$100.00). Said penalty will be assessed upon the owner or operator of the commercial flotation device business and not upon the individual renting the commercial flotation device.

B. In addition to the annual use fee imposed on a commercially owned and operated flotation device, there shall be imposed a user fee of One Dollar (\$1.00) per trip per flotation device to be paid by the individual renting the commercial flotation device. Said fee

shall be paid into the Scenic Rivers Commission Revolving Fund. This per-trip user fee shall also be levied on privately owned canoes except as stated by subsection E of this section. If a commercial operator fails to remit such user fees on schedule as required by the Scenic Rivers Commission, such operator shall be assessed an additional fee of One Hundred Dollars (\$100.00) per week for each week he remains in arrearage.

C. The Scenic Rivers Commission for the Flint Creek, Illinois River and those portions of Barren Fork Creek within Cherokee County Scenic River Areas shall promulgate rules and regulations for the collection and administration of the fees imposed pursuant to the provisions of this section in accordance with the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes.

D. The Oklahoma Tax Commission shall conduct an annual on-the-scene audit of all commercial flotation device businesses to determine if all fees required are being properly collected and reported. Such audit shall be conducted at least once each three (3) years.

E. Property owners adjacent to the rivers under the operating area of the Scenic Rivers Commission may own and operate one canoe for their individual use without paying the use fee. The Commission may contract with the Oklahoma Tourism and Recreation Department or the sheriff's office of Cherokee County, Adair County, or Delaware County for the ranger personnel necessary to secure said scenic river area.

F. The Administrator of the Scenic Rivers Commission is hereby authorized to be commissioned as a state park ranger after completion of all required training for the purpose of supervision of park rangers employed by the Commission and such administrator may be utilized for any law enforcement purpose as may be necessary.

G. For the purposes of this section, the term commercial flotation device shall mean a canoe, boat, raft, inner tube or other similar device suitable for the transportation of a person or persons on waterways which is available for hire by the public for use on waterways within the operating area of the Oklahoma Scenic Rivers Commission.

SECTION 2. 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.

44-1-0260

MJM