SB 446

THE STATE SENATE
Tuesday, February 27, 2001

Senate Bill No. 446

SENATE BILL NO. 446 - By: ROZELL of the Senate and WILSON of the House.

An Act relating to waters and water rights; amending 82 O.S. 1991, Section 1470, as last amended by Section 2, Chapter 318, O.S.L. 2000 and 1471, as amended by Section 26, Chapter 241, O.S.L. 1997 (82 O.S. Supp. 2000, Sections 1470 and 1471), which relate to the Scenic Rivers Commission; imposing certain new user fees; providing for certain landowners to operate one flotation device without paying certain fees; authorizing Commission to promulgate rules imposing new camping fee; modifying statutory language; defining terms; requiring Commission to collect fees year round; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1470, as last amended by Section 2, Chapter 318, O.S.L. 2000 (82 O.S. Supp. 2000, Section 1470), is amended to read as follows:

Section 1470. A. 1. 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.

2. 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). The 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. 1. 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 or a user fee of Two Dollars ($2.00) per trip per raft to be paid by the individual renting the commercial flotation device or raft. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

2. ~~This~~ A per-trip user fee of One Dollar ($1.00) shall also be levied on privately owned ~~canoes except as stated by subsection E of this section~~ flotation devices and a Two Dollar ($2.00) per trip flotation fee shall be levied on privately owned rafts.

3. Property owners adjacent to the rivers under the operating area of the Scenic Rivers Commission may own and operate one flotation device for their individual use without paying the user fees assessed by this section.

4. 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 Twenty-five Dollars ($25.00) per week for each week he remains in arrearage. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

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.

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 establish a fee for use of camping sites located in public use and access areas controlled by the Commission. The fee charged by the Commission shall not exceed the rate charged by the Oklahoma Tourism and Recreation Department for camping sites. The Commission is authorized to promulgate rules to implement such fee pursuant to Article I of the Administrative Procedures Act.

F. 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, including all roadways and adjacent areas to the Illinois River, Flint Creek, and the portion of the Baron Fork Creek located in Cherokee County.

G. The administrator of the Scenic Rivers Commission is 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~~ under contract with the Commission and such administrator may be utilized for any law enforcement purpose as may be necessary.

H. 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. The term "raft" shall mean a privately owned or commercially operated inflatable flotation device which has a fixed floor and is able to transport two or more persons.

SECTION 2. AMENDATORY 82 O.S. 1991, Section 1471, as amended by Section 26, Chapter 241, O.S.L. 1997 (82 O.S. Supp. 2000, Section 1471), is amended to read as follows:

Section 1471. Fees assessed in subsection B of Section 1470 of this title shall be collected ~~for the months May 1 through October 1~~ year round.

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.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-21-01 - DO PASS, As Coauthored.