

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1603

By: Peters

AS INTRODUCED

An Act relating to tourism; amending 74 O.S. 1991, Section 1847.1, as last amended by Section 2, Chapter 228, O.S.L. 1995 (74 O.S. Supp. 2000, Section 1847.1), which relates to additional powers of the Oklahoma Tourism and Recreation Commission; authorizing the Commission to implement an incentive program to improve private concession maintenance within certain properties; stating intent; requiring the promulgation of certain rules; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 1847.1, as last amended by Section 2, Chapter 228, O.S.L. 1995 (74 O.S. Supp. 2000, 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 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;

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 no more than the difference between the net 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; and

15. To develop a pay incentive plan for employees of the Division of State Parks and Oklahoma Today Magazine. 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 parks for park employees or Oklahoma Today Magazine for employees of the magazine, if gross revenues for fiscal year 1996 and each year thereafter from sales and products and services at the state parks, for park employees, or Oklahoma Today Magazine, for the magazine employees, exceed fiscal

year 1995 gross revenue. Provided, the incentive pay for employees of the golf operations shall be based only on customer service and improved financial conditions of the golf operations. The financial conditions of golf operations shall not be considered in the award of incentive pay to employees in other areas of the Division of State Parks. The total amount of all pay incentives shall be limited to no more than the difference between the net increases from the previous fiscal year. Such pay incentive plan shall not be implemented before April 1, 1996. The Commission shall promulgate rules for the implementation of the 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. The Commission may promulgate rules establishing different fees for residents and nonresidents specified in this paragraph. Fees may reflect the seasonal usage of the parks and facilities and/or promotional purposes and goals. 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.

C. The Commission shall have the authority to implement an incentive program to improve private concession maintenance within properties under the jurisdiction of the Commission. The intent of the incentive program is to encourage concessionaires to maintain the improvements that they own or operate throughout the duration of their ownership or leasehold interest. The Commission shall promulgate rules for the implementation of the program.

SECTION 2. This act shall become effective July 1, 2001.

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.

48-1-5996            MCD            6/12/15