

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL 2319

By: Wilson of the House

and

Shurden of the Senate

COMMITTEE SUBSTITUTE

[ tourism - Oklahoma Tourism and Recreation  
Commission and park rangers - effective date -

emergency ]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 1804, as last amended by Section 1, Chapter 457, O.S.L. 2003 (74 O.S. Supp. 2003, Section 1804), is amended to read as follows:

Section 1804. A. The Oklahoma Tourism and Recreation Commission shall consist of eight (8) members. One member shall be appointed from each congressional district, who shall be a resident and a qualified elector in the district which appointed, and the remaining members shall be appointed from the state at large, one of whom shall possess and maintain a fishing license issued by the Department of Wildlife Conservation, or shall have been active through business or organizations in the promotion of fishing in the State of Oklahoma for at least five (5) years, or shall possess the skills to communicate the views of the fishing community, not only to those who live in the State of Oklahoma, but also to those outside its borders. However, when congressional districts are redrawn each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term

of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. Appointments made after July 1 of the year in which such modification becomes effective shall be from any redrawn districts which are not represented by a board member until such time as each of the modified congressional districts are represented by a board member. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. No more than one member shall be from any one county. Commission members shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. At the expiration of the term of each member the Governor shall appoint a successor who shall serve for a term of six (6) years. The Lieutenant Governor shall serve as an ex officio voting member of the Commission. Whenever a vacancy on the Commission occurs by death, resignation, or otherwise, the Governor shall fill the same by appointment, with the advice and consent of the Senate, and the appointee shall hold office during the unexpired term. Each member shall hold office until his or her successor has been appointed and qualified.

B. No member of the Commission shall seek election to a federal, state, or county office while serving on the Oklahoma Tourism and Recreation Commission.

C. Each member of the Commission, before serving on the Commission, shall take and subscribe to the constitutional and statutory oaths of office and file said oaths with the Secretary of State. Members of the Commission shall be reimbursed for travel expenses to Commission meetings as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.

D. ~~Within three (3) days after appointment of the Commission, the Governor shall call such Commission to meet at Oklahoma City.~~

The Commission shall be organized by the Governor who shall appoint from the Commission the Chair, the Vice Chair, and the Secretary.

E. The Commission is authorized and directed to adopt rules ~~and regulations~~ as it deems necessary for conducting its business, for performing its duties and responsibilities, and for governing its proceedings.

F. A majority of the Commission shall constitute a quorum for transacting business. The Commission shall meet at least ~~monthly~~ quarterly and may meet more often, such as on a monthly basis, or at such other times as it deems necessary for effectively performing its duties and responsibilities. Special meetings may be called by the Chair or by any three members of the Commission.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 1811.2, is amended to read as follows:

Section 1811.2 A. Park rangers, when commissioned, shall have all the powers of peace officers except the serving or execution of civil process, and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, highway patrolmen and police officers in their respective jurisdictions and shall possess all immunities and matters of defense now available or hereafter made available to sheriffs, the highway patrol, and police officers in any suit brought against them in consequence of acts done in the course of their employment, provided, however, they shall comply with the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

B. Park rangers, when first appointed, shall be required to serve a probationary period of twelve (12) months. The Director of state parks may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period their services may be terminated at any time in accordance with Department

procedure and at the discretion of the Director of State Parks. Retention of the employee, after expiration of the probationary period, shall entitle the employee to be classified as a permanent employee.

C. Notwithstanding any other provision of law, no person may:

1. Discharge fireworks in any posted areas of a state park;

2. Possess any glass container in a designated and posted swim or beach area within a state park;

3. Build a fire within a state park in areas posted as prohibited by the Department;

4. Solicit or demand gifts, money, goods or services within a state park; ~~or~~

5. Sell, hawk, or peddle within a state park any goods, wares, merchandise, liquids, edibles, or any item of value, without having a contract or lease agreement approved by the Oklahoma Tourism and Recreation Commission; or

6. Fail to pay any fee, rate or charge payable to the Oklahoma Tourism and Recreation Department.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

E. Fifty percent (50%) of all monies collected pursuant to this section shall be deposited in the Oklahoma Tourism and Recreation Department Revolving Fund, and fifty percent (50%) shall be remitted to the county in which the violation is made.

F. 1. Any person arrested while violating the provisions of this section in regard to the payment of a state park entrance fee, may purchase a substitute thirty-day park pass from the arresting park ranger in lieu of posting bond. The fee for a substitute thirty-day park pass purchased pursuant to the provisions of this

subsection shall be equivalent to the annual park pass fee in effect at the time of arrest.

2. The fee for a substitute thirty-day park pass purchased pursuant to the provisions of this subsection shall be deposited in the State Park System Improvement Revolving Fund.

G. Unless a substitute annual pass is purchased as provided for by subsection F of this section, any person convicted of violating this provision shall be punished by a fine as identified in subsection D of this section.

H. Any person producing proof in court that a state park entrance fee pass was in force at the time of the alleged offense shall be entitled to dismissal of a charge of violating this section upon payment of court costs; however, if proof of a state park entrance fee pass is presented to the court or district attorney within seventy-two (72) hours after the violation, the charge shall be dismissed and payment of court costs shall not be required.

SECTION 3. This act shall become effective July 1, 2004.

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.

49-2-3078

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