

ENROLLED SENATE  
BILL NO. 75

By: Morgan and Robinson of the  
Senate

and

Mitchell and Bonny of the  
House

An Act relating to the Scenic Rivers Commission;  
amending 82 O.S. 2001, Section 1470, as amended by  
Section 7 of Enrolled Senate Bill No. 357 of the 1st  
Session of the 49th Oklahoma Legislature, which  
relates to the Scenic Rivers Act; modifying fees;  
modifying audit requirements; providing an effective  
date; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1470, as  
amended by Section 7 of Enrolled Senate Bill No. 357 of the 1st  
Session of the 49th Oklahoma Legislature, is amended to read as  
follows:

Section 1470. A. 1. The Scenic Rivers Commission for the  
Flint Creek and Illinois River within Adair, Cherokee and Delaware  
Counties 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 person 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. A ~~per-trip per-person~~ user fee of One Dollar (\$1.00) shall  
also be levied on privately owned flotation devices and ~~a two-dollar~~  
~~per trip flotation fee shall be levied on privately owned rafts.~~

3. Property owners adjacent to the rivers located within 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 or she remains in arrearage. The fee shall be paid into the Scenic Rivers Commission Revolving Fund.

C. The Scenic Rivers Commission for the Flint Creek and Illinois River within Adair, Cherokee and Delaware Counties 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~~ only those fees required are being properly collected and reported that are required be paid into the Scenic Rivers Commission Revolving Fund pursuant to paragraphs 1 and 4 of subsection B of this section. Such audit shall be conducted at least once each three (3) years.

E. 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 administrator of the Scenic Rivers Commission is authorized to be commissioned as a peace officer after completion of all required training for the purpose of supervision of peace officers 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, kayak, 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. This act shall become effective July 1, 2003.

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.

Passed the Senate the 23rd day of May, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2003.

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Presiding Officer of the House  
of Representatives