

ESB 1381

THE HOUSE OF REPRESENTATIVES  
Monday, April 7, 2008

ENGROSSED

Senate Bill No. 1381

As Amended

ENGROSSED SENATE BILL NO. 1381 - By: WILSON of the Senate and AUFFET of the House.

[ Scenic Rivers Commission - fees - increasing certain fee -  
emergency ]

1 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1470, as last amended by  
2 Section 1, Chapter 364, O.S.L. 2003 (82 O.S. Supp. 2007, Section 1470), is amended to  
3 read as follows:

4 Section 1470. A. 1. The Scenic Rivers Commission for the Flint Creek and Illinois  
5 River within Adair, Cherokee and Delaware Counties and those portions of Barren Fork  
6 Creek within Cherokee County is authorized and directed to charge an annual use fee of  
7 ~~Five Dollars (\$5.00)~~ Thirty-five Dollars (\$35.00) per commercially owned and operated  
8 flotation device.

9 2. The operation of a commercial flotation device without displaying a proper  
10 Oklahoma Scenic Rivers Commission license is subject to a fine not to exceed One  
11 Hundred Dollars (\$100.00). The penalty will be assessed upon the owner or operator of

1 the commercial flotation device business and not upon the individual renting the  
2 commercial flotation device.

3 B. ~~1. In addition to the annual use fee imposed on a commercially owned and~~  
4 ~~operated flotation device, there shall be imposed a user fee of One Dollar (\$1.00) per~~  
5 ~~person per flotation device or raft to be paid by the individual renting the commercial~~  
6 ~~flotation device or raft. The fee shall be paid into the Scenic Rivers Commission~~  
7 ~~Revolving Fund.~~

8 ~~2. A per-person user fee of One Dollar (\$1.00) shall also be levied on privately~~  
9 ~~owned flotation devices and rafts.~~

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

13 ~~4. If a commercial operator fails to remit such user fees on schedule as required by~~  
14 ~~the Scenic Rivers Commission, such operator shall be assessed an additional fee of~~  
15 ~~Twenty-five Dollars (\$25.00) per week for each week he or she remains in arrearage. The~~  
16 ~~fee shall be paid into the Scenic Rivers Commission Revolving Fund.~~

17 C. The Scenic Rivers Commission for the Flint Creek and Illinois River within  
18 Adair, Cherokee and Delaware Counties and those portions of Barren Fork Creek within  
19 Cherokee County Scenic River Areas shall promulgate rules and regulations for the  
20 collection and administration of the fees imposed pursuant to the provisions of this  
21 section in accordance with the Administrative Procedures Act.

1           ~~D. The Oklahoma Tax Commission shall conduct an on-the-scene audit of only~~  
2 ~~those fees collected and reported that are required be paid into the Scenic Rivers~~  
3 ~~Commission Revolving Fund pursuant to paragraphs 1 and 4 of subsection B of this~~  
4 ~~section. Such audit shall be conducted at least once each three (3) years.~~

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

10           F. D. The administrator of the Scenic Rivers Commission is authorized to be  
11 commissioned as a peace officer after completion of all required training for the purpose  
12 of supervision of peace officers employed by the Commission and such administrator may  
13 be utilized for any law enforcement purpose as may be necessary.

14           G. E. For the purposes of this section, ~~the term "commercial flotation device" shall~~  
15 ~~mean~~ means a canoe, boat, kayak, inner tube or other similar device suitable for the  
16 transportation of a person or persons on waterways which is available for hire by the  
17 public for use on waterways within the operating area of the Oklahoma Scenic Rivers  
18 Commission. ~~The term "raft" shall mean~~ "Raft" means a privately owned or  
19 commercially operated inflatable flotation device which has a fixed floor and is able to  
20 transport two or more persons.

1 SECTION 2. It being immediately necessary for the preservation of the public  
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
3 this act shall take effect and be in full force from and after its passage and approval.  
4 COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 04-03-  
5 08 - DO PASS, As Amended.