

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1381

By: Wilson

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5
6 AS INTRODUCED

7 An Act relating to the Scenic Rivers Commission;
8 amending 82 O.S. 2001, Section 1470, as last amended
9 by Section 1, Chapter 364, O.S.L. 2003 (82 O.S. Supp.
10 2007, Section 1470), which relates to fees;
11 increasing certain fee; removing certain user fees;
12 and declaring an emergency.

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

14 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1470, as
15 last amended by Section 1, Chapter 364, O.S.L. 2003 (82 O.S. Supp.
16 2007, Section 1470), is amended to read as follows:

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

23 2. The operation of a commercial flotation device without
24 displaying a proper Oklahoma Scenic Rivers Commission license is
subject to a fine not to exceed One Hundred Dollars (\$100.00). The

1 penalty will be assessed upon the owner or operator of the
2 commercial flotation device business and not upon the individual
3 renting the commercial flotation device.

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

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

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

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

21 ~~C. The Scenic Rivers Commission for the Flint Creek and
22 Illinois River within Adair, Cherokee and Delaware Counties and
23 those portions of Barren Fork Creek within Cherokee County Scenic
24 River Areas shall promulgate rules and regulations for the~~

1 collection and administration of the fees imposed pursuant to the
2 provisions of this section in accordance with the Administrative
3 Procedures Act.

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

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

16 ~~F.~~ D. The administrator of the Scenic Rivers Commission is
17 authorized to be commissioned as a peace officer after completion of
18 all required training for the purpose of supervision of peace
19 officers employed by the Commission and such administrator may be
20 utilized for any law enforcement purpose as may be necessary.

21 ~~G.~~ E. For the purposes of this section, ~~the term~~ "commercial
22 flotation device" ~~shall mean~~ means a canoe, boat, kayak, inner tube
23 or other similar device suitable for the transportation of a person
24 or persons on waterways which is available for hire by the public

1 for use on waterways within the operating area of the Oklahoma
2 Scenic Rivers Commission. ~~The term "raft" shall mean~~ "Raft" means a
3 privately owned or commercially operated inflatable flotation device
4 which has a fixed floor and is able to transport two or more
5 persons.

6 SECTION 2. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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