

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 259 By: Coates of the Senate  
3 and  
4 McNiel of the House  
5  
6

7 ( Oklahoma Tourism, Parks and Recreation Enhancement  
8 Act - authority to issue bonds - modifying bonding  
9 authority -  
10 effective date )  
11  
12

13 AUTHORS: Add the following House coauthors: Remove McNiel as  
14 principal House author and substitute Cox as principal  
15 House author and add Roberts (Dustin) and Roan as  
coauthors

16 AUTHORS: Add the following Senate coauthors: Remove Coates as  
17 principal Senate author and substitute Brecheen as  
principal Senate author and show Coates as coauthor

18 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
19 entire bill and insert

20 "( Oklahoma Tourism and Recreation Department - water  
21 quality -  
22 emergency )  
23  
24

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 2301 of Title 74, unless there  
4 is created a duplication in numbering, reads as follows:

5 A. The Oklahoma Tourism and Recreation Department shall develop  
6 and maintain a website that allows the public to check the water  
7 quality, as it adversely affects human and mammalian animal health,  
8 of recreational bodies of water in this state which are managed by  
9 state or federal agencies or entities. The website shall be made  
10 available to the public on or before December 31, 2012, and shall  
11 provide links to relevant state agency websites.

12 B. Any state or municipal agency with authority to manage a  
13 recreational lake or reservoir in this state shall post signs at  
14 major access points for the body of water stating that information  
15 on water quality is available on the website specified in subsection  
16 A of this section. The Oklahoma Tourism and Recreation Department  
17 shall develop and provide the language for the signs required by  
18 this subsection.

19 C. The State Department of Health shall provide to physicians,  
20 hospital personnel, and local health departments educational  
21 material and information on the effects and symptoms of exposure to  
22 blue-green algae.

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1 D. 1. Any state or municipal agency with authority to manage a  
2 recreational lake or reservoir in this state, to regulate water  
3 quality or regulate public health shall:

- 4 a. issue advisories for blue-green algae for recreational  
5 lakes or reservoirs only when both the blue-green  
6 algae cell count and toxicity testing results exceed  
7 the World Health Organization guidelines for moderate  
8 probability of adverse health effects of one hundred  
9 thousand (100,000) cells per milliliter for cell count  
10 and twenty (20) micrograms per liter for microcystin  
11 toxin levels. The blue-green algae testing shall be  
12 conducted at predetermined locations which are  
13 published along with the testing results, and
- 14 b. lift advisories for blue-green algae for recreational  
15 lakes or reservoirs if the blue-green algae cell count  
16 and toxicity testing results are below guidelines as  
17 set forth in subparagraph a of this paragraph for two  
18 consecutive tests taken at weekly intervals within  
19 thirty (30) calendar days of each other.

20 2. The blue-green algae cell count and toxicity testing  
21 results as described in this subsection may be provided by a public  
22 or private entity.

23 E. Any state or municipal agency with authority to manage a  
24 recreational body of water in this state, to regulate water quality

1 or regulate public health and which may issue blue-green algae lake  
2 advisories shall recognize publicly and privately funded research if  
3 the research is scientifically verifiable and it will ensure that  
4 the public is more informed about water quality and safety. The  
5 Oklahoma Tourism and Recreation Department may publish the findings  
6 of the research on the website specified in subsection A of this  
7 section.

8 F. For purposes of this section:

9 1. "State or municipal agency" means any agency, board,  
10 commission, department, authority, office, subdivision or  
11 instrumentality of the state or a municipality located in the state;  
12 and

13 2. "Recreational lake or reservoir" means a lake or reservoir  
14 on which the public is allowed to fish, boat or swim.

15 G. Nothing in this section shall be construed to amend, modify,  
16 or repeal any state or federal requirements related to water  
17 testing.

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

22 and when title is restored, amend to conform  
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1 ENGROSSED SENATE  
2 BILL NO. 259

By: Coates of the Senate  
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McNiel of the House

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

12 SECTION 3. AMENDATORY Section 57, Chapter 363, O.S.L.  
13 2005 (74 O.S. Supp. 2010, Section 2256), is amended to read as  
14 follows:

15 Section 2256. A. The Commission shall have the power and is  
16 authorized to issue negotiable bonds in anticipation of the  
17 collection of all or any part of its revenues, not to exceed ~~Five~~  
18 ~~Million Dollars (\$5,000,000.00)~~ Ten Million Dollars  
19 (\$10,000,000.00), for the purpose of constructing, reconstructing,  
20 improving, bettering or extending any properties which it is  
21 authorized to maintain or operate hereunder. The Commission shall  
22 pledge all or any part of the revenues derived from the operation of  
23 the parks controlled and operated by the Commission to the payment  
24 of the interest and principal of such bonds.

1 B. The bonds authorized by this section shall be authorized by  
2 resolution of the Commission and may, as provided in such  
3 resolution:

4 1. Be issued in one or more series;

5 2. Bear such date or dates and may mature at such time not  
6 exceeding twenty-five (25) years from their respective dates;

7 3. Bear interest at a rate or rates not exceeding ten percent  
8 (10%) per annum; and

9 4. Contain such terms, covenants and conditions.

10 C. The bonds authorized by this section may be sold in a manner  
11 and upon terms as determined by the Commission. The interest cost  
12 yield to maturity of any issue of bonds shall not exceed ten percent  
13 (10%) per annum, payable semiannually.

14 D. Any resolution authorizing the issuance of bonds under ~~this~~  
15 ~~act~~ Section 2200 et seq. of this title may contain covenants  
16 including, but not limited to:

17 1. The purpose or purposes to which the proceeds of the sale of  
18 bonds may be applied, and the deposit, use, and disposition thereof;

19 2. The use, deposit, securing of deposits, and disposition of  
20 the revenues of the Commission, including the creating and  
21 maintenance of reserves;

22 3. The issuance of additional bonds payable from revenues of  
23 the Commission;

1           4. The operation and maintenance of properties of the  
2 Commission;

3           5. The insurance to be carried thereon, and the use, deposit  
4 and disposition of insurance monies;

5           6. Books of account and the inspection and audit thereof and  
6 the accounting methods of the Commission;

7           7. The nonrendering of any free service by the Commission  
8 except for promotional activities as deemed in this act; and

9           8. The preservation of the properties of the Commission so long  
10 as any of the bonds remain outstanding, from any mortgage, sale,  
11 lease or other encumbrances not specifically permitted by the terms  
12 of the resolution.

13           E. At the discretion of the Commission, any bonds issued under  
14 the provisions of this act may be secured by a trust indenture by  
15 and between the Commission and a corporate trustee, which may be any  
16 trust company or bank having the powers of a trust company within  
17 the state. Any trust indenture may pledge or assign the revenues  
18 from the operation of properties of the Commission, but shall not  
19 convey or mortgage any properties, except such revenues. Any trust  
20 indenture or any resolution providing for the issuance of such bonds  
21 may contain provisions for protecting and enforcing the rights and  
22 remedies of the bondholders as may be reasonable and proper and not  
23 in violation of law, including covenants setting forth the duties of  
24 the Commission in relation to:

1       1. The construction, improvement, maintenance, repair,  
2 operation and insurance of the improvements in connection with which  
3 such bonds shall have been authorized;

4       2. The custody, safeguarding and application of all monies; and

5       3. The employment of consulting engineers in connection with  
6 the construction or operation of such improvements.

7       F. It shall be lawful for any bank or trust company  
8 incorporated under the laws of the state, which may act as  
9 depository of the proceeds of bonds or of revenues, to furnish  
10 indemnifying bonds or to pledge securities as may be required by the  
11 Commission. Any trust indenture may set forth the rights and  
12 remedies of the bondholders and of the trustee, and may restrict the  
13 individual right of action by bondholders as is customary in trust  
14 agreements or trust indentures securing bonds and debentures of  
15 corporations. In addition to the foregoing, any trust indenture may  
16 contain other provisions as the Commission may deem reasonable and  
17 proper for the security of the bondholders. All expenses incurred  
18 in carrying out the provisions of any trust indenture may be treated  
19 as a part of the cost of operation of the improvements for which the  
20 bonds are authorized.

21       G. Monies received pursuant to the authority of this act,  
22 whether as proceeds from the sale of bonds or as revenues from the  
23 operations of the properties which have been identified for bond  
24 repayment purposes, shall be deemed to be trust funds, to be held

1 and applied solely as provided in this act. The resolution  
2 authorizing the issuance of bonds of any issue, or the trust  
3 indenture securing such bonds, shall provide that any officer to  
4 whom, or any bank or trust company to which, the monies shall be  
5 paid, shall act as trustee of the monies and shall hold and apply  
6 the same for the purpose hereof, subject to such regulations as this  
7 act and such resolution or trust indenture may provide.

8 SECTION 4. This act shall become effective November 1, 2011.

9 Passed the Senate the 16th day of March, 2011.

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Presiding Officer of the Senate

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13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2011.

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Presiding Officer of the House  
of Representatives

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