

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1496

By: Brumbaugh

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 1470, as last amended by
9 Section 1, Chapter 391, O.S.L. 2010 (82 O.S. Supp.
10 2010, Section 1470), which relates to Scenic Rivers
11 Commission fees; modifying amount of certain annual
12 fee; providing for a user fee; deleting fees for
13 private flotation devices floating on scenic rivers;
14 allowing certain landowners to be exempt from certain
15 fees; providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1470, as
19 last amended by Section 1, Chapter 391, O.S.L. 2010 (82 O.S. Supp.
20 2010, Section 1470), is amended to read as follows:

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

1 2. In addition to the annual use fee imposed on a commercially
2 owned and operated flotation device, there shall be imposed a user
3 fee of One Dollar (\$1.00) per person per flotation device to be paid
4 by the individual renting the commercial flotation device.

5 3. The operation of a commercial flotation device without
6 displaying a proper Oklahoma Scenic Rivers Commission license is
7 subject to a fine not to exceed One Hundred Dollars (\$100.00). The
8 penalty will be assessed upon the owner or operator of the
9 commercial flotation device business and not upon the individual
10 renting the commercial flotation device.

11 ~~B. The Scenic Rivers Commission for the Flint Creek and~~
12 ~~Illinois River within Adair, Cherokee and Delaware Counties and~~
13 ~~those portions of Barren Fork Creek within Cherokee County is~~
14 ~~authorized and directed to charge:~~

15 ~~1. An annual use fee of Ten Dollars (\$10.00) per noncommercial,~~
16 ~~privately owned device; or~~

17 ~~2. A use fee of One Dollar (\$1.00) per day for all~~
18 ~~noncommercial, privately owned flotation devices floating upon~~
19 ~~state-designated scenic rivers areas located within the operating~~
20 ~~area of jurisdiction of the Commission; provided, however,~~
21 ~~landowners Landowners located immediately adjacent to state-~~
22 ~~designated scenic rivers areas shall not be required to pay either~~
23 ~~fee authorized by this subsection A of this section.~~

1 C. The Scenic Rivers Commission for the Flint Creek and
2 Illinois River within Adair, Cherokee and Delaware Counties and
3 those portions of Barren Fork Creek within Cherokee County Scenic
4 River Areas shall promulgate rules and regulations for the
5 collection and administration of the fees imposed pursuant to the
6 provisions of this section in accordance with the Administrative
7 Procedures Act.

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

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

19 F. For the purposes of this section, "commercial flotation
20 device" means a canoe, boat, kayak, inner tube, raft or other
21 similar device suitable for the transportation of a person or
22 persons on waterways which is available for hire by the public for
23 use on waterways within the operating area of the Oklahoma Scenic
24 Rivers Commission.

1 SECTION 2. This act shall become effective July 1, 2011.

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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