

**SUBCOMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1388 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Doug Cox \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED SUBCOMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1388

By: David of the Senate

and

Cox of the House

7  
8  
9 PROPOSED SUBCOMMITTEE SUBSTITUTE

10 An Act relating to waters and water rights; amending  
11 82 O.S. 2011, Section 875, which relates to the  
12 rights of the public to use of lands and lakes;  
13 authorizing the Grand River Dam Authority to  
14 prescribe reasonable fees for certain uses of public  
15 lands; updating statutory language; transferring  
16 functions, duties, assets, debts, property and  
17 employees of the Scenic Rivers Commission to the  
18 Grand River Dam Authority on certain date; providing  
19 for certain monies to be transferred; providing for  
20 transfer of personnel; terminating the Scenic Rivers  
21 Board of Commissioners by certain date; authorizing  
22 reappointment of members to advisory board to the  
23 Authority; authorizing the Authority to implement  
24 certain annual fee for use of flotation devices on  
certain waters; authorizing the Authority to  
promulgate rules to establish certain payment  
processes; authorizing the Authority to establish  
certain licensing requirements; establishing certain  
duties of the Authority; listing duties; providing  
for performance of certain duties by the Manager and  
staff of the Scenic Rivers Division; stating duties  
of the Scenic Rivers Division Manager; authorizing  
the Manager to appoint river rangers and seasonal  
employees; requiring peace officers to have certain  
powers and authority; making peace officers  
unclassified employees; allowing certain peace  
officers to make certain retirement system election;  
allowing certain peace officers to retain badge and

1 firearm; making project labor unclassified employees;  
2 limiting benefits; requiring certain report; amending  
3 82 O.S. 2011, Sections 1452, 1453, 1454, 1455, 1456,  
4 1457, 1464, 1465, 1466, 1467 and 1470, which relate  
5 to the Scenic Rivers Act; modifying designation of  
6 scenic rivers; changing description of designated  
7 scenic rivers; deleting certain definition; providing  
8 definition of scenic rivers; modifying legislative  
9 intent; deleting recognition for preserving scenic  
10 rivers; transferring certain duties to the Authority;  
11 deleting recognition of the threat of littering;  
12 deleting complaint process; deleting penalty for  
13 littering; expanding prohibition to use certain  
14 containers; modifying recognition of certain property  
15 rights; updating statutory language; transferring  
16 duties relating to pollution prevention; deleting  
17 obsolete language; changing certain list of permitted  
18 or registered water pollution sources; modifying  
19 responsibilities for evaluating phosphorus pollution  
20 sources; modifying authority of the Authority to  
21 reduce pollution from certain sources; changing  
22 reference for exemption for certain practices;  
23 changing jurisdiction for certain cities, towns and  
24 counties; authorizing the Scenic Rivers Division  
Manager to issue a Notice of Violation to certain  
operations; authorizing the Manager to issue an order  
assessing an administrative penalty under certain  
circumstances; setting amount of penalty; providing  
for administrative hearing; making littering near  
scenic rivers subject to certain law; deleting  
certain fees and penalties; transferring authority to  
establish certain fee to the Authority; deleting  
certain authorization for the administrator;  
modifying certain definition; repealing 82 O.S. 2011,  
Sections 1451, 1458, 1460, 1461, as amended by  
Section 1, Chapter 348, O.S.L. 2013, 1462, 1462A, as  
amended by Section 1068, Chapter 304, O.S.L. 2012,  
1462B, as amended by Section 1069, Chapter 304,  
O.S.L. 2012, 1462C, as amended by Section 1070,  
Chapter 304, O.S.L. 2012, 1463, 1468, 1469 and 1471  
(82 O.S. Supp. 2015, Sections 1461, 1462A, 1462B and  
1462C), which relate to the Scenic Rivers Act;  
providing for codification; providing for  
recodification; and declaring an emergency.

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

2 SECTION 1. AMENDATORY 82 O.S. 2011, Section 875, is  
3 amended to read as follows:

4 Section 875. A. The Except as may be provided in this  
5 subsection, the district shall not prevent free public use of its  
6 lands and lakes for recreation purposes and for hunting and fishing,  
7 except at such points where, in the opinion of the ~~directors~~ Board  
8 of Directors, such use would be dangerous or would interfere with  
9 the proper conduct of its business, ~~but~~. The district may, in the  
10 interest of public health and safety, make reasonable regulations  
11 governing such use and, in the interest of defraying costs  
12 associated with the maintenance and policing of public lands  
13 administered by the district, prescribe reasonable fees for camping  
14 and the use of district facilities, and for the use of off-road and  
15 all-terrain vehicles on district lands.

16 B. All existing public rights-of-way to the areas to be flooded  
17 by the impounded waters shall remain open as a way of free public  
18 passage to and from the lakes created, and no charge shall ever be  
19 made to the public for right to engage in hunting, fishing, boating  
20 or swimming in ~~said~~ the lakes, and no charges shall ever be made for  
21 a permit to operate or use or for the inspection of boats and  
22 equipment, except that the Authority may prescribe an annual fee for  
23 the issuance or renewal of a permit for a private anchorage, wharf,  
24 dock or boathouse. Such fee shall be used to defray the expenses of

1 operating and equipping the Authority's Lake Patrol. The public  
2 shall have free use of and access to the waters of the lakes for  
3 private use, and shall have the right to anchorage, wharf, dock,  
4 ~~boatdock~~ boat dock, houseboat and landing privileges free of charge  
5 when used for private boating, but such anchorage, wharf, dock,  
6 ~~boatdock~~ boat dock, houseboat and landing privileges shall only be  
7 allowed after a permit therefor has been issued. Provided that no  
8 permit for any anchorage, wharf, dock, ~~boatdock~~ boat dock, houseboat  
9 and landing privileges shall be issued which would deprive the owner  
10 of land adjacent to the shoreland or lake front or abutting thereon  
11 of any anchorage, wharf, dock, ~~boatdock~~ boat dock, houseboat and  
12 landing privileges. The district may designate areas closed to such  
13 use, where in its opinion such use would interfere with the health  
14 or safety of the public, or with the proper conduct of the business  
15 of the district. The district shall prescribe suitable rules for  
16 the use of firearms on its lands and lakes and suitable rules and  
17 regulations and rules of travel, in the interest of public safety,  
18 for the use of the waters of the lakes. The rules and regulations  
19 and the rules of travel of boats used on or plying the waters of the  
20 lakes shall be in keeping with the rules and regulations of the  
21 United States Bureau of Navigation for inland waters.

22 C. The district shall prescribe, in the interest of public  
23 safety, suitable rules and regulations governing the keeping for  
24 hire or operations of a boat or boats, surfboards, aquaplanes, sea-

1 skis or similar devices for pecuniary profit or gain on the waters  
2 of the lakes. The keeping for hire or operation of a boat or boats,  
3 surfboards, aquaplanes, sea-skis or similar devices, for pecuniary  
4 profit or gain, on the waters of the lake, shall only be allowed  
5 after a permit therefor has been issued by the district.

6 Applications for such permits are to be in writing, upon a form  
7 prescribed and furnished by the district, and containing such  
8 information as is required by the district. For the issuance of  
9 such a permit the district shall charge a fee in an amount as  
10 specified by the district, and shall have the power to prescribe the  
11 size and type of boat or boats allowed to operate under such permit  
12 and the equipment necessary to such operation. A permit shall be  
13 procured for the construction of wharves, docks, landings and  
14 anchorages when constructed for commercial or rental purposes. For  
15 the issuance of such a permit the district shall charge a fee in an  
16 amount as specified by the district. The district shall prescribe  
17 the type, style and location and equipment of wharves, docks,  
18 anchorages and landings from which such boats operate and their  
19 rules of travel. Issuance of permits is to be deferred and withheld  
20 unless and until the applicant therefor has paid the permit fee and  
21 procured and deposited with the district a good and sufficient bond,  
22 either in cash, or by a surety company licensed to do business in  
23 this state, or public liability and property damage insurance,  
24 written by a company licensed to do business in Oklahoma, in an

1 amount and in such form as the district shall specify, so as to  
2 assure compensation for injuries to or death of persons, and loss or  
3 damage to property for which the holder of such permit may be  
4 legally liable. Upon it being called to the attention of the  
5 Attorney General of Oklahoma by any citizen of Oklahoma that this  
6 section has not been complied with, it shall be the duty of the  
7 Attorney General of Oklahoma to institute the proper legal  
8 proceedings to require ~~said~~ the district, or its successor, to  
9 comply with the provisions of this section.

10 D. The district may acquire, by purchase, condemnation, or  
11 otherwise, lands suitable for park purposes or roadways along the  
12 shores of ~~said~~ the lakes. After acquiring such lands the Grand  
13 River Dam Authority may, but shall not be required to, assign or  
14 lease the same to the State of Oklahoma for park or road purposes  
15 and if such assignment is made the same shall be under the  
16 supervision and control of the Oklahoma Tourism and Recreation  
17 Commission or the Oklahoma Wildlife Commission, which shall keep  
18 ~~said~~ the lands so assigned open to the public without charge so that  
19 the public in general may have access to the lakes.

20 SECTION 2. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 896.1 of Title 82, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. Effective July 1, 2016, the Scenic Rivers Commission created  
24 pursuant to Section 1461 of Title 82 of the Oklahoma Statutes shall

1 be terminated. All assets, funds, liabilities, allotments, purchase  
2 orders, outstanding financial obligations, encumbrances, records,  
3 equipment and property of the Scenic Rivers Commission are hereby  
4 transferred to and under the supervision and control of the Grand  
5 River Dam Authority. Monies collected or accruing to the credit of  
6 the Scenic Rivers Commission in the State Treasury or under the  
7 management of the Office of Management and Enterprise Services  
8 pursuant to the provisions of Section 1462A, 1462B or 1462C of Title  
9 82 of the Oklahoma Statutes shall be transferred to the Grand River  
10 Dam Authority to assist in implementing this act or as otherwise  
11 directed to support the activities previously conducted by the  
12 Scenic Rivers Commission or the employees thereof.

13 B. Personnel employed by the Scenic Rivers Commission on the  
14 effective date of this act shall be transferred to the Grand River  
15 Dam Authority, under the supervisory authority of the Lake  
16 Management Division or as otherwise directed, subject to the  
17 following provisions:

18 1. Classified employees transferred shall remain subject to the  
19 provisions of the Merit System of Personnel Administration, as  
20 provided in the Oklahoma Personnel Act;

21 2. Unclassified employees transferred shall remain in the  
22 unclassified service and shall serve at the pleasure of the Grand  
23 River Dam Authority;

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1           3. All employees transferred pursuant to this act shall retain  
2 leave, sick and annual time earned and any retirement and longevity  
3 benefits which have accrued during their employment with the state.  
4 The salaries of employees who are transferred shall not be reduced  
5 as a direct and immediate result of the transfer;

6           4. Should the Grand River Dam Authority implement a reduction  
7 in force, all employees transferred pursuant to this act shall be  
8 credited for the time they were employed by the Scenic Rivers  
9 Commission; and

10          5. The transfer of personnel shall be coordinated with the  
11 Office of Management and Enterprise Services.

12          C. The Scenic Rivers Commission shall cease operating as a  
13 Commission no later than July 1, 2016. The Grand River Dam  
14 Authority Board of Directors may create an advisory board relating  
15 to the management of the property and area previously under the  
16 authority of the Scenic Rivers Commission with consideration of and  
17 adherence to statutes governing the mission and purpose of the  
18 Scenic Rivers Commission and as directed by this act. Members  
19 currently serving on the Commission may be eligible to serve in an  
20 advisory capacity if so appointed by the Grand River Dam Authority  
21 and may serve for terms as authorized by the Board of Directors of  
22 the Authority.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 896.2 of Title 82, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Effective January 1, 2017, the Grand River Dam Authority is  
5 authorized to set a daily, multi-day or annual fee for the use of a  
6 commercially or privately owned flotation device to float upon  
7 designated scenic river areas. Landowners located immediately  
8 adjacent to the designated scenic river areas shall not be required  
9 to pay any fee authorized by this section or otherwise by law.

10 B. The Grand River Dam Authority is authorized to promulgate  
11 rules establishing an online payment system or any other means by  
12 which the public may conveniently purchase permits for the operation  
13 of a flotation device upon designated scenic river areas as  
14 authorized by this section.

15 C. In the interest of public safety, the Grand River Dam  
16 Authority is authorized to promulgate rules establishing licensing  
17 requirements for commercial float operators, to set fees for the  
18 issuance of the licenses and to be the sole grantor of licenses  
19 issued pursuant to the rules.

20 SECTION 4. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 896.3 of Title 82, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. For purposes of the Scenic Rivers Act, the Grand River Dam  
24 Authority shall have the following powers and duties:

- 1        1. To create a Scenic Rivers Division;
- 2        2. To adopt rules of practice and procedure for the Scenic  
3 Rivers Division and such other rules as may be necessary to carry  
4 out the provisions of the Scenic Rivers Act;
- 5        3. To appoint and fix the salary of the Manager of the Scenic  
6 Rivers Division;
- 7        4. To prepare, adopt and publish management plans and other  
8 documents to guide public and private activities and programs;
- 9        5. To consider and comment on public and private practices and  
10 proposed actions that may affect a scenic river;
- 11       6. To recommend standards for local government agencies whose  
12 political boundaries include all or part of a scenic river;
- 13       7. To enter into contracts for the Scenic Rivers Division;
- 14       8. To accept, as deemed appropriate, gifts and grants of money  
15 and real and personal property on behalf of the Scenic Rivers  
16 Division for public purposes;
- 17       9. To own and control public access points for scenic rivers,  
18 and to purchase easements and fee title to land along the scenic  
19 rivers for public purposes which are to be held by the Authority as  
20 an agency of the State of Oklahoma;
- 21       10. To identify public and private nuisances that adversely  
22 affect a scenic river and take lawful action to abate nuisances;

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1 11. To hire an attorney or request assistance from the Attorney  
2 General or a district attorney, to seek legal assistance and to seek  
3 judicial relief;

4 12. To hear appeals of determinations by hearing examiners for  
5 the Scenic Rivers Division and issue final orders in such  
6 administrative matters;

7 13. To maintain the administrative office of the Scenic Rivers  
8 Division in Cherokee County; and

9 14. To consider such matters as are brought to it for  
10 consideration by the Scenic Rivers Division Manager.

11 B. The daily duties, tasks and responsibilities of the Scenic  
12 Rivers Division shall be performed by the Manager and staff of the  
13 Scenic Rivers Division.

14 C. The Scenic Rivers Division Manager shall serve at the  
15 pleasure of and assist the Executive Director of the Grand River Dam  
16 Authority. To assist the Executive Director in effecting the  
17 purposes of the Scenic Rivers Act, the Scenic Rivers Division  
18 Manager shall:

19 1. Be experienced in land resource planning and management;

20 2. Be commissioned as a peace officer after completion of all  
21 training required by the Council on Law Enforcement Education and  
22 Training for the purpose of supervising peace officers employed by  
23 the Authority and may be utilized for any law enforcement purpose as  
24 may be necessary;

1       3. Select, appoint and employ individuals, including peace  
2 officers, to fill personnel positions authorized, budgeted and  
3 deemed necessary by the Authority;

4       4. Maintain the records, facilities and property of the  
5 Authority and otherwise carry out the ministerial tasks of the  
6 Authority;

7       5. Bring such matters before the Executive Director as believed  
8 to be advisable; and

9       6. Cooperate with state and local agencies on behalf of the  
10 Scenic Rivers Division.

11       D. 1. The Scenic Rivers Division Manager may appoint river  
12 rangers who are commissioned peace officers certified by the Council  
13 on Law Enforcement Education and Training. The Scenic Rivers  
14 Division Manager is authorized to employ seasonal personnel  
15 throughout the calendar year including commissioned peace officers  
16 certified by the Council on Law Enforcement Education and Training.  
17 Seasonal personnel shall work less than one thousand five hundred  
18 ninety-nine (1,599) hours per year. All persons appointed by the  
19 Scenic Rivers Division Manager as peace officers shall be and have  
20 the full powers and authority of peace officers of the State of  
21 Oklahoma to secure the scenic rivers, including all roadways and  
22 adjacent areas to the scenic rivers.

23       2. All peace officers appointed by the Scenic Rivers Division  
24 Manager shall be in the unclassified service.

1           3. Peace officers who become employed pursuant to this  
2 subsection or who are transferred to the Scenic Rivers Division who  
3 have service credit in the Oklahoma Law Enforcement Retirement  
4 System may within thirty (30) days after becoming employed or  
5 transferred elect to continue membership in the Oklahoma Law  
6 Enforcement Retirement System. If the election is not made within  
7 thirty (30) days, the officer may enroll only in the Oklahoma Public  
8 Employees Retirement System.

9           4. Any peace officer who has completed twenty (20) years of  
10 service or retires from the Scenic Rivers Division may maintain  
11 possession of the badge and assigned firearm.

12           E. Project labor employees employed by the Authority for the  
13 Scenic Rivers Division for a period of time necessary to complete a  
14 project shall be in the unclassified service of the state as  
15 provided by the Oklahoma Personnel Act. Project labor employees  
16 shall not be entitled to paid leave, paid holidays, retirement,  
17 health, dental or life insurance and shall be exempt from any laws,  
18 rules or practices providing such benefits. The Scenic Rivers  
19 Division Manager shall include a summary of the use of project labor  
20 employees in the annual budget report that shall include the number  
21 of project labor employees employed and the total wages paid to the  
22 employees.

23           SECTION 5.           AMENDATORY           82 O.S. 2011, Section 1452, is  
24 amended to read as follows:

1 Section 1452. ~~A.~~ The Oklahoma Legislature finds that ~~some of~~  
2 ~~the~~ certain free-flowing streams and rivers of Oklahoma possess such  
3 unique natural scenic beauty, water ~~conservation~~, fish, wildlife and  
4 outdoor recreational values of present and future benefit to the  
5 people of the state that it is the policy of the Legislature to  
6 preserve these areas for the benefit of the people of Oklahoma. For  
7 this purpose ~~there~~ the following are hereby designated ~~certain~~  
8 ~~"scenic river areas" to be preserved as a part of Oklahoma's~~  
9 ~~diminishing resource of free-flowing rivers and streams.~~

10 ~~B.~~ ~~The areas of the state designated as "scenic river areas"~~  
11 ~~shall include~~ as scenic rivers:

12 1. The Flint Creek ~~and the Illinois River above the confluence~~  
13 ~~of the Barren Fork Creek in Cherokee, Adair and~~ in Delaware Counties  
14 County;

15 2. The Illinois River in Adair, Delaware and Cherokee Counties  
16 above its confluence with the Barren Fork Creek;

17 3. The Barren Fork Creek in Adair and Cherokee Counties from  
18 the present alignment of U.S. Highway 59 West to its confluence with  
19 the Illinois River;

20 ~~3.~~ 4. The Upper Mountain Fork River above the 600-foot  
21 elevation level of Broken Bow Reservoir in McCurtain and LeFlore  
22 Counties;

23 ~~4.~~ 5. Big Lee's Creek, ~~sometimes referred to as Lee Creek,~~  
24 ~~located~~ in Sequoyah County, above the 420-foot MSL elevation,

1 ~~excluding that portion necessary for a dam to be built in the State~~  
2 ~~of Arkansas with a crest elevation of no more than the 420-foot MSL~~  
3 ~~elevation. The Oklahoma Water Resources Board shall make such~~  
4 ~~classifications, designations or adjustments to Oklahoma's water~~  
5 ~~quality standards as required to allow the impoundment of water by~~  
6 ~~said dam; and~~

7 ~~5. 6. Little Lee's Creek, sometimes referred to as Little Lee~~  
8 ~~Creek, located in Adair and Sequoyah Counties, beginning~~  
9 ~~approximately four (4) miles east-southeast of Stilwell, Oklahoma,~~  
10 ~~and ending at its conjunction with Big Lee's Creek approximately two~~  
11 ~~(2) miles southwest of Short, Oklahoma.~~

12 ~~C. The term "scenic river area" as used in the Scenic Rivers~~  
13 ~~Act is defined as the stream or river and the public use and access~~  
14 ~~areas located within the area designated.~~

15 SECTION 6. AMENDATORY 82 O.S. 2011, Section 1453, is  
16 amended to read as follows:

17 Section 1453. A. The term "scenic river" as used in the Scenic  
18 Rivers Act is defined as the streams or rivers designated pursuant  
19 to Section 1452 of this title and the public use and access areas  
20 located within or adjacent to the stream or river.

21 ~~B. Once an area is designated as a "scenic river area", it It~~  
22 ~~is the intent of the Legislature that:~~

23 ~~1. The a stream or river in the area designated as a scenic~~  
24 ~~river shall be preserved in its free-flowing condition, and~~

1       ~~2. The stream or river~~ shall not be impounded by any large dam  
2 or structure except as specifically authorized by the Legislature.

3       ~~B.~~ C. No agency or official of state government shall authorize  
4 or concur in plans of local, state or federal agencies for the  
5 construction, operation, or maintenance of any dam or related  
6 project in or adjacent to any "scenic river area", without  
7 legislative consent, except as needed by the municipalities located  
8 in the counties or the immediate vicinity of the "scenic river  
9 area", for their own municipal or domestic water supply if such uses  
10 and structures will not significantly interfere with the  
11 preservation of the stream as a scenic free-flowing stream.

12       SECTION 7.       AMENDATORY       82 O.S. 2011, Section 1454, is  
13 amended to read as follows:

14       Section 1454. ~~A. It is recognized by the Legislature that an~~  
15 ~~effective program for preserving the scenic beauty of the free-~~  
16 ~~flowing streams and rivers designated as "scenic river areas"~~  
17 ~~necessarily involves the cooperation and support of the people in~~  
18 ~~the operating areas of designated "scenic river areas", as well as~~  
19 ~~the people using the "scenic river areas", and the agencies of state~~  
20 ~~government administering these areas.~~

21       ~~B. The primary purpose of the Scenic Rivers Act is to encourage~~  
22 ~~the preservation of the areas designated as "scenic river areas" in~~  
23 ~~their natural scenic state.~~

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1       ~~C.~~ In order to assist in the public use and enjoyment of such  
2 areas, ~~any Scenic Rivers Commission, the Oklahoma Tourism and~~  
3 ~~Recreation Department and the Oklahoma Wildlife Conservation~~  
4 ~~Commission~~ the Grand River Dam Authority may acquire, develop and  
5 maintain public access points, easements or park areas in or near  
6 "~~scenic river areas~~" rivers. Such acquisitions shall be by private  
7 treaty only, and the use of the power of eminent domain for these  
8 purposes is specifically prohibited ~~by the Scenic Rivers Act~~.

9       SECTION 8.       AMENDATORY       82 O.S. 2011, Section 1455, is  
10 amended to read as follows:

11       Section 1455.   A. ~~It is recognized by the Legislature that~~  
12 ~~littering by people using the "scenic river areas" is one of the~~  
13 ~~most immediate threats to the scenic beauty of our free-flowing~~  
14 ~~streams and surrounding areas.~~

15       B. ~~Any law enforcement, police or peace officer, game wardens~~  
16 ~~or any other personnel of the Wildlife Conservation Commission, the~~  
17 ~~personnel of the Tourism and Recreation Department, any landowner in~~  
18 ~~the area, or any other interested party may file a complaint to~~  
19 ~~enforce the provisions of the Scenic Rivers Act.~~

20       C. ~~Any person who deliberately places, throws, drops, deposits~~  
21 ~~or discards any garbage, trash, waste, rubbish, refuse, debris or~~  
22 ~~other deleterious substance on or near a scenic river area shall be~~  
23 ~~subject to the provisions of Section 1761.1 of Title 21 of the~~  
24 ~~Oklahoma Statutes.~~

1       ~~D.~~ The use of glass or Styrofoam containers for any purpose  
2 shall be prohibited in any boat, canoe, raft, kayak or inflatable  
3 ~~watercraft in flotation device used on a scenic river area or on the~~  
4 ~~Lower Mountain Fork River, south of the Broken Bow Lake Reregulation~~  
5 ~~Dam to United States Highway 70. Any person found in violation of~~  
6 ~~this subsection shall be subject to the provisions of Section 1761.1~~  
7 ~~of Title 21 of the Oklahoma Statutes.~~

8           SECTION 9.           AMENDATORY           82 O.S. 2011, Section 1456, is  
9 amended to read as follows:

10          Section 1456. The property rights of private landowners ~~in and~~  
11 ~~around~~ "adjacent to a scenic river areas" are the same as in any  
12 other area of the state. The unauthorized use of private property  
13 is trespassing and is subject to the penalties provided elsewhere in  
14 the statutes for such an offense.

15          SECTION 10.           AMENDATORY           82 O.S. 2011, Section 1457, is  
16 amended to read as follows:

17          Section 1457. A. The ~~Executive Director of the~~ Department of  
18 Environmental Quality, the Corporation Commission, the State  
19 Department of Agriculture, the Oklahoma Water Resources Board, the  
20 Oklahoma Department of Wildlife Conservation ~~Commission~~ and the  
21 Conservation Commission are hereby given the authority to assist the  
22 ~~Scenic Rivers Commission~~ Grand River Dam Authority in maintaining  
23 and improving water quality and in preventing and eliminating the  
24 pollution of waters within a "scenic river area".

1 B. 1. The Secretary of Energy and Environment shall coordinate  
2 with the appropriate state environmental agencies to create a  
3 coordinated watershed restoration and protection strategy for each  
4 impaired scenic river in this state. ~~The strategy shall be~~  
5 ~~submitted to the Governor, the President Pro Tempore of the Senate~~  
6 ~~and the Speaker of the House of Representatives by January 31, 2003.~~

7 2. The coordinated watershed restoration and protection  
8 strategy shall identify all permitted or registered water pollution  
9 sources and shall include but not be limited to:

- 10 a. an overall pollutant-specific load reduction as  
11 identified in a developed total maximum daily load  
12 (TMDL), or as otherwise calculated in the absence of a  
13 ~~developed total maximum daily load~~ TMDL, to bring each  
14 impaired scenic river back into compliance with water  
15 quality standards,
- 16 b. pollutant-specific load reduction goals for each state  
17 environmental agency to accomplish through its water  
18 quality protection programs,
- 19 c. detailed compliance schedules indicating how much of  
20 the load reduction goal will be accomplished each year  
21 by each state environmental agency,
- 22 d. industry-specific descriptions of how load reduction  
23 goals for each state environmental agency will be  
24 accomplished,

1 e. an outline of innovative, cooperative intrastate and  
2 interstate strategies that will be pursued in order to  
3 expedite pollutant reductions, in particular where  
4 scenic river watersheds cross state lines. Such  
5 strategies may include nutrient trading and  
6 conservation reserve enhancement program (CREP)  
7 initiatives, and

8 f. a list of all permitted or registered water pollution  
9 sources subject to the jurisdiction of each state  
10 agency within each impaired scenic river watershed-

11 ~~For the permitted or registered water pollution~~  
12 ~~sources subject to each state environmental agency's~~  
13 ~~jurisdiction, including the following information~~  
14 ~~shall be included:~~

- 15 (1) types of operations or organizations regulated,  
16 (2) list of the registrations or permits issued,  
17 (3) details on governmental assistance given, and  
18 (4) details of enforcement actions undertaken.

19 C. 1. The Secretary of Energy and Environment shall coordinate  
20 with the appropriate state environmental agencies to create an  
21 annual progress report, beginning January 31, 2004, and each year  
22 thereafter. The progress report shall be submitted to the Governor,  
23 the President Pro Tempore of the Senate, and the Speaker of the  
24 House of Representatives.

1        2. The annual progress report shall include any revisions and  
2 updates to the information provided in the original strategy, in  
3 addition to the following:

- 4            a. identification of all actions taken by each state  
5                environmental agency to reduce pollutant levels in  
6                each impaired scenic river watershed,
- 7            b. identification of the sources of pollutants causing  
8                impairment or continued degradation of each impaired  
9                scenic river,
- 10           c. outline of further steps to be taken by each state  
11                environmental agency to reduce pollutants from  
12                identified sources in order to accomplish pollutant-  
13                specific load reduction goals,
- 14           d. an analysis of the effectiveness of the pollutant  
15                reduction efforts of each state environmental agency  
16                based upon data collected by the Oklahoma Water  
17                Resources Board's Beneficial Use Monitoring Program,  
18                the Conservation Commission's Small Watershed  
19                Rotational Monitoring Program and other appropriate  
20                monitoring data, and
- 21           e. recommendations for further administrative, judicial  
22                or legislative actions necessary to achieve the load  
23                reduction goals assigned to each impaired scenic river

1 watershed and to overcome any identified limitations  
2 or obstacles.

3 D. 1. For those impaired scenic river watersheds where a ~~total~~  
4 ~~maximum daily load (TMDL)~~ for phosphorus has been developed, the  
5 Department of Environmental Quality shall initially allocate a  
6 wasteload for phosphorus for discharges from wastewater treatment  
7 facilities which enter the scenic river which is achievable by the  
8 best available waste control process.

9 2. The annual report required by subsection C of this section  
10 shall indicate how the Department has verified that each wastewater  
11 treatment facility having a discharge has, in fact, implemented  
12 appropriate waste controls for phosphorus.

13 3. ~~If the state's water quality monitoring data demonstrate~~  
14 ~~that the water quality standards for phosphorus applicable to a~~  
15 ~~watershed remain impaired, and only after all permitted or~~  
16 ~~registered water pollution sources have also implemented the best~~  
17 ~~available waste control processes for phosphorus to address the~~  
18 ~~pollutant or pollutants contributing to the impairment of the~~  
19 ~~watershed, the Department shall again evaluate and require regulated~~  
20 ~~entities to take additional actions to achieve water quality~~  
21 ~~standards for phosphorus~~ The Secretary of Energy and the Environment  
22 shall evaluate methods to reduce the contribution of phosphorus to  
23 impaired scenic rivers from non-point sources identified by a TMDL.  
24

1 E. 1. The ~~Scenic Rivers Commission~~ Grand River Dam Authority  
2 shall require all ~~entities~~ commercially operated flotation device  
3 operations and campgrounds using scenic rivers for recreational  
4 activities, ~~which are licensed by the Commission,~~ to implement a  
5 program to control the amount of pollution entering ~~an impaired a~~  
6 scenic river ~~watershed from such~~ that is impaired by recreational  
7 activities.

8 2. The ~~Scenic Rivers Commission~~ Grand River Dam Authority shall  
9 include in the coordinated watershed restoration and protection  
10 strategy, and all subsequent annual reports, an identification of  
11 the pollution from recreational activities ~~which are licensed by the~~  
12 ~~Commission~~ and those actions taken and planned to reduce the amount  
13 of pollution ~~from entering an impaired scenic river watershed.~~

14 F. If the Legislature or the Governor finds, based on any of  
15 the annual reports required by this section, that any of the state  
16 environmental agencies have failed to appropriately protect water  
17 quality standards in an impaired scenic river watershed, the  
18 Governor and the Legislature shall take any and all necessary and  
19 appropriate action to ~~require~~ help the agency to meet its ~~mandated~~  
20 responsibilities.

21 SECTION 11. AMENDATORY 82 O.S. 2011, Section 1464, is  
22 amended to read as follows:

23 Section 1464. A. Nothing in the Scenic Rivers Act shall be  
24 construed to unduly restrict or adversely affect the use of property

1 within ~~the jurisdiction of any Scenic Rivers Commission~~ scenic  
2 river basin for farming, ranching, forestry, silviculture and other  
3 agricultural uses so long as they are not inconsistent with the  
4 purposes of the Scenic Rivers Act.

5 B. Present farming, ranching, forestry, silviculture and other  
6 agricultural uses and practices, including existing building and  
7 replacement structures, are hereby exempt from the provisions of ~~any~~  
8 ~~Scenic Rivers Commission~~ the Scenic Rivers Act.

9 C. The Scenic Rivers Act shall not be construed in any way to  
10 affect existing rights between a landowner and utility or pipeline  
11 companies.

12 SECTION 12. AMENDATORY 82 O.S. 2011, Section 1465, is  
13 amended to read as follows:

14 Section 1465. A. All cities and incorporated towns and  
15 counties that ~~make up a part of a jurisdiction of a certified Scenic~~  
16 ~~Rivers Commission~~ contain all or part of a scenic river within the  
17 jurisdictional boundaries of the city, town or county are hereby  
18 invested with full power to plan, zone and enact all ordinances and  
19 regulations that are necessary and proper to carry out the purposes  
20 of the Scenic Rivers Act.

21 B. The cities, incorporated towns and counties shall follow  
22 their respective general procedures in the conduct of legislative  
23 functions.

24

1 C. In exercising planning and zoning functions, said cities,  
2 incorporated towns and counties shall utilize the organization and  
3 procedures available to cities and incorporated towns under the  
4 general planning and zoning laws of the state. Provided that, when  
5 a county exercises the powers provided by the Scenic Rivers Act, the  
6 board of county commissioners of that county shall perform the  
7 obligations and exercise the powers in the same manner as a local  
8 legislative body or mayor of a city, incorporated town or  
9 municipality.

10 SECTION 13. AMENDATORY 82 O.S. 2011, Section 1466, is  
11 amended to read as follows:

12 Section 1466. Each county, city, incorporated town or other  
13 governmental entity ~~that makes up a part of the operating area of a~~  
14 ~~Scenic Rivers Commission~~ which contains all or part of a scenic  
15 river within its jurisdictional boundaries is hereby authorized to  
16 grant or otherwise provide funds for the operation of the ~~Commission~~  
17 Scenic Rivers Division.

18 SECTION 14. AMENDATORY 82 O.S. 2011, Section 1467, is  
19 amended to read as follows:

20 Section 1467. A. Any person who willfully violates any rule or  
21 order issued pursuant to the Scenic Rivers Act, except such rules or  
22 orders as relate solely to procedural matters, upon conviction  
23 thereof, shall be guilty of a misdemeanor.  
24

1        B. The Manager of the Scenic Rivers Division may issue a Notice  
2 of Violation to any licensed commercial flotation device operation  
3 that is alleged to have violated any rule of the Grand River Dam  
4 Authority. The Notice of Violation shall advise the operation of  
5 the applicable rule, the facts of the violation and direct a  
6 reasonable period of time to comply. After the time to comply has  
7 expired, if the licensed operation is again found to be in violation  
8 of the same rule, the Manager may issue a proposed order assessing  
9 an administrative penalty in an amount of not less than One Hundred  
10 Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00). The  
11 licensed operation shall have twenty (20) days from receipt of the  
12 order to request an administrative hearing. If a hearing is not  
13 requested, the proposed order shall become final and the  
14 administrative penalty shall become due and payable.

15        C. Any person who deliberately places, throws, drops, dumps,  
16 deposits or discards any garbage, trash, waste, rubbish, refuse,  
17 debris or other deleterious substance on or near a scenic river  
18 shall be subject to the provisions of Section 1761.1 of Title 21 of  
19 the Oklahoma Statutes.

20        SECTION 15.        AMENDATORY        82 O.S. 2011, Section 1470, is  
21 amended to read as follows:

22        Section 1470. A. 1. ~~The Scenic Rivers Commission for the~~  
23 ~~Flint Creek and Illinois River within Adair, Cherokee and Delaware~~  
24 ~~Counties and those portions of Barren Fork Creek within Cherokee~~

1 ~~County is authorized and directed to charge an annual use fee of~~  
2 ~~Thirty-five Dollars (\$35.00) per commercially owned and operated~~  
3 ~~flotation device.~~

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

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

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

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

23 ~~C. The Scenic Rivers Commission for the Flint Creek and~~  
24 ~~Illinois River within Adair, Cherokee and Delaware Counties and~~

1 ~~those portions of Barren Fork Creek within Cherokee County Scenic~~  
2 ~~River Areas shall promulgate rules and regulations for the~~  
3 ~~collection and administration of the fees imposed pursuant to the~~  
4 ~~provisions of this section in accordance with the Administrative~~  
5 ~~Procedures Act.~~

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

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

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

24

1 SECTION 16. RECODIFICATION 82 O.S. 2011, Section 1452,  
2 as amended by Section 5 of this act, shall be recodified as Section  
3 896.4 of Title 82 of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 17. RECODIFICATION 82 O.S. 2011, Section 1453,  
6 as amended by Section 6 of this act, shall be recodified as Section  
7 896.5 of Title 82 of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 18. RECODIFICATION 82 O.S. 2011, Section 1454,  
10 as amended by Section 7 of this act, shall be recodified as Section  
11 896.6 of Title 82 of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 19. RECODIFICATION 82 O.S. 2011, Section 1455,  
14 as amended by Section 8 of this act, shall be recodified as Section  
15 896.7 of Title 82 of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 20. RECODIFICATION 82 O.S. 2011, Section 1456,  
18 as amended by Section 9 of this act, shall be recodified as Section  
19 896.8 of Title 82 of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 21. RECODIFICATION 82 O.S. 2011, Section 1457,  
22 as amended by Section 10 of this act, shall be recodified as Section  
23 896.9 of Title 82 of the Oklahoma Statutes, unless there is created  
24 a duplication in numbering.

1 SECTION 22. RECODIFICATION 82 O.S. 2011, Section 1464,  
2 as amended by Section 11 of this act, shall be recodified as Section  
3 896.10 of Title 82 of the Oklahoma Statutes, unless there is created  
4 a duplication in numbering.

5 SECTION 23. RECODIFICATION 82 O.S. 2011, Section 1465,  
6 as amended by Section 12 of this act, shall be recodified as Section  
7 896.11 of Title 82 of the Oklahoma Statutes, unless there is created  
8 a duplication in numbering.

9 SECTION 24. RECODIFICATION 82 O.S. 2011, Section 1466,  
10 as amended by Section 13 of this act, shall be recodified as Section  
11 896.12 of Title 82 of the Oklahoma Statutes, unless there is created  
12 a duplication in numbering.

13 SECTION 25. RECODIFICATION 82 O.S. 2011, Section 1467,  
14 as amended by Section 14 of this act, shall be recodified as Section  
15 896.13 of Title 82 of the Oklahoma Statutes, unless there is created  
16 a duplication in numbering.

17 SECTION 26. RECODIFICATION 82 O.S. 2011, Section 1470,  
18 as amended by Section 15 of this act, shall be recodified as Section  
19 896.14 of Title 82 of the Oklahoma Statutes, unless there is created  
20 a duplication in numbering.

21 SECTION 27. REPEALER 82 O.S. 2011, Sections 1451, 1458,  
22 1460, 1461, as amended by Section 1, Chapter 348, O.S.L. 2013, 1462,  
23 1462A, as amended by Section 1068, Chapter 304, O.S.L. 2012, 1462B,  
24 as amended by Section 1069, Chapter 304, O.S.L. 2012, 1462C, as

1 amended by Section 1070, Chapter 304, O.S.L. 2012, 1463, 1468, 1469  
2 and 1471 (82 O.S. Supp. 2015, Sections 1461, 1462A, 1462B and  
3 1462C), are hereby repealed.

4 SECTION 28. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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