

CORRECTED

SENATE FLOOR VERSION

April 7, 2021

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1681

By: Grego, Hardin (David),
Fugate, Phillips, Townley
and Olsen of the House

and

Bullard and Burns of the
Senate

An Act relating to state government; providing enforcement for occupying a reserved space or failing to pay entrance fees; setting administrative penalties; amending 74 O.S. 2011, Section 2220, as amended by Section 1, Chapter 243, O.S.L. 2017 (74 O.S. Supp. 2020, Section 2220), which relates to the Oklahoma Tourism, Parks and Recreation Enhancement Act; modifying language; establishing annual state park passes; setting annual park pass fees for residents and nonresidents; authorizing annual multi-park passes; providing for codification; providing effective dates; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2217A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No person shall:

1 1. Physically occupy a campsite identified as "Reserved" by
2 Department staff or by the park reservation system, or fail to
3 vacate a campsite within a reasonable time after being notified of
4 the campsite's reserved status by Department staff; or

5 2. Enter an area of a state park that is identified as an area
6 requiring payment of an entry fee without having first paid the
7 entry fee or being a valid park entry passholder for the date of
8 entry.

9 B. Any violation of the provisions of this section may be
10 punishable by an administrative fine not exceeding:

11 1. Fifty Dollars (\$50.00) for a first offense;

12 2. One Hundred Dollars (\$100.00) for a second offense; and

13 3. Two Hundred and Fifty Dollars (\$250.00) for any third or
14 subsequent offense.

15 C. All monies collected pursuant to this section shall be
16 deposited in the Oklahoma Tourism and Recreation Department
17 Revolving Fund.

18 SECTION 2. AMENDATORY 74 O.S. 2011, Section 2220, as
19 amended by Section 1, Chapter 243, O.S.L. 2017 (74 O.S. Supp. 2020,
20 Section 2220), is amended to read as follows:

21 Section 2220. A. The Oklahoma Tourism and Recreation
22 Commission may prescribe and collect reasonable rates and fees
23 pursuant to the provisions of this section for the services,
24

1 facilities and commodities rendered by all property of the
2 Commission.

3 1. The Commission may establish maximum rates for rooms at the
4 state lodges and cabins, for recreational activities, for
5 recreational vehicles and camping sites, and for community
6 facilities under control of the Commission. The method whereby the
7 rates are determined shall be promulgated pursuant to Article I of
8 the Administrative Procedures Act. At least twenty (20) days prior
9 to the adoption or approval of any rate changes by the Commission,
10 the Department shall submit a copy of the proposed rates, for
11 informational purposes, to the Governor, Speaker of the House of
12 Representatives and President Pro Tempore of the Senate. Any change
13 in the rates during the year when the Legislature is not in session
14 shall be reported in writing to the Governor, Speaker of the House
15 of Representatives and President Pro Tempore of the Senate within
16 five (5) business days of such Commission action.

17 2. The Commission may establish maximum charges for all
18 activities at state-owned golf courses. The charges may vary among
19 the different golf courses according to the practices of the golf
20 industry. The method whereby the maximum charges are determined
21 shall be in accordance with rules promulgated pursuant to Article I
22 of the Administrative Procedures Act. At least twenty (20) days
23 prior to the adoption or approval of any rate changes by the
24 Commission, the Department shall submit a copy of such proposed

1 charges, for informational purposes, to the Governor, Speaker of the
2 House of Representatives and President Pro Tempore of the Senate.

3 3. The Commission may establish entrance or day-use charges for
4 the state park system. All monies collected from entrance or day-
5 use charges shall be used at the state parks where the charges were
6 collected. The Commission may establish ~~an annual pass, or~~ other
7 varied passes as appropriate to that park, for visitors. The method
8 whereby the maximum charges are determined, sold, and collected
9 shall be in accordance with rules promulgated pursuant to Article I
10 of the Administrative Procedures Act. At least twenty (20) days
11 prior to the adoption or approval of any rate changes by the
12 Commission, the Department shall submit a copy of such proposed
13 charges, for informational purposes, to the Governor, Speaker of the
14 House of Representatives and President Pro Tempore of the Senate.

15 4. ~~Fees~~ Except as provided in this section, fees shall be
16 promulgated pursuant to Article I of the Administrative Procedures
17 Act.

18 5. ~~Fees~~ Except as provided in this section, fees may reflect
19 the seasonal usage of the parks and facilities and for promotional
20 purposes and goals.

21 6. The Commission shall establish an annual single park pass
22 for residents of this state in an amount not more than Twenty
23 Dollars (\$20.00); provided, however, residents of this state aged
24 sixty-two (62) years and older shall be exempt as provided in

1 subsection B of this section. A nonresident annual single park pass
2 shall be established in an amount not less than Seventy-five Dollars
3 (\$75.00) and there shall be no exemption for nonresidents aged
4 sixty-two (62) years or older. The Commission may establish annual
5 multi-park passes in such amounts for residents of this state and
6 nonresidents as determined by the Commission.

7 B. All fees, licenses and other charges shall be posted in a
8 convenient place in each park. Every person using any of the
9 facilities in a park shall be charged the same fees, licenses and
10 every other charge except:

11 1. Residents of this state sixty-two (62) years of age and over
12 and their spouses shall not be charged any admission fees for
13 entrance into any state-owned and state-operated park. The
14 Commission may promulgate rules establishing different fees for
15 residents and nonresidents sixty-two (62) years of age and over.
16 ~~Identification may~~ For purposes of fee exemptions, identification
17 shall be established by presentation of proof of age, and residency,
18 by a state driver license, a state license for identification only,
19 birth certificate or any other form of identification authorized by
20 the Commission;

21 2. Individuals who have been certified as totally disabled
22 under state or federal law and their spouses shall be entitled to a
23 fifty percent (50%) reduction of fees which apply to recreational-
24 use facilities;

1 3. Children's groups, volunteer groups as specified by the
2 Commission~~7~~ or governmental entities that provide beneficial
3 services at the facility ~~for which the fee may be~~ have fees reduced
4 or waived as determined by the Commission; and

5 4. Special discount rates as authorized in this section may be
6 waived for individuals who are members of a group being provided a
7 special group rate as allowed by law.

8 C. The willful failure to collect ~~such~~ fees, licenses and other
9 charges shall subject ~~an~~ the responsible employee of the Commission
10 to ~~a~~ an administrative fine of Twenty-five Dollars (\$25.00) for each
11 ~~and every~~ violation.

12 SECTION 3. Section 1 of this act shall become effective July 1,
13 2021.

14 SECTION 4. Section 2 of this act shall become effective July 1,
15 2023.

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

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 April 7, 2021 - DO PASS AS AMENDED
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