

1 **SENATE FLOOR VERSION**

2 April 7, 2021

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1681

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

6 and

7 Bullard and Burns of the
8 Senate

9
10 [state government - occupying a reserved space or
11 failing to pay entrance fees - annual state park
12 passes - codification - effective dates -
13 emergency]

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

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

18 A. No person shall:

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

23 2. Enter an area of a state park that is identified as an area
24 requiring payment of an entry fee without having first paid the

1 entry fee or being a valid park entry passholder for the date of
2 entry.

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

- 5 1. Fifty Dollars (\$50.00) for a first offense;
- 6 2. One Hundred Dollars (\$100.00) for a second offense; and
- 7 3. Two Hundred and Fifty Dollars (\$250.00) for any third or
8 subsequent offense.

9 C. All monies collected pursuant to this section shall be
10 deposited in the Oklahoma Tourism and Recreation Department
11 Revolving Fund.

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

15 Section 2220. A. The Oklahoma Tourism and Recreation
16 Commission may prescribe and collect reasonable rates and fees
17 pursuant to the provisions of this section for the services,
18 facilities and commodities rendered by all property of the
19 Commission.

20 1. The Commission may establish maximum rates for rooms at the
21 state lodges and cabins, for recreational activities, for
22 recreational vehicles and camping sites, and for community
23 facilities under control of the Commission. The method whereby the
24 rates are determined shall be promulgated pursuant to Article I of

1 the Administrative Procedures Act. At least twenty (20) days prior
2 to the adoption or approval of any rate changes by the Commission,
3 the Department shall submit a copy of the proposed rates, for
4 informational purposes, to the Governor, Speaker of the House of
5 Representatives and President Pro Tempore of the Senate. Any change
6 in the rates during the year when the Legislature is not in session
7 shall be reported in writing to the Governor, Speaker of the House
8 of Representatives and President Pro Tempore of the Senate within
9 five (5) business days of such Commission action.

10 2. The Commission may establish maximum charges for all
11 activities at state-owned golf courses. The charges may vary among
12 the different golf courses according to the practices of the golf
13 industry. The method whereby the maximum charges are determined
14 shall be in accordance with rules promulgated pursuant to Article I
15 of the Administrative Procedures Act. At least twenty (20) days
16 prior to the adoption or approval of any rate changes by the
17 Commission, the Department shall submit a copy of such proposed
18 charges, for informational purposes, to the Governor, Speaker of the
19 House of Representatives and President Pro Tempore of the Senate.

20 3. The Commission may establish entrance or day-use charges for
21 the state park system. All monies collected from entrance or day-
22 use charges shall be used at the state parks where the charges were
23 collected. The Commission may establish ~~an annual pass, or~~ other
24 varied passes as appropriate to that park, for visitors. The method

1 whereby the maximum charges are determined, sold, and collected
2 shall be in accordance with rules promulgated pursuant to Article I
3 of the Administrative Procedures Act. At least twenty (20) days
4 prior to the adoption or approval of any rate changes by the
5 Commission, the Department shall submit a copy of such proposed
6 charges, for informational purposes, to the Governor, Speaker of the
7 House of Representatives and President Pro Tempore of the Senate.

8 4. Fees Except as provided in this section, fees shall be
9 promulgated pursuant to Article I of the Administrative Procedures
10 Act.

11 5. Fees Except as provided in this section, fees may reflect
12 the seasonal usage of the parks and facilities and for promotional
13 purposes and goals.

14 6. The Commission shall establish an annual single park pass
15 for residents of this state in an amount not more than Twenty
16 Dollars (\$20.00); provided, however, residents of this state aged
17 sixty-two (62) years and older shall be exempt as provided in
18 subsection B of this section. A nonresident annual single park pass
19 shall be established in an amount not less than Seventy-five Dollars
20 (\$75.00) and there shall be no exemption for nonresidents aged
21 sixty-two (62) years or older. The Commission may establish annual
22 multi-park passes in such amounts for residents of this state and
23 nonresidents as determined by the Commission.

24

1 B. All fees, licenses and other charges shall be posted in a
2 convenient place in each park. Every person using any of the
3 facilities in a park shall be charged the same fees, licenses and
4 every other charge except:

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

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

19 3. Children's groups, volunteer groups as specified by the
20 Commission, or governmental entities that provide beneficial
21 services at the facility ~~for which the fee may be~~ have fees reduced
22 or waived as determined by the Commission; and
23
24

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

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

8 SECTION 3. Section 1 of this act shall become effective July 1,
9 2021.

10 SECTION 4. Section 2 of this act shall become effective July 1,
11 2023.

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 April 7, 2021 - DO PASS AS AMENDED

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