

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 1025

6 By: Leewright

7 COMMITTEE SUBSTITUTE

8 An Act relating to state government; amending 74 O.S.  
9 2011, Sections 2212 and 2224, which relate to state  
10 government; authorizing Oklahoma Tourism and  
11 Recreation Commission to transfer or lease certain  
12 state assets; excepting transfer from certain notice  
13 and approval procedure; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 2212, is  
17 amended to read as follows:

18 Section 2212. The Oklahoma Tourism and Recreation Commission  
19 shall have the authority to exercise the following powers, rights  
20 and privileges related to state parks:

21 1. Have the exclusive possession and control of, and to operate  
22 and maintain for the benefit of the people of ~~the State of Oklahoma~~  
23 this state all state parks and all lands and other properties now or  
24 hereafter owned or leased by the state or Commission for park or  
recreational purposes;

1       2. Acquire by purchase, exchange, lease, gift, condemnation, or  
2 in any other manner and to maintain, use and operate any and all  
3 property, real, personal or mixed, necessary or convenient to the  
4 exercise of the powers, rights, privileges and functions conferred  
5 upon it by the Oklahoma Tourism, Parks and Recreation Enhancement  
6 Act. Title to all such property shall be vested in the State of  
7 Oklahoma, although such property is sometimes herein referred to as  
8 property "of the Commission". The power of condemnation herein  
9 granted shall be exercised in the manner provided by the general  
10 laws of the state for the condemnation of property by the state;

11       3. Subject to the provisions of the Oklahoma Tourism, Parks and  
12 Recreation Enhancement Act, from time to time lease, without  
13 restriction as to term, any property which the Commission shall  
14 determine to be necessary or convenient to more fully carry into  
15 effect the duties and powers of ~~said~~ the Commission; ~~and~~

16       4. Acquire, conserve, protect, construct, extend, reduce,  
17 improve, maintain and operate any and all facilities of all kinds  
18 which in the judgment of the Commission will provide recreational or  
19 other facilities for the benefit of the public, or which are  
20 necessary or convenient to the exercise of the powers of the  
21 Commission; and

22       5. Transfer, lease or exchange real property, parks and other  
23 assets when necessary as determined by the Director of the Oklahoma  
24 Department of Tourism and Recreation between a state agency and the

1 Commission where the real property, park or asset is under the  
2 jurisdiction and control of the Commission and is specifically  
3 located within the geographic boundary defined in Section 861 of  
4 Title 82 of the Oklahoma Statutes. Any transfer to a state agency  
5 authorized by this paragraph shall comply with the provisions of  
6 Section 2224 of this title except the transfer may be accomplished  
7 at any time, notwithstanding the notice and legislative approval  
8 requirement of Section 2224 of this title.

9 SECTION 2. AMENDATORY 74 O.S. 2011, Section 2224, is  
10 amended to read as follows:

11 Section 2224. The Oklahoma Tourism and Recreation Commission  
12 may transfer to any city, county, or other agency of government,  
13 which is a willing recipient, its interest in real and personal  
14 property owned by the State of Oklahoma or the Department and  
15 operated and maintained under the jurisdiction of the Commission.  
16 Such real estate transfers shall not be subject to Section 456.7 or  
17 129.4 of Title 74 of the Oklahoma Statutes or any provision of state  
18 law relative to disposition of real estate. Such real estate  
19 transfers shall be subject to the following provisions:

20 1. The city, county or other agency recipient shall agree to  
21 accept the interest transferred by the state, accept responsibility  
22 for the property, and use the real estate for public recreation  
23 purposes in accordance with the Land and Water Conservation Fund Act  
24 of 1965, Public Law 88-578, 78 U.S.C., Section 897;

1        2. The city, county or other agency recipient shall not dispose  
2 of the property unless substitute property is provided that is  
3 equivalent in value and usefulness;

4        3. The Commission shall transfer the property to the recipient  
5 by quit claim deed or other instrument as may be appropriate;

6        4. The consideration for the property transfer shall be the  
7 agreement of the recipient to continue public recreation use of the  
8 property and to manage the property without an operating subsidy  
9 from the Department or Commission;

10       5. The real estate transfer shall be subject to all existing  
11 easements and reservations of record; and

12       6. ~~The~~ Except as provided in paragraph 5 of Section 2212 of  
13 this title, the Commission shall provide written notice to the  
14 President Pro Tempore of the Senate and the Speaker of the House of  
15 Representatives detailing any such proposed transfer agreement to be  
16 entered into pursuant to this section no later than thirty (30) days  
17 prior to the first day of the legislative session. The Commission  
18 shall approve such proposed transfer during the legislative session  
19 to be effective at the beginning of the next fiscal year, contingent  
20 upon the approval of the proposed transfer by the Legislature.

21       SECTION 3. This act shall become effective November 1, 2021.

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23       58-1-1833       NP       2/16/2021 3:36:30 PM