

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB42 _____
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: David Hardin _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 42

By: Bergstrom of the Senate

and

Hardin of the House

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10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to the Grand River Dam Authority;
12 amending 74 O.S. 2021, Section 61.8, which relates to
13 the Long-Range Capital Planning Commission; providing
14 additional exemption for certain authority; updating
15 statutory reference; amending 82 O.S. 2021, Section
16 896.16, which relates to user fees and licenses;
17 authorizing promulgation of rules; updating statutory
18 language; updating statutory reference; providing an
19 effective date; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 74 O.S. 2021, Section 61.8, is
22 amended to read as follows:

23 Section 61.8 A. The Long-Range Capital Planning Commission
24 shall work to decrease the amount of property owned by Oklahoma
state government, return state-owned property to private sector
ownership, better maintain and utilize the state's needed capital

1 assets and, whenever possible, eliminate the practice of state
2 agencies leasing real property not owned by the state.

3 B. Each year, the Director of the Office of Management and
4 Enterprise Services at the direction of the Long-Range Capital
5 Planning Commission, shall take action to approve the privatization
6 of state-owned real property as identified pursuant to the Oklahoma
7 State Government Asset Reduction and Cost Savings Program. Proceeds
8 from the liquidation of real properties shall be deposited into the
9 Maintenance of State Buildings Revolving Fund.

10 C. Prior to entering into or renewing a lease for real
11 property, each state agency, board, commission, and public trust
12 having ~~the State of Oklahoma~~ this state as a beneficiary shall
13 receive approval for entering into the lease from the Office of
14 Management and Enterprise Services.

15 D. Prior to making a purchase of real property or constructing
16 a building, each state agency, board, commission, and public trust
17 having ~~the State of Oklahoma~~ this state as a beneficiary shall
18 receive approval for the purchase or construction from the Director
19 of the Office of Management and Enterprise Services; provided, if
20 such purchase or construction is deemed by the Director of the
21 Office of Management and Enterprise Services to be within the
22 authority of the Long-Range Capital Planning Commission, the
23 Director shall not approve the purchase or construction and shall
24 refer the request to the Commission for action.

1 E. Prior to approval or referral pursuant to subsection C or D
2 of this section, the Office of Management and Enterprise Services
3 shall determine if the applicant entity can utilize already existing
4 state-owned real property as an alternative to leasing non-state-
5 owned real property or purchasing or constructing new real property.
6 If such existing state-owned real property is owned by the Oklahoma
7 Historical Society, is listed on the National Register of Historic
8 Places or with the National Trust for Historic Preservation, or is
9 potentially of historical significance, the Office of Management and
10 Enterprise Services shall notify the Oklahoma Historical Society and
11 obtain its approval prior to approving an application for its reuse.

12 F. No state agency, board, commission or public trust having
13 the state as its beneficiary shall transfer any real property owned
14 by the agency, board, commission or trust to any other state agency,
15 board, commission, state beneficiary trust or any public or private
16 entity unless the transfer is first approved by the Long-Range
17 Capital Planning Commission. Any transfer made without the prior
18 approval of the Long-Range Capital Planning Commission as required
19 by this subsection may be reversed by the Long-Range Capital
20 Planning Commission and if a transfer is reversed the agency, board,
21 commission, state beneficiary trust or other state government entity
22 to which the real property has been impermissibly transferred shall
23 take such actions to convey the subject property to the entity from
24 which the asset was acquired not later than thirty (30) days from

1 the date an order for such transfer is entered by the Long-Range
2 Capital Planning Commission. The Commission shall not approve any
3 transfer unless proceeds from the sale shall be deposited within the
4 Maintenance of State Buildings Revolving Fund as established by
5 Section 908 of Title 62 of the Oklahoma Statutes.

6 G. By February 1 of each year, the Office of Management and
7 Enterprise Services shall publish a report for the preceding
8 calendar year listing the parcels of previously state-owned property
9 sold, detailing the reduction in the amount of space leased by the
10 state, describing the source of funds and expenditures from the
11 Maintenance of State Buildings Revolving Fund and showing the manner
12 in which deferred maintenance needs are being met. The report shall
13 be provided to the Governor, Speaker of the House of
14 Representatives, President Pro Tempore of the Senate and placed on
15 the documents.ok.gov web portal.

16 H. This section shall not be applicable to the following or
17 their lands, properties, buildings, funds or revenue:

- 18 1. The Oklahoma Ordnance Works Authority;
- 19 2. The Commissioners of the Land Office;
- 20 3. The ~~Oklahoma~~ Department of Transportation; ~~and~~
- 21 4. The Oklahoma Turnpike Authority; and
- 22 5. The Grand River Dam Authority.

23 I. The Director of the Office of Management and Enterprise
24 Services may make recommendations to the Long-Range Capital Planning

1 Commission for liquidation of underutilized properties that have
2 environmental issues, create a liability for the state, or create
3 expenses that make the continued ownership of the underutilized
4 property undesirable and the property has been offered through two
5 public auctions or sealed bids and no viable bids were received. If
6 the Long-Range Capital Planning Commission approves the liquidation
7 of the property, the Office of Management and Enterprise Services
8 may accept a bid of less than ninety percent (90%) of the appraised
9 value in accordance with Section 327 of Title 61 of the Oklahoma
10 Statutes.

11 SECTION 2. AMENDATORY 82 O.S. 2021, Section 896.16, is
12 amended to read as follows:

13 Section 896.16 A. 1. Until replaced or changed as provided
14 for in subsection C of this section, the Grand River Dam Authority
15 is authorized and directed to charge an annual use fee of Thirty-
16 five Dollars (\$35.00) per commercially owned and operated flotation
17 device on the Illinois River within Adair, Cherokee and Delaware
18 Counties.

19 2. The operation of a commercial flotation device without
20 displaying a proper license issued by the Authority shall result in
21 a fine not to exceed One Hundred Dollars (\$100.00). The fine shall
22 be assessed upon the owner or operator of the commercial flotation
23 device business and not upon the individual renting the commercial
24 flotation device.

1 3. Commercial flotation devices shall not be operated on Flint
2 Creek in Delaware County and those portions of Barren Fork Creek in
3 Cherokee County.

4 B. For the Flint Creek and Illinois River within Adair,
5 Cherokee and Delaware Counties and those portions of Barren Fork
6 Creek within Cherokee County, the Authority is authorized and
7 directed to charge until replaced or changed as provided for in
8 subsection C of this section:

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

11 2. A use fee of One Dollar (\$1.00) per day for all
12 noncommercial, privately owned flotation devices floating upon a
13 designated scenic river. Landowners located immediately adjacent to
14 a designated scenic river shall not be required to pay any fee for
15 private use as authorized in this section or otherwise by law.

16 C. Under the provisions of Section ~~5 of this act~~ 896.2 of this
17 title granting the Authority the power to establish licenses and set
18 fees, the Authority may promulgate rules for the collection and
19 administration of the fees imposed pursuant to the provisions of
20 this section or may promulgate rules establishing licenses;
21 providing for the issuance, renewal, revocation, denial, and
22 suspension of licenses; and setting fees that change or replace the
23 licenses and fees imposed pursuant to the provisions of this
24 section. Upon final adoption of rules changing or replacing any or

1 all of the licenses and fees imposed pursuant to the provisions of
2 this section, the Authority shall cease to impose, collect or charge
3 the license and fee that was changed or replaced by rule. Rules
4 promulgated by the Authority pursuant to this section shall be in
5 accordance with the Administrative Procedures Act.

6 D. Until replaced or changed as provided for in subsection C
7 of this section, the Grand River Dam Authority may charge a fee for
8 use of camping sites located in public use and access areas
9 controlled by the Authority in an amount that does not exceed the
10 rate charged by the Oklahoma Tourism and Recreation Department for
11 camping sites.

12 E. For the purposes of the Scenic Rivers Act, "commercial
13 flotation device" means a canoe, boat, kayak, inner tube, raft or
14 other similar device suitable for the transportation of a person or
15 persons on waterways which is available for hire by the public for
16 use on scenic rivers.

17 SECTION 3. This act shall become effective July 1, 2023.

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

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23 59-1-8098 JBH 04/04/23

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