

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1388

By: David of the Senate

and

Cox of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to waters and water rights; amending
12 51 O.S. 2011, Section 6, as last amended by Section
13 1, Chapter 269, O.S.L. 2015 (51 O.S. Supp. 2015,
14 Section 6), which relates to officers and deputies
15 holding other offices; modifying certain exemption;
16 deleting certain exemption; amending 82 O.S. 2011,
17 Section 862, as amended by Section 1, Chapter 217,
18 O.S.L. 2012 (82 O.S. Supp. 2015, Section 862), which
19 relates to the powers and duties of the Grand River
20 Dam Authority; updating statutory outline; providing
21 for retirement system election for certain employees
22 hired after certain date; providing for earned
23 benefits or credits; making the Grand River Dam
24 Authority a participating employer for the Oklahoma
Law Enforcement Retirement System; stating dual
office holding exemption for certain employees;
amending 82 O.S. 2011, Section 875, which relates to
the rights of the public to use of lands and lakes;
changing references from district to Grand River Dam
Authority; authorizing the Grand River Dam Authority
to prescribe reasonable fees for certain uses of
public lands; updating statutory language;
terminating the Scenic Rivers Commission on certain
date; transferring rights, authorities, functions,
duties, assets, debts, property and employees of the
Scenic Rivers Commission to the Grand River Dam
Authority on certain date; providing for certain

1 monies to be transferred; providing for transfer of
2 personnel; providing for retention of certain
3 benefits; requiring application of certain credit and
4 coordination; terminating operation of the Scenic
5 Rivers Commission by certain date; authorizing
6 reappointment of members to advisory board to the
7 Authority; allowing certain employees to retain badge
8 and firearm; authorizing the Authority to implement
9 certain annual fees for use of flotation devices on
10 certain waters; exempting certain landowners;
11 authorizing the Authority to promulgate rules to
12 establish an online payment process; authorizing the
13 Authority to promulgate certain rules; providing for
14 the transfer and termination of certain rules;
15 establishing certain powers and duties of the
16 Authority; listing powers and duties; amending 82
17 O.S. 2011, Sections 1451, 1452, 1453, 1454, 1455,
18 1456, 1457, 1460, 1464, 1465, 1466, 1467 and 1470,
19 which relate to the Scenic Rivers Act; updating
20 statutory citations; modifying designation of scenic
21 rivers; changing description of designated scenic
22 rivers; deleting certain definition; providing
23 definition of scenic rivers; modifying legislative
24 intent; deleting recognition for preserving scenic
rivers; transferring certain duties to the Authority;
deleting recognition of the threat of littering;
deleting complaint process; deleting penalty for
littering; expanding prohibition to use certain
containers; making throwing or depositing trash on or
near a scenic river subject to certain penalty;
modifying recognition of certain property rights;
updating statutory language; transferring duties
relating to pollution prevention; deleting obsolete
language; changing certain list of permitted or
registered water pollution sources; deleting certain
annual progress report requirements; modifying
responsibilities for evaluating phosphorus pollution
sources; modifying authority of the Authority to
reduce pollution from certain sources; changing
authority for promulgating certain rules; changing
reference for exemption for certain practices;
changing jurisdiction for certain cities, towns and
counties; authorizing the Authority to issue a Notice
of Violation to certain operations; authorizing the
Authority to issue an order assessing an
administrative penalty under certain circumstances;
setting amount of penalty; providing for

1 administrative hearing; transferring authority to
2 establish certain fees and penalties to the
3 Authority; making certain fees effective until
4 certain action; prohibiting commercial flotation
5 devices on certain rivers; allowing the Authority to
6 promulgate rules replacing or changing certain
7 licenses and fees; deleting certain authorization for
8 the administrator; modifying certain definition;
9 repealing 82 O.S. 2011, Sections 1458, 1461, as
10 amended by Section 1, Chapter 348, O.S.L. 2013, 1462,
11 1462A, as amended by Section 1068, Chapter 304,
12 O.S.L. 2012, 1462B, as amended by Section 1069,
13 Chapter 304, O.S.L. 2012, 1462C, as amended by
14 Section 1070, Chapter 304, O.S.L. 2012, 1463, 1468,
15 1469 and 1471 (82 O.S. Supp. 2015, Sections 1461,
16 1462A, 1462B and 1462C), which relate to the Scenic
17 Rivers Act; repealing 47 O.S. 2011, Section 2-315,
18 which relates to the election of participation in the
19 Oklahoma Law Enforcement Retirement System by Lake
20 Patrolmen or Dispatchers; providing for codification;
21 providing for recodification; providing an effective
22 date; and declaring an emergency.

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

24 SECTION 1. AMENDATORY 51 O.S. 2011, Section 6, as last
amended by Section 1, Chapter 269, O.S.L. 2015 (51 O.S. Supp. 2015,
Section 6), is amended to read as follows:

Section 6. A. Except as may be otherwise provided, no person
holding an office under the laws of the state and no deputy of any
officer so holding any office shall, during the person's term of
office, hold any other office or be the deputy of any officer
holding any office, under the laws of the state. The provisions of
this section shall not apply to:

1 1. Notaries public;

2 2. Members of the State Textbook Committee;

3 3. County free fair board members;

4 4. Municipal and county law enforcement officers serving in
5 positions as law enforcement officers of both such governmental
6 entities upon such terms and conditions as are mutually approved by
7 resolutions adopted by the board of county commissioners and
8 governing body of the municipality employing such officers;

9 5. Any person holding a county or municipal office or position,
10 or membership on any public trust authority, who is a member of a
11 board or commission that relates to federal, state, county or
12 municipal government and is created by the United States Government,
13 the State of Oklahoma or a political subdivision of the state,
14 except where the duties of the offices or positions conflict;

15 6. Any elected municipal officers and school board members who
16 are appointed to a state board, commission, or similar entity if
17 there is no compensation for such services other than reimbursement
18 for necessary travel expenses pursuant to the provisions of the
19 State Travel Reimbursement Act;

20 7. Any trustee of a public trust, who is appointed as a trustee
21 of a different public trust or any trustee of the Tulsa County
22 Public Facilities Authority who may also be employed by the
23 Department of Transportation;

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1 8. Law enforcement officers employed by municipal or county law
2 enforcement departments or agencies, other than those law
3 enforcement officers elected or appointed as sheriff, chief of
4 police or some similar position in which they are the head of a
5 county or municipal law enforcement agency, who are elected to local
6 boards of education; provided, the provisions of this paragraph
7 shall not prohibit any law enforcement officer employed by a
8 municipality having a population of ten thousand (10,000) or fewer
9 people from serving as a member of a local board of education;

10 9. Any member of the Oklahoma Highway Patrol Division of the
11 Department of Public Safety who is elected to a local board of
12 education;

13 10. Any District Supervisor, Assistant District Supervisor,
14 Team Supervisor, Parole Officer 1 or Parole Officer 2 of the
15 Department of Corrections who is elected or appointed to a city
16 council;

17 11. Any trustee or director of a rural electric cooperative, or
18 port authority who is appointed or elected to a state, county or
19 municipal board, commission or similar entity;

20 12. County employees who are elected as members of town or city
21 councils;

22 13. Municipal, county, state or tribal law enforcement or peace
23 officers operating under cross-deputization agreements with an
24 Indian tribe or branch of the federal government;

1 14. Municipal or county law enforcement or peace officers
 2 serving in positions as campus police officers or campus public
 3 safety officers pursuant to the provisions of the Oklahoma Campus
 4 Security Act, upon such terms and conditions as are mutually
 5 approved by resolution adopted by the governing body of the
 6 municipality or county and the governing board of the institution of
 7 higher education;

8 15. State law enforcement or peace officers serving in
 9 positions as campus police officers or campus public safety officers
 10 pursuant to the provisions of the Oklahoma Campus Security Act, upon
 11 such terms and conditions as are mutually approved by written
 12 agreement between the Commissioner of Public Safety and the
 13 governing board of the institution of higher education;

14 16. Municipal ~~and~~, county and state law enforcement officers
 15 serving in positions as part-time or seasonal rangers or peace
 16 officers under the Oklahoma Tourism and Recreation Department or the
 17 ~~Oklahoma Scenic Rivers Commission~~ Grand River Dam Authority;

18 17. ~~The Administrator of a Scenic Rivers Commission serving in~~
 19 ~~the position of a park ranger under the Oklahoma Tourism and~~
 20 ~~Recreation Department;~~

21 ~~18.~~ Members of the University Hospitals Authority;

22 ~~19.~~ 18. Any person holding a state office or position who is a
 23 reserve force deputy sheriff, or a reserve special agent with the
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1 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or a
2 reserve municipal police officer;

3 ~~20.~~ 19. Any person holding a state office or position who
4 serves as a special assistant district attorney without
5 compensation;

6 ~~21.~~ 20. Any elected or appointed member of a local school board
7 who is a member of a municipal planning commission;

8 ~~22.~~ 21. Any elected or appointed member of a local school board
9 who is a member or an officer of a volunteer fire department;

10 ~~23.~~ 22. Directors or officers of a rural water district and
11 chiefs of municipal fire departments or rural fire districts who are
12 appointed or elected to an unsalaried office in a state, county,
13 municipal, school, or technology center school board, commission, or
14 similar entity, except where the duties of the office would create a
15 conflict of interest;

16 ~~24.~~ 23. Any person who is a dispatcher or confinement officer
17 at a municipal or county jail who is a noncompensated reserve
18 municipal police officer or a reserve deputy sheriff;

19 ~~25.~~ 24. Any person who is an assistant district attorney
20 serving as a municipal judge or prosecutor;

21 ~~26.~~ 25. Any park ranger under the Oklahoma Tourism and
22 Recreation Department or any game warden or reserve game warden
23 employed by the Department of Wildlife Conservation who is elected
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1 or appointed to a local board of education or to a municipal
2 governing body, board, commission or similar entity;

3 ~~27.~~ 26. Members of the Oklahoma State University Medical Center
4 Authority, the Oklahoma State University Medical Trust or the State
5 Board of Osteopathic Examiners;

6 ~~28.~~ 27. Any member of the state Legislature or any state
7 officer who serves on the board of trustees of the Oklahoma School
8 for the Visual and Performing Arts; and

9 ~~29.~~ 28. Members of the Council on Judicial Complaints.

10 The provisions of this section shall not prohibit any person
11 holding an office under the laws of the state or any deputy of any
12 officer so holding any office from serving upon the board of
13 Oklahoma Futures or upon the board of directors of the Oklahoma
14 Center for the Advancement of Science and Technology. The
15 provisions of this section shall not prohibit a member of the board
16 of directors of the Oklahoma Center for the Advancement of Science
17 and Technology from serving upon the board of Oklahoma Futures.

18 B. Any salaries, emoluments or benefits that would otherwise be
19 paid by the agency or political subdivision to a loaned employee or
20 officer shall instead be paid to the regular employer of such
21 employee. The loaned employee shall in turn be paid regular salary
22 and benefits the same as if continuing regular employment with the
23 permanent employer.

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1 SECTION 2. AMENDATORY 82 O.S. 2011, Section 862, as
2 amended by Section 1, Chapter 217, O.S.L. 2012 (82 O.S. Supp. 2015,
3 Section 862), is amended to read as follows:

4 Section 862. The district shall have and is hereby authorized
5 to exercise the following powers, rights and privileges:

6 ~~(a)~~ 1. To control, store and preserve, within the boundaries of
7 the district, the waters of Grand River and its tributaries, for any
8 useful purpose, and to use, distribute and sell the same within the
9 boundaries of the district; provided, however, that any municipal
10 corporation within the area included within the jurisdiction of the
11 Grand River Dam Authority shall be entitled to take water from the
12 Grand River and any of its tributaries in any quantities that may be
13 needed by such municipal corporation;

14 ~~(b)~~ 2. To develop and generate water power, electric power and
15 electric energy, from whatever source, within the boundaries of the
16 district; to acquire coal or other minerals to be used for the
17 purposes of providing energy sources for electrical generating
18 plants; to acquire or lease any and all railroad connections,
19 equipment, rolling stock, trackage and otherwise, necessary to the
20 transporting of coal and other minerals to generating plant sites
21 within the district; and to buy, sell, resell, interchange and
22 distribute electric power and energy in order to carry forward the
23 business and functions of the district now or hereafter authorized
24 by law and may enter into contracts for such purposes, such

1 contracts to run for a period of not to exceed fifty (50) years
2 except those contracts provided for in paragraphs ~~(f)~~ 6 and ~~(g)~~ 7 of
3 this section. All contracts may contain such reasonable provisions,
4 limitations, qualifications, protective clauses and rights and
5 obligations of purchase and sale, and such provisions for the
6 dedication of the use of facilities and the construction of
7 additional facilities to serve the load requirements of all the
8 parties as may be deemed advisable by the district to safeguard the
9 business and properties of all the parties to such contracts, all
10 within the limits of sound business judgment and practice, good
11 conscience, and not contrary to the public policy of the state. The
12 district is further authorized to participate in the Southwest Power
13 Pool Integrated Marketplace or any other program established by a
14 Federal Energy Regulatory Commission authorized Regional
15 Transmission Organization in which the district is a member and to
16 engage in the buying and selling of electricity products, fuel
17 commodities, and financial instruments as deemed necessary and
18 prudent by the district and specifically excludes any expansion of
19 retail activities of the district. The Board of Directors shall
20 adopt a hedging policy to enable the district to take advantage of
21 standard market products to reduce risk while preventing speculative
22 trading and potential abuses;

23 ~~(e)~~ 3. To prevent or aid in the prevention of damage to person
24 or property from the waters of the Grand River and its tributaries;

1 ~~(d)~~ 4. To forest and reforest and to aid in the foresting and
2 reforesting of the watershed area of the Grand River and its
3 tributaries and to prevent and to aid in the prevention of soil
4 erosion and floods within the watershed area;

5 ~~(e)~~ 5. To acquire by purchase, lease, gift, or in any other
6 manner, and to maintain, use and operate or to contract for the
7 maintenance, use and operation of any and all property of any kind,
8 real, personal, or mixed, or any interest therein, including trucks
9 of any size or weight and passenger vehicles and to own, construct,
10 operate and maintain any project or works in conjunction or jointly
11 with, as tenants in common, any public or private corporation duly
12 authorized and qualified to do business within this state including,
13 but not limited to, rural electric cooperatives of the State of
14 Oklahoma or the United States of America, or any department,
15 subdivision or agency of the State of Oklahoma or the United States
16 of America, or with any "public agency" as defined under the
17 Interlocal Cooperation Act, within or without the boundaries of the
18 district, necessary, incidental or convenient to the exercise of the
19 powers, rights, privileges and functions conferred upon it by the
20 Grand River Dam Authority Act;

21 ~~(f)~~ 6. In addition to any other powers conferred, the district
22 shall have power and authority to participate and enter into
23 agreements with any public or private corporation duly authorized
24 and qualified to do business within the State of Oklahoma including,

1 but not limited to, rural electric cooperatives, the state or the
2 United States of America or any department, subdivision or agency of
3 the state or the United States of America, or with any "public
4 agency" as defined under the Interlocal Cooperation Act, for the
5 purpose of planning, acquiring, financing, owning, operating and
6 maintaining an undivided ownership of any steam, oil, gas, coal-
7 fired, thermal, geothermal, solar, waste or refuse reclamation
8 powered electric generating plant or plants or any facilities of
9 every kind necessary, incidental or convenient for the production,
10 generation and transmission of electric power and energy including,
11 but not limited to, any and all related transmission facilities,
12 which shall be used as common facilities. The agreements shall
13 provide that the district and any participants therein shall have
14 the incidents of tenant in common to any plant or facility. It
15 shall also be provided in the agreements that the district and any
16 participant in the project shall own a percentage of any common
17 facility equal to the percentage of the money furnished or the value
18 of property supplied by it for the acquisition and construction
19 thereof and shall own and control a like percentage of the
20 electrical output thereof.

21 Each participant shall defray its own interest payments and
22 other payments required to be made or deposited in connection with
23 any financing undertaken by it to pay its percentage of the money
24 furnished or value of property supplied by it for the planning,

1 acquisition and construction of any common facility, or any
2 additions or betterments thereto. The agreement shall further
3 provide a uniform method of determining and allocating operation and
4 maintenance expenses of the common facility.

5 In carrying out the powers granted in this section, the district
6 and each participant shall be severally liable only for its own acts
7 and not jointly or severally liable for the acts, omissions or
8 obligations of others. No money or property supplied by the
9 district or any participant for the planning, financing, acquiring,
10 constructing, operating or maintaining of any common plant or
11 facility shall be credited or otherwise applied to the account of
12 any other participant therein, nor shall the undivided share of the
13 district or any participant therein be charged, directly or
14 indirectly, with any debt or obligation of any other participant or
15 be subject to any lien as a result thereof. No action in connection
16 with a common facility shall be binding upon the district except as
17 expressly authorized and provided for in the participation
18 agreement;

19 ~~(g)~~ 7. In addition to the powers conferred in paragraph ~~(f)~~ 6
20 of this section, the district shall have power and authority to
21 participate and enter into agreements with any public or private
22 corporation duly authorized and qualified to do business within this
23 state including, but not limited to, rural electric cooperatives,
24 the State of Oklahoma or the United States of America or any

1 department, subdivision or agency of the State of Oklahoma or the
2 United States of America, or with any "public agency" as defined
3 under the Interlocal Cooperation Act, for the purpose of planning,
4 acquiring, financing, owning, operating and maintaining undivided
5 ownership interests in any steam, oil, gas, coal-fired, thermal,
6 geothermal, solar, waste or refuse reclamation powered electric
7 generating plant or plants or any other facilities of every kind
8 necessary, incidental or convenient for the production, generation
9 and transmission of electric power and energy including, but not
10 limited to, any and all related transmission or other facilities
11 which are to be used as common facilities and to cooperate with
12 other state agencies and public trusts to promote economic
13 development in the state and to assist in attracting industry to the
14 state. Such undivided ownership interests may be created by an
15 agreement entered into with respect to property to be acquired by
16 the district. Any such agreement may be a sale agreement, with the
17 purchase price payable at one time or in installments at such time
18 and over such period as shall be agreed to by the parties thereto, a
19 lease agreement, with a nominal purchase option, or any other type
20 of agreement. In addition to the purchase price, the district shall
21 be fully indemnified as to operation, maintenance, administrative
22 and other expenses incurred with respect to such undivided interest.
23 Any payment received in respect to any such agreement shall be
24 deemed revenues of the Authority. The district is hereby authorized

1 to enter into any such agreement in order to sell, lease or
2 otherwise convey undivided ownership interests in any such property.
3 Any such agreement shall specify the undivided interest to be owned
4 or acquired by each of the participants, provide for a waiver of
5 partition, prescribe the time of vesting of such interest and the
6 amount of electrical output to be owned and controlled by any
7 participant.

8 Each participant shall defray its own interest and other
9 payments required to be made or deposited in connection with any
10 financing undertaken by it to pay its percentage of the money
11 furnished or value of property supplied by it for the planning,
12 acquisition and construction of any common facility, or any
13 additions or betterments thereto. The agreement shall provide a
14 uniform method of determining and allocating operation and
15 maintenance expenses of the common facility.

16 In carrying out the powers granted in this section, the district
17 and each participant shall be severally liable only for its own acts
18 and not jointly or severally liable for the acts, omissions or
19 obligations of others. No money or property supplied by the
20 district or any participant for the planning, financing, acquiring,
21 constructing, operating or maintaining of any common plant or
22 facility shall be credited or otherwise applied to the account of
23 any other participant therein, nor shall the undivided share of the
24 district or any participant therein be charged, directly or

1 indirectly, with any debt or obligation of any other participant or
2 be subject to any lien as a result thereof. No action in connection
3 with a common facility shall be binding upon the district except as
4 expressly authorized and provided for in the participation
5 agreement;

6 ~~(h)~~ 8. To acquire by condemnation any and all property of any
7 kind, real, personal, or mixed, or any interest therein, within or
8 without the boundaries of the district, necessary, incidental or
9 convenient to the exercise of the powers, rights, privileges and
10 functions conferred upon it by the Grand River Dam Authority Act, in
11 the manner provided by general law with respect to condemnation;
12 provided that nothing in the Grand River Dam Authority Act shall
13 ever be construed to authorize the district to acquire by
14 condemnation any privately, municipally or publicly owned electric
15 public utility system or any part thereof outside of the high-water
16 mark of a reservoir area or outside a properly located damsite,
17 except the districts may require the relocation of transmission
18 lines and substations so owned where such relocation is necessary
19 for the construction and maintenance of dams, reservoirs, levees,
20 spillways and floodways, and in such event just compensation shall
21 be paid. Provided that the Grand River Dam Authority shall have the
22 right to cross transmission lines of other electric utility
23 companies under proper engineering standards of construction as
24 approved by the Corporation Commission;

1 ~~(i)~~ 9. Subject to the provisions of the Grand River Dam
2 Authority Act, from time to time sell, which shall include, but not
3 be limited to, an installment sale agreement, lease with nominal
4 purchase options, or otherwise dispose of any property of any kind,
5 real, personal or mixed, or any interest therein, which shall not be
6 necessary to the carrying on of the business of the district;

7 ~~(j)~~ 10. To overflow and inundate any public lands and public
8 property and to require the relocation of roads and highways in the
9 manner and to the extent necessary to carry out the purposes of the
10 Grand River Dam Authority Act; provided, that the district shall be
11 liable in damages to the State of Oklahoma or any subdivision
12 thereof for any injury occasioned or expense incurred by reason
13 thereof;

14 ~~(k)~~ 11. To construct, extend, improve, maintain and
15 reconstruct, to cause to be constructed, extended, improved,
16 maintained and reconstructed, and to use and operate any and all
17 facilities of any kind necessary, incidental or convenient to the
18 exercise of such powers, rights, privileges and functions;

19 ~~(l)~~ 12. To sue and be sued in its corporate name in contracts,
20 reverse condemnation, tort, equity, mandamus and similar actions and
21 in its own name plead and be impleaded, provided, however, that any
22 and all actions of law or in an equity against the district shall be
23 brought in the county in which the principal office of the district
24 shall be located or in the county where the cause of action arose;

1 ~~(m)~~ 13. To adopt, use and alter a corporate seal;

2 ~~(n)~~ 14. To make bylaws for the management and regulation of its
3 affairs;

4 ~~(o)~~ 15. To appoint officers, agents and employees, to prescribe
5 their duties and to fix their compensation; and enter into contracts
6 with labor unions, provided, that contracts with labor unions shall
7 not abrogate the rights of the district to cooperate and carry out
8 Veterans on the Job Training;

9 ~~(p)~~ 16. To make contracts and to execute instruments necessary,
10 incidental or convenient to the exercise of the powers, rights,
11 privileges and functions conferred upon it by the Grand River Dam
12 Authority Act;

13 ~~(q)~~ 17. To borrow money for its corporate purposes and, without
14 limitation of the generality of the foregoing, to borrow money and
15 accept grants from the United States of America, or from any
16 corporation or agency created or designated by the United States of
17 America, and, in connection with any such loan or grant, to enter
18 into such agreements as the United States of America or such
19 corporation or agency may require; and to make and issue its
20 negotiable bonds for money borrowed, in the manner provided in the
21 Grand River Dam Authority Act. Nothing in the Grand River Dam
22 Authority Act shall authorize the issuance of any bonds, notes or
23 other evidences of indebtedness of the district, except as
24 specifically provided in the Grand River Dam Authority Act;

1 ~~(#)~~ 18. To prescribe and enforce rules for the use for
2 recreational and commercial purposes of the lakes created by the
3 district by impounding the waters of the lakes, and the shorelands
4 of the district bordering thereon, including the use of firearms,
5 the inspection of all boats of every character proposing to operate
6 or operating on the lakes, the issuance of permits for the operation
7 of boats, surfboards, aquaplanes, sea-skis or similar devices on the
8 lakes for hire; the charging and collection of fees for the
9 inspection or operation of such boats, surfboards, aquaplanes, sea-
10 skis or other similar devices on the lakes for hire; preventing the
11 launching or operation of any commercial or for-hire boat,
12 surfboard, aquaplane, sea-ski or similar device for hire, on the
13 waters of the lakes, without a certificate of inspection and a
14 permit for such use; prescribing the type, style, location and
15 equipment of all wharves, docks and anchorages along the shores and
16 upon the water of the lakes; the issuance of permits for wharfage,
17 dock or anchorage privileges and charging fees for such commercial
18 or private permits; and the establishment and maintenance of public
19 wharves, docks or anchorages and the charging and collection of fees
20 for the use thereof by the public; to appoint or employ such persons
21 as the district may deem proper and suitable for the purpose of
22 enforcing such rules and regulations as may be issued hereunder, or
23 as may be issued pursuant to the provisions of the Oklahoma Boating
24 Safety Regulation Act, and for the enforcing of the provisions of

1 the Grand River Dam Authority Act, and all violations of criminal
2 laws occurring within the boundaries of the counties where real
3 property owned or leased by the Grand River Dam Authority is
4 located, which employees shall have the power of peace officers
5 during the performance of those duties, except in the serving or
6 execution of civil process.

7 Persons who are hired or become employed by the Grand River Dam
8 Authority as law enforcement officers or dispatchers on or after the
9 effective date of this act shall within thirty (30) days after
10 becoming employed make an irrevocable written election to
11 participate and be a member of the Oklahoma Public Employees
12 Retirement System or the Oklahoma Law Enforcement Retirement System.
13 If the election is not made within thirty (30) days, the officer or
14 dispatcher shall be enrolled only in the Oklahoma Public Employees
15 Retirement System. Any earned benefits or credits toward retirement
16 benefits from previous participation within the Oklahoma Public
17 Employees Retirement System or the Oklahoma Law Enforcement
18 Retirement System shall remain within that system should the law
19 enforcement officer or dispatcher elect to become a new participant
20 in a different retirement system. The Grand River Dam Authority
21 shall be a participating employer in the Oklahoma Law Enforcement
22 Retirement System for all Grand River Dam Authority law enforcement
23 officers and dispatchers who participate in the Oklahoma Law
24 Enforcement Retirement System.

1 Any municipal, county or state law enforcement officer employed
2 by the Grand River Dam Authority to serve as a part-time or seasonal
3 commissioned peace officer shall be exempt from the restrictions on
4 dual office holding as provided for in paragraph 16 of subsection A
5 of Section 6 of Title 51 of the Oklahoma Statutes;

6 ~~(s)~~ 19. To do any and all other acts or things necessary,
7 incidental or convenient to the exercise of the powers, rights,
8 privileges or functions conferred upon it by the Grand River Dam
9 Authority Act or any other act or law. Provided the district shall
10 be liable for damage caused by the district, its agents, servants
11 and employees in creating, constructing, maintaining or operating
12 the district to any corporation, partnership, person or individual
13 whose property, either real or personal, within or without said
14 district, has been damaged and the damages may be determined by
15 appropriate action as provided by law. Nothing in the Grand River
16 Dam Authority Act shall be construed as rendering the district
17 liable for damage where it is not liable on general principles of
18 law or statute or Constitutional provision.

19 Provided, however, that in the course of exercising its powers
20 as herein enumerated, the district shall at all times consider the
21 rights and needs of the people living within and upon the land lying
22 within the watershed of the rivers or streams developed by the
23 district; provided, however, that nothing herein shall prevent the
24 district from selling for irrigation purposes within the boundaries

1 of the district any water impounded by it under authority of law,
2 provided that nothing herein contained shall authorize the state to
3 engage in agriculture except for educational and scientific purposes
4 and for the support of its penal, charitable, and educational
5 institutions; and

6 ~~(t)~~ 20. To support and assist the efforts of state, regional
7 and local development organizations, political subdivisions,
8 industrial committees, chambers of commerce, tourism organizations,
9 agricultural organizations, environmental organizations and other
10 similar public and private agencies to obtain new and foster
11 expansion of existing service, industrial and manufacturing
12 facilities, businesses and enterprises to enhance the quality of
13 life for the citizens of the district and the state. Provided,
14 support and assistance shall be limited to an amount not to exceed a
15 total of Twenty-five Thousand Dollars (\$25,000.00) per year for one
16 or more projects or efforts that are for the benefit of or impact
17 the quality of life for each city or community located within the
18 boundaries of the district.

19 ~~(u)~~ 21. Notwithstanding any other provision of law, the General
20 Manager, department heads and other essential employees of the
21 district, as designated by the General Manager, may be permitted to
22 use a district owned vehicle to provide transportation between the
23 employee's residence and the assigned place of employment and
24 between the residence and any location other than the assigned place

1 of employment to which the employee travels in the performance of
2 the employee's official duty.

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

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

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

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

24

1 C. The ~~district~~ Authority shall prescribe, in the interest of
2 public safety, suitable rules and regulations governing the keeping
3 for hire or operations of a boat or boats, surfboards, aquaplanes,
4 sea-skis or similar devices for pecuniary profit or gain on the
5 waters of the lakes. The keeping for hire or operation of a boat or
6 boats, surfboards, aquaplanes, sea-skis or similar devices, for
7 pecuniary profit or gain, on the waters of the lake, shall only be
8 allowed after a permit therefor has been issued by the ~~district~~
9 Authority. Applications for such permits are to be in writing, upon
10 a form prescribed and furnished by the ~~district~~ Authority, and
11 containing such information as is required by the ~~district~~
12 Authority. For the issuance of such a permit the ~~district~~ Authority
13 shall charge a fee in an amount as specified by the ~~district~~
14 Authority, and shall have the power to prescribe the size and type
15 of boat or boats allowed to operate under such permit and the
16 equipment necessary to such operation. A permit shall be procured
17 for the construction of wharves, docks, landings and anchorages when
18 constructed for commercial or rental purposes. For the issuance of
19 such a permit the ~~district~~ Authority shall charge a fee in an amount
20 as specified by the ~~district~~ Authority. The ~~district~~ Authority
21 shall prescribe the type, style and location and equipment of
22 wharves, docks, anchorages and landings from which such boats
23 operate and their rules of travel. Issuance of permits is to be
24 deferred and withheld unless and until the applicant therefor has

1 paid the permit fee and procured and deposited with the ~~district~~
2 Authority a good and sufficient bond, either in cash, or by a surety
3 company licensed to do business in this state, or public liability
4 and property damage insurance, written by a company licensed to do
5 business in Oklahoma, in an amount and in such form as the ~~district~~
6 Authority shall specify, so as to assure compensation for injuries
7 to or death of persons, and loss or damage to property for which the
8 holder of such permit may be legally liable. Upon it being called
9 to the attention of the Attorney General of Oklahoma by any citizen
10 of Oklahoma that this section has not been complied with, it shall
11 be the duty of the Attorney General of Oklahoma to institute the
12 proper legal proceedings to require ~~said district~~ the Authority, or
13 its successor, to comply with the provisions of this section.

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

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 896.1 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Effective July 1, 2016, the Scenic Rivers Commission created
5 pursuant to Section 1461 of Title 82 of the Oklahoma Statutes shall
6 be terminated. Effective July 1, 2016, the rights and authorities
7 of the Scenic Rivers Commission shall be transferred to the Grand
8 River Dam Authority. Effective July 1, 2016, all assets, funds,
9 liabilities, allotments, purchase orders, outstanding financial
10 obligations, encumbrances, records, equipment and property of the
11 Scenic Rivers Commission are hereby transferred to and placed under
12 the supervision and control of the Grand River Dam Authority.
13 Monies collected or accruing to the credit of the Scenic Rivers
14 Commission in the State Treasury or under the management of the
15 Office of Management and Enterprise Services pursuant to the
16 provisions of Section 1462A, 1462B or 1462C of Title 82 of the
17 Oklahoma Statutes as of the effective date of this act and after
18 shall be transferred to the Grand River Dam Authority to assist in
19 implementing this act or as otherwise directed to support the
20 activities previously conducted by the Scenic Rivers Commission or
21 the employees of the Commission. Any other monies from
22 appropriations, fees, licenses, fines, penalties or other similar
23 types of monies that accrue in any funds or accounts after the
24 effective date of this act in the name of the Scenic Rivers

1 Commission or maintained for the benefit of the Commission are
2 transferred to the Grand River Dam Authority.

3 B. Personnel employed by the Scenic Rivers Commission on the
4 effective date of this act shall be transferred to the Grand River
5 Dam Authority subject to the following provisions:

6 1. Classified employees transferred shall remain subject to the
7 provisions of the Merit System of Personnel Administration, as
8 provided in the Oklahoma Personnel Act;

9 2. Unclassified employees transferred shall remain in the
10 unclassified service and shall serve at the pleasure of the Grand
11 River Dam Authority;

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

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

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

23 C. The Scenic Rivers Commission shall cease operating as a
24 Commission no later than July 1, 2016. The Grand River Dam

1 Authority Board of Directors may create an advisory board relating
2 to the management of the property and area previously under the
3 authority of the Scenic Rivers Commission with consideration of and
4 adherence to the provisions of the Scenic Rivers Act. Members
5 currently serving on the Commission may be eligible to serve in an
6 advisory capacity if so appointed by the Grand River Dam Authority
7 Board of Directors and may serve for terms as authorized by the
8 Board of Directors of the Authority.

9 D. The Administrator and Chief Ranger of the Scenic Rivers
10 Commission employed by the Commission on the effective date of this
11 act may maintain possession of the badge and assigned firearm issued
12 by the Commission.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 896.2 of Title 82, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Effective January 1, 2017, the Grand River Dam Authority is
17 authorized to set a daily, multiday or annual fee for the use of a
18 commercially or privately owned flotation device to float upon
19 designated scenic rivers. Landowners located immediately adjacent
20 to the designated scenic river shall not be required to pay any fee
21 for private use as authorized by this section or otherwise by law.

22 B. The Grand River Dam Authority is authorized to promulgate
23 rules establishing an online payment system or any other means by
24 which the public may conveniently purchase permits for the operation

1 of a flotation device upon designated scenic river areas as
2 authorized by this section.

3 C. In the interest of public safety, the Grand River Dam
4 Authority is authorized to promulgate rules protecting the natural
5 resources of the scenic rivers, regulating public use areas,
6 establishing use permits for scenic rivers, establishing licensing
7 requirements for commercial float operators and setting fees for the
8 issuance of the licenses. The Authority shall be the sole grantor
9 of licenses issued pursuant to the rules.

10 D. With regards to all rights and authorities transferred to
11 the Grand River Dam Authority pursuant to this section and Section 4
12 of this act, all rules of the Scenic Rivers Commission relating to
13 licensing, use permits and protection of natural resources, are
14 hereby transferred to the Grand River Dam Authority to the extent
15 the rules are consistent with state law and rules of the Authority
16 for the purpose of implementing and enforcing the provisions of the
17 Scenic Rivers Act. The rules shall remain in effect only until July
18 1, 2017, at which time the transferred rules will terminate unless
19 earlier superseded by rules promulgated by the Authority.

20 SECTION 6. 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 For purposes of the Scenic Rivers Act, the Grand River Dam
24 Authority shall have additional powers and duties to:

1 1. Prepare, adopt and publish management plans and other
2 documents to guide public and private activities and programs;

3 2. Consider and comment on public and private practices and
4 proposed actions that may affect a scenic river;

5 3. Recommend standards for local government agencies whose
6 political boundaries include all or part of a scenic river;

7 4. Own and control public access points for scenic rivers, and
8 purchase easements and fee title to land along the scenic rivers for
9 public purposes which are to be held by the Authority as an agency
10 of the State of Oklahoma; and

11 5. Identify public and private nuisances that adversely affect
12 a scenic river and take lawful action to abate nuisances.

13 SECTION 7. AMENDATORY 82 O.S. 2011, Section 1451, is
14 amended to read as follows:

15 Section 1451. Sections ~~1452~~ 7 through ~~1471~~ 19 of this ~~title act~~
16 shall be known and may be cited as the "Scenic Rivers Act".

17 SECTION 8. AMENDATORY 82 O.S. 2011, Section 1452, is
18 amended to read as follows:

19 Section 1452. ~~A.~~ The Oklahoma Legislature finds that ~~some of~~
20 ~~the~~ certain free-flowing streams and rivers of Oklahoma possess such
21 unique natural scenic beauty, water ~~conservation~~, fish, wildlife and
22 outdoor recreational values of present and future benefit to the
23 people of the state that it is the policy of the Legislature to
24 preserve these areas for the benefit of the people of Oklahoma. For

1 this purpose ~~there~~ the following are hereby designated ~~certain~~
2 "~~scenic river areas~~" to be preserved as a part of Oklahoma's
3 ~~diminishing resource of free-flowing rivers and streams.~~

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

6 1. The Flint Creek and ~~the Illinois River above the confluence~~
7 ~~of the Barren Fork Creek in Cherokee, Adair and~~ in Delaware Counties
8 County;

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

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

14 ~~3.~~ 4. The Upper Mountain Fork River above the 600-foot
15 elevation level of Broken Bow Reservoir in McCurtain and LeFlore
16 Counties;

17 ~~4.~~ 5. Big Lee's Lee Creek, ~~sometimes referred to as Lee Creek,~~
18 ~~located in Sequoyah County, above the 420-foot MSL elevation,~~
19 ~~excluding that portion necessary for a dam to be built in the State~~
20 ~~of Arkansas with a crest elevation of no more than the 420-foot MSL~~
21 ~~elevation. The Oklahoma Water Resources Board shall make such~~
22 ~~classifications, designations or adjustments to Oklahoma's water~~
23 ~~quality standards as required to allow the impoundment of water by~~
24 ~~said dam; and~~

1 5. 6. ~~Little Lee's Lee Creek, sometimes referred to as Little~~
 2 ~~Lee Creek, located in Adair and Sequoyah Counties, beginning~~
 3 ~~approximately four (4) miles east-southeast of Stilwell, Oklahoma,~~
 4 ~~and ending at its conjunction with Big Lee's Creek approximately two~~
 5 ~~(2) miles southwest of Short, Oklahoma.~~

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

9 SECTION 9. AMENDATORY 82 O.S. 2011, Section 1453, is
 10 amended to read as follows:

11 Section 1453. A. ~~Once an area is designated as a "scenic river~~
 12 ~~area", it~~ The term "scenic river" as used in the Scenic Rivers Act
 13 is defined as a stream or river designated pursuant to Section 8 of
 14 this act and the public use and access areas located within or
 15 adjacent to the stream or river.

16 B. It is the intent of the Legislature that:

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

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

21 B. C. No agency or official of state government shall authorize
 22 or concur in plans of local, state or federal agencies for the
 23 construction, operation, or maintenance of any dam or related
 24 project in or adjacent to any "scenic river area", without

1 legislative consent, except as needed by the municipalities located
2 in the counties or the immediate vicinity of the "scenic river
3 area", for their own municipal or domestic water supply if such uses
4 and structures will not significantly interfere with the
5 preservation of the stream as a scenic free-flowing stream.

6 SECTION 10. AMENDATORY 82 O.S. 2011, Section 1454, is
7 amended to read as follows:

8 Section 1454. ~~A. It is recognized by the Legislature that an~~
9 ~~effective program for preserving the scenic beauty of the free-~~
10 ~~flowing streams and rivers designated as "scenic river areas"~~
11 ~~necessarily involves the cooperation and support of the people in~~
12 ~~the operating areas of designated "scenic river areas", as well as~~
13 ~~the people using the "scenic river areas", and the agencies of state~~
14 ~~government administering these areas.~~

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

18 ~~C. In order to assist in the public use and enjoyment of such~~
19 ~~areas, any Scenic Rivers Commission, the scenic rivers, the Grand~~
20 ~~River Dam Authority, the Oklahoma Tourism and Recreation Department~~
21 ~~and the Oklahoma Department of Wildlife Conservation ~~Commission~~ may~~
22 ~~acquire, develop and maintain public access points, easements or~~
23 ~~park areas in or near "scenic river areas" rivers. Such~~
24 ~~acquisitions shall be by private treaty only, and the use of the~~

1 power of eminent domain for these purposes is specifically
2 prohibited ~~by the Scenic Rivers Act.~~

3 SECTION 11. AMENDATORY 82 O.S. 2011, Section 1455, is
4 amended to read as follows:

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

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

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

19 ~~D. The use of glass, Styrofoam or any plastic foam containers~~
20 ~~for any purpose shall be prohibited in on any boat, canoe, raft or~~
21 ~~inflatable watercraft in a scenic river area or on the Lower~~
22 ~~Mountain Fork River, south of the Broken Bow Lake Reregulation Dam~~
23 ~~to United States U.S. Highway 70. Any person found in violation of~~
24

1 this ~~subsection~~ section shall be subject to the provisions of
 2 Section 1761.1 of Title 21 of the Oklahoma Statutes.

3 B. Any person who deliberately places, throws, drops, dumps,
 4 deposits or discards any garbage, trash, waste, rubbish, refuse,
 5 debris or other deleterious substance on or near a scenic river
 6 shall be subject to the provisions of Section 1761.1 of Title 21 of
 7 the Oklahoma Statutes.

8 SECTION 12. 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 13. 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 Oklahoma Department of Agriculture, Food, and Forestry, the Oklahoma
 20 Water Resources Board, the ~~Oklahoma~~ Department of Wildlife
 21 Conservation ~~Commission~~ and the Oklahoma Conservation Commission are
 22 hereby given the authority to assist the ~~Scenic Rivers Commission~~
 23 Grand River Dam Authority in maintaining and improving water quality
 24

1 and in preventing and eliminating the pollution of waters within a
2 "~~scenic river area~~" rivers.

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

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

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

24

- 1 d. industry-specific descriptions of how load reduction
2 goals for each state environmental agency will be
3 accomplished,
- 4 e. an outline of innovative, cooperative intrastate and
5 interstate strategies that will be pursued in order to
6 expedite pollutant reductions, in particular where
7 scenic river watersheds cross state lines. Such
8 strategies may include nutrient trading and
9 conservation reserve enhancement program (CREP)
10 initiatives, and

- 11 f. a list of all permitted or registered water pollution
12 sources subject to the jurisdiction of each state
13 agency within each impaired scenic river watershed.
14 ~~For the permitted or registered water pollution~~
15 ~~sources subject to each state environmental agency's~~
16 ~~jurisdiction, including the following information~~
17 ~~shall be included:~~

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

22 C. ~~1. The Secretary of Environment shall coordinate with the~~
23 ~~appropriate state environmental agencies to create an annual~~
24 ~~progress report, beginning January 31, 2004, and each year~~

1 ~~thereafter. The progress report shall be submitted to the Governor,~~
2 ~~the President Pro Tempore of the Senate, and the Speaker of the~~
3 ~~House of Representatives.~~

4 ~~2. The annual progress report shall include any revisions and~~
5 ~~updates to the information provided in the original strategy, in~~
6 ~~addition to the following:~~

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

1 ~~e. recommendations for further administrative, judicial~~
2 ~~or legislative actions necessary to achieve the load~~
3 ~~reduction goals assigned to each impaired scenic river~~
4 ~~watershed and to overcome any identified limitations~~
5 ~~or obstacles.~~

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

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

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

1 shall evaluate methods to reduce the contribution of phosphorus to
 2 impaired scenic rivers from non-point sources identified by a TMDL.

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

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

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

23 SECTION 14. AMENDATORY 82 O.S. 2011, Section 1460, is
 24 amended to read as follows:

1 Section 1460. The Legislature finds that the protection and
2 development of the ~~state's scenic river areas~~ rivers in the state
3 and adjacent and contiguous lands and quality of outstanding
4 resource waters included within each ~~Commission's operating area~~
5 scenic river should be provided for by properly planned and executed
6 rules promulgated by ~~that Commission respecting~~ the Grand River Dam
7 Authority. The rules promulgated by the Authority with respect to
8 scenic rivers may address public services, land use, occupancy,
9 structures, lot and plot sizes, density of population and other
10 activities as required for the proper protection of the aesthetic,
11 scenic, historic, archeologic and scientific features of the ~~said~~
12 ~~affected areas~~ scenic rivers, or deemed necessary for the protection
13 of the ecosystem and the environment from pollution, despoliation
14 and destruction or waste of natural resources and all other factors
15 adversely affecting the public health, safety and the general
16 welfare so long as the rules comply with the exempt provisions of
17 the Scenic Rivers Act pertaining to farming, ranching, forestry,
18 silviculture and other agricultural uses.

19 SECTION 15. AMENDATORY 82 O.S. 2011, Section 1464, is
20 amended to read as follows:

21 Section 1464. A. Nothing in the Scenic Rivers Act shall be
22 construed to unduly restrict or adversely affect the use of property
23 within ~~the jurisdiction of any Scenic Rivers Commission~~ scenic
24 rivers basin for farming, ranching, forestry, silviculture and other

1 agricultural uses so long as they are not inconsistent with the
2 purposes of the Scenic Rivers Act.

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

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

10 SECTION 16. AMENDATORY 82 O.S. 2011, Section 1465, is
11 amended to read as follows:

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

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

22 C. In exercising planning and zoning functions, said cities,
23 incorporated towns and counties shall utilize the organization and
24 procedures available to cities and incorporated towns under the

1 general planning and zoning laws of the state. Provided that, when
2 a county exercises the powers provided by the Scenic Rivers Act, the
3 board of county commissioners of that county shall perform the
4 obligations and exercise the powers in the same manner as a local
5 legislative body or mayor of a city, incorporated town or
6 municipality.

7 SECTION 17. AMENDATORY 82 O.S. 2011, Section 1466, is
8 amended to read as follows:

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

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

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

21 B. In addition to other administrative actions, the Grand River
22 Dam Authority may issue a Notice of Violation to any licensed
23 commercial flotation device operation that is alleged to have
24 violated any rule of the Grand River Dam Authority. The Notice of

1 Violation shall advise the licensed operation of the applicable rule
2 and the facts of the violation and shall set a reasonable period of
3 time for the licensed operation to comply with the rule. After the
4 time to comply has expired, if the licensed operation is found to
5 still be in violation of the same rule, the Authority may issue a
6 proposed order assessing an administrative penalty in an amount of
7 not less than One Hundred Dollars (\$100.00) or more than Five
8 Hundred Dollars (\$500.00). The licensed operation shall have twenty
9 (20) days from receipt of the order to request an administrative
10 hearing. If a hearing is not requested, the proposed order shall
11 become final and the administrative penalty shall become due and
12 payable.

13 SECTION 19. AMENDATORY 82 O.S. 2011, Section 1470, is
14 amended to read as follows:

15 Section 1470. A. 1. ~~The Scenic Rivers Commission for the~~
16 ~~Flint Creek and Illinois River within Adair, Cherokee and Delaware~~
17 ~~Counties and those portions of Barren Fork Creek within Cherokee~~
18 ~~County~~ Until replaced or changed as provided for in subsection C of
19 this section, the Grand River Dam Authority is authorized and
20 directed to charge an annual use fee of Thirty-five Dollars (\$35.00)
21 per commercially owned and operated flotation device on the Illinois
22 River within Adair, Cherokee and Delaware Counties.

23 2. The operation of a commercial flotation device without
24 displaying a proper ~~Oklahoma Scenic Rivers Commission~~ license is

1 ~~subject to~~ issued by the Authority shall result in a fine not to
2 exceed One Hundred Dollars (\$100.00). The ~~penalty will~~ fine shall
3 be assessed upon the owner or operator of the commercial flotation
4 device business and not upon the individual renting the commercial
5 flotation device.

6 3. Commercial flotation devices shall not be operated on Flint
7 Creek in Delaware County and those portions of Barren Creek in
8 Cherokee County.

9 B. ~~The Scenic Rivers Commission for~~ For the Flint Creek and
10 Illinois River within Adair, Cherokee and Delaware Counties and
11 those portions of Barren Fork Creek within Cherokee County, the
12 Authority is authorized and directed to charge until replaced or
13 changed as provided for in subsection C of this section:

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~~ a designated scenic ~~rivers areas located within the~~
19 ~~operating area of jurisdiction of the Commission; provided, however,~~
20 ~~landowners~~ river. Landowners located immediately adjacent to ~~state-~~
21 ~~designated~~ a designated scenic ~~rivers areas~~ river shall not be
22 required to pay ~~either~~ any fee for private use as authorized ~~by~~ in
23 this subsection section or otherwise by law.

24

1 C. ~~The Scenic Rivers Commission for the Flint Creek and~~
2 ~~Illinois River within Adair, Cherokee and Delaware Counties and~~
3 ~~those portions of Barren Fork Creek within Cherokee County Scenic~~
4 ~~River Areas shall~~ Under the provisions of Section 5 of this act
5 granting the Authority the power to establish licenses and set fees,
6 the Authority may promulgate rules and regulations for the
7 collection and administration of the fees imposed pursuant to the
8 provisions of this section or may promulgate rules establishing
9 licenses and setting fees that change or replace the licenses and
10 fees imposed pursuant to the provisions of this section. Upon final
11 adoption of rules changing or replacing any or all of the licenses
12 and fees imposed pursuant to the provisions of this section, the
13 Authority shall cease to impose, collect or charge the license and
14 fee that was changed or replaced by rule. Rules promulgated by the
15 Authority pursuant to this section shall be in accordance with the
16 Administrative Procedures Act.

17 D. ~~The Commission~~ Until replaced or changed as provided for in
18 subsection C of this section, the Grand River Dam Authority may
19 ~~establish~~ charge a fee for use of camping sites located in public
20 use and access areas controlled by the ~~Commission.~~ ~~The fee charged~~
21 ~~by the Commission shall~~ Authority in an amount that does not exceed
22 the rate charged by the Oklahoma Tourism and Recreation Department
23 for camping sites. ~~The Commission is authorized to promulgate rules~~
24

1 ~~to implement such fee pursuant to Article I of the Administrative~~
2 ~~Procedures Act.~~

3 ~~E. The administrator of the Scenic Rivers Commission is~~
4 ~~authorized to be commissioned as a peace officer after completion of~~
5 ~~all required training for the purpose of supervision of peace~~
6 ~~officers employed by the Commission and such administrator may be~~
7 ~~utilized for any law enforcement purpose as may be necessary.~~

8 ~~F.~~ E. For the purposes of ~~this section~~ the Scenic Rivers Act,
9 "commercial flotation device" means a canoe, boat, kayak, inner
10 tube, raft or other similar device suitable for the transportation
11 of a person or persons on waterways which is available for hire by
12 the public for use on ~~waterways within the operating area of the~~
13 ~~Oklahoma Scenic Rivers Commission~~ scenic rivers.

14 SECTION 20. RECODIFICATION 82 O.S. 2011, Section 1451,
15 as amended by Section 7 of this act, shall be recodified as Section
16 896.4 of Title 82 of the Oklahoma Statutes, unless there is created
17 a duplication in numbering.

18 SECTION 21. RECODIFICATION 82 O.S. 2011, Section 1452,
19 as amended by Section 8 of this act, shall be recodified as Section
20 896.5 of Title 82 of the Oklahoma Statutes, unless there is created
21 a duplication in numbering.

22 SECTION 22. RECODIFICATION 82 O.S. 2011, Section 1453,
23 as amended by Section 9 of this act, shall be recodified as Section
24

1 896.6 of Title 82 of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 23. RECODIFICATION 82 O.S. 2011, Section 1454,
4 as amended by Section 10 of this act, shall be recodified as Section
5 896.7 of Title 82 of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 24. RECODIFICATION 82 O.S. 2011, Section 1455,
8 as amended by Section 11 of this act, shall be recodified as Section
9 896.8 of Title 82 of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 25. RECODIFICATION 82 O.S. 2011, Section 1456,
12 as amended by Section 12 of this act, shall be recodified as Section
13 896.9 of Title 82 of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 26. RECODIFICATION 82 O.S. 2011, Section 1457,
16 as amended by Section 13 of this act, shall be recodified as Section
17 896.10 of Title 82 of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 27. RECODIFICATION 82 O.S. 2011, Section 1460,
20 as amended by Section 14 of this act, shall be recodified as Section
21 896.11 of Title 82 of the Oklahoma Statutes, unless there is created
22 a duplication in numbering.

23 SECTION 28. RECODIFICATION 82 O.S. 2011, Section 1464,
24 as amended by Section 15 of this act, shall be recodified as Section

1 896.12 of Title 82 of the Oklahoma Statutes, unless there is created
2 a duplication in numbering.

3 SECTION 29. RECODIFICATION 82 O.S. 2011, Section 1465,
4 as amended by Section 16 of this act, shall be recodified as Section
5 896.13 of Title 82 of the Oklahoma Statutes, unless there is created
6 a duplication in numbering.

7 SECTION 30. RECODIFICATION 82 O.S. 2011, Section 1466,
8 as amended by Section 17 of this act, shall be recodified as Section
9 896.14 of Title 82 of the Oklahoma Statutes, unless there is created
10 a duplication in numbering.

11 SECTION 31. RECODIFICATION 82 O.S. 2011, Section 1467,
12 as amended by Section 18 of this act, shall be recodified as Section
13 896.15 of Title 82 of the Oklahoma Statutes, unless there is created
14 a duplication in numbering.

15 SECTION 32. RECODIFICATION 82 O.S. 2011, Section 1470,
16 as amended by Section 19 of this act, shall be recodified as Section
17 896.16 of Title 82 of the Oklahoma Statutes, unless there is created
18 a duplication in numbering.

19 SECTION 33. REPEALER 82 O.S. 2011, Sections 1458, 1461,
20 as amended by Section 1, Chapter 348, O.S.L. 2013, 1462, 1462A, as
21 amended by Section 1068, Chapter 304, O.S.L. 2012, 1462B, as amended
22 by Section 1069, Chapter 304, O.S.L. 2012, 1462C, as amended by
23 Section 1070, Chapter 304, O.S.L. 2012, 1463, 1468, 1469 and 1471
24

1 (82 O.S. Supp. 2015, Sections 1461, 1462A, 1462B and 1462C), are
2 hereby repealed.

3 SECTION 34. REPEALER 47 O.S. 2011, Section 2-315, is
4 hereby repealed.

5 SECTION 35. This act shall become effective July 1, 2016.

6 SECTION 36. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
12 04/07/2016 - DO PASS, As Amended.

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