

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 790

6 By: Leewright

7 COMMITTEE SUBSTITUTE

8 An Act relating to state property; providing for
9 operational and management leases of certain real and
10 personal property; exempting lease from RFP or bid
11 process; stating conditions of lease; setting maximum
12 term of lease; providing for certain renewals;
13 requiring certain notice to President Pro Tempore and
14 Speaker of the House within certain time; stating
15 when lease becomes effective; providing for
16 codification; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2224.1 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 The Oklahoma Tourism and Recreation Commission may negotiate an
23 operational and management lease with any city, county, other agency
24 of government or federally recognized Indian tribe or nation, which
is a willing participant, of its operational, management and
infrastructure responsibilities in real and personal property owned
by this state or the Oklahoma Department of Tourism and Recreation

1 when such property is operated and maintained under the jurisdiction
2 of the Commission. Such lease agreement shall not require a request
3 for proposals (RFP) or bid process; however, such lease agreement
4 shall be subject to the following provisions:

5 1. The city, county, other agency or federally recognized
6 Indian tribe or nation shall agree to accept the full responsibility
7 for operating, repairing and maintaining the infrastructure and
8 property and use the real estate and personal property for public
9 recreational purposes in accordance with the Land and Water
10 Conservation Fund under 54 U.S.C., Section 200301 et seq.;

11 2. The city, county, other agency or federally recognized
12 Indian tribe or nation entering into an operational or management
13 lease with the Commission shall not dispose of any real property
14 subject to the lease and may only dispose of personal property
15 subject to the lease within the terms of the lease or with the
16 permission of the Commission for replacement purposes, damage, loss
17 of use, obsolescence or other purposes deemed appropriate by the
18 Director of the Department;

19 3. The Commission shall lease the real and/or personal property
20 as may be appropriate for such consideration and/or financial
21 incentives, awards and returns as negotiated and agreed by the
22 parties under the terms of the lease agreement;

23 4. The consideration for the real and/or personal property
24 lease may be the agreement of the lessee to continue public

1 recreational use of the property and to operate, repair, improve and
2 manage the property without an operating subsidy from the Oklahoma
3 Department of Tourism and Recreation or the Commission or as the
4 Commission determines appropriate;

5 5. The lease agreement shall be subject to all existing
6 easements and reservations of record and all known claims and
7 obligations of the Commission;

8 6. The lease agreement may be entered into for a maximum period
9 of fifty (50) years subject to annual renewal each year up to the
10 fiftieth-year. Thereafter, a renewal shall be allowed for another
11 fifty-year maximum lease period; and

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

21 SECTION 2. This act shall become effective July 1, 2021.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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