ENGROSSED SENATE
BILL NO. 1627

By: Kerr of the Senate

and

Braddock of the House

An Act relating to higher education; amending 70 O.S. 2001, Section 4451, which relates to Quartz Mountain Arts and Conference Center and Nature Park; clarifying authority of Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park to supervise, manage, and control Center and Park; authorizing board to adopt rules to govern Center and Park, to accept gifts and to commission park rangers; conferring powers on park rangers commissioned by board; updating statutory reference; prohibiting certain activities on Center premises; providing penalties; directing deposit of certain monies in certain fund; authorizing Center to employ seasonal employees; prescribing limitation of hours worked by seasonal employees; exempting certain employees from certain benefits, laws, rules, and practices; amending 51 O.S. 2001, Section 24A.3, which relates to the Oklahoma Open Records Act; modifying definition of record; providing authorization for issuance of certain bonds on behalf of Board of Trustees for Quartz Mountain Arts and Conference Center and Nature Park; specifying certain conditions; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 4451, is amended to read as follows:

Section 4451. A. There is hereby created a board of trustees to act as the administrative agency for the Quartz Mountain Arts and Conference Center and Nature Park ("Center"), which shall be created upon transfer of certain properties, rights, and obligations (collectively described as "Quartz Mountain") from the Oklahoma Tourism and Recreation Commission ("Commission") and the Oklahoma Tourism and Recreation Department ("Department") as provided in ~~this act~~ Sections 4450 through 4452 of this title. The Quartz Mountain Arts and Conference Center and Nature Park shall be an integral part of The Oklahoma State System of Higher Education.

B. The board shall consist of nine (9) members, eight of whom shall be appointed by the Governor with the advice and consent of the Senate. The ninth member shall be the Executive Director of the Oklahoma Tourism and Recreation Department or designee who shall serve as an ex-officio, voting member. The appointed members shall hold numbered positions with staggered terms to expire as provided in this section. Successors to the initial appointed board members shall serve seven-year terms that shall expire on June 30 of the seventh year following appointment. Positions one through four shall be members of the board of directors of an organization recognized as a nonprofit organization pursuant to 26 U.S.C., Section 501c(3) that operates a fine arts institute for high school students and a continuing education program for higher education faculty, elementary and secondary education teachers, and commercial artists. Positions five through seven shall be residents of Kiowa, Greer, or Jackson counties. Position No. 8 shall be a person with substantial natural resource or public land use experience. Position No. 9 shall be Executive Director of the Department.

C. The numbered positions and terms shall be as follows:

1. Position Nos. 1 and 2: the terms of office of two members shall expire on June 30, 2002, and each seven (7) years thereafter;

2. Position Nos. 3 and 4: the terms of office of two members shall expire on June 30, 2003, and each seven (7) years thereafter;

3. Position No. 5: the term of office of one member shall expire on June 30, 2004, and each seven (7) years thereafter;

4. Position No. 6: the term of office of one member shall expire on June 30, 2005, and each seven (7) years thereafter;

5. Position No. 7: the term of office of one member shall expire on June 30, 2006, and each seven (7) years thereafter;

6. Position No. 8: the term of office of one member shall expire on June 30, 2007, and each seven (7) years thereafter; and

7. Position No. 9: the term of office shall coincide with the member's tenure as executive director of the Department.

D. The Chancellor of Higher Education shall call the first meeting of the board. The board of trustees shall be a body corporate and shall adopt and use an official seal. The board shall elect a chair, vice-chair, and secretary annually. The board shall comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. The board shall have the authority to submit a budget annually to the Oklahoma State Regents for Higher Education, administer monies allocated by the Oklahoma State Regents for Higher Education, select and employ a chief executive officer and other employees, and to expend all monies allocated to the Center as may be necessary to perform the duties and responsibilities of the board. The board shall have the supervision, management and control of the Center. The board shall be authorized to adopt rules and regulations it deems necessary to govern the Center; enter into contracts for taking title to real and personal property; ~~leasing~~ lease Center facilities for programs and institutes; ~~accepting~~ accept private funds and gifts of real or personal property for joint development of the Center as a cultural conference center, arts park and natural area preserve; commission park rangers as provided in subsection E of this section, and ~~fulfilling of~~ fulfill other duties and responsibilities of the board. Board members shall receive no compensation for service on the board but are to be reimbursed for reasonable and necessary expenses.

E. The board may commission any officer or employee who is certified pursuant to Section 3311 of this title as a park ranger as the board deems necessary to secure the Center and to maintain law and order. Park rangers, when commissioned, shall have all the powers of peace officers except the serving or execution of civil process and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws

relating thereto as sheriffs, highway patrol troopers, and police officers in their respective jurisdictions and shall possess all immunities and matters of defense now available or hereafter made available to sheriffs, highway patrol troopers, and police officers in any suit brought against them in consequence of acts done in the course of their employment, provided that the rangers shall comply with the provisions of Section 3311 of this title.

F. 1. Notwithstanding any other provisions of law, no person may:

a. discharge fireworks in any posted areas of the Center,

b. possess any glass container in a designated and posted swim or beach area within the Center premises,

c. build a fire on the Center premises in areas posted as prohibited by the board of trustees,

d. solicit or demand gifts, money, goods or services on the Center premises, or

e. sell, hawk, or peddle on the Center premises any goods, wares, merchandise, liquids, edibles, or any item of value, without having a contract or lease agreement approved by the board of trustees.

2. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

3. Fifty percent (50%) of all monies collected pursuant to this section shall be deposited in a fund designated by the State Regents and fifty percent (50%) shall be remitted to the county in which the violation is made.

G. The Center is authorized to employ seasonal employees throughout the calendar year who work fewer than one thousand two hundred (1,200) hours in any twelve-month period. These employees

shall not be entitled to paid leave, paid holidays, retirement, health, dental or life insurance, and shall be exempt from any laws, rules, or practices providing for these benefits.

H. It is the intent of the Legislature that the State Regents shall provide staffing and travel reimbursement for staff and the board, in accordance with the State Travel Reimbursement Act, until the board is constituted, organized and funded.

SECTION 2. AMENDATORY 51 O.S. 2001, Section 24A.3, is amended to read as follows:

Section 24A.3 As used in this act:

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean computer software, nongovernment personal effects or, unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Turnpike Authority obtained in connection with the Authority's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body. “Record” does not mean any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department or the Board of Trustees of the Quartz Mountain Arts and Conference Center and Nature Park to obtain any service at such facility or by a purchaser of a product

sold by or through the Oklahoma Tourism and Recreation Department or the Quartz Mountain Arts and Conference Center and Nature Park;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust or any entity created by a trust, county, city, village, town, township, district, school district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the Council on Judicial Complaints, the Legislature, or legislators;

3. "Public office" means the physical location where public bodies conduct business or keep records;

4. "Public official" means any official or employee of any public body as defined herein; and

5. "Law enforcement agency" means any public body charged with enforcing state or local criminal laws and initiating criminal prosecutions, including, but not limited to, police departments, county sheriffs, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4452a of Title 70, unless there is created a duplication in numbering, reads as follows:

Any legislative authorization for the issuance of bonds on behalf of the Oklahoma Department of Tourism and Recreation for projects at Quartz Mountain Arts and Conference Center and Nature Park shall be construed as, and in all respects shall constitute,

authorization for the issuance of bonds on behalf of the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park under the same terms and conditions as set forth in the original authorizing legislation.

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

Passed the Senate the 5th day of March, 2002.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2002.

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Presiding Officer of the House
of Representatives