

ENROLLED HOUSE
BILL NO. 2738

By: Deutschendorf, Adkins,
Balkman, Peters, Tibbs and
Braddock of the House

and

Kerr and Helton of the
Senate

An Act relating to schools; amending 70 O.S. 2001, Section 2603, which relates to eligibility requirements for the Oklahoma Higher Learning Access Program; modifying eligibility requirements; 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; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, is amended to read as follows:

Section 2603. A. To be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment, a student shall:

1. Be a resident of this state;

2. Have a record of satisfactory compliance with agreements executed pursuant to Section 2605 of this title;

3. a. Have graduated within the previous three (3) years from a high school accredited by the State Board of Education, or the Oklahoma School of Science and Mathematics with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve, or

b. Have graduated within the previous three (3) years from a high school not accredited by the State Board of Education with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 22 or higher on the American College Test;

4. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements; provided the curriculum requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses; provided that students who attended a high school which did not offer all the core curriculum courses shall be allowed to satisfy this requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

5. Have satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, have satisfied admission standards as determined by the private institution; provided, no student participating in the Oklahoma Higher Learning Access Program shall be admitted into an institution of higher education by special admission standards;

6. Have secured admission to, and enrolled in, an institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title; and

7. Have established financial need during the eighth-grade year, ninth-grade year or tenth-grade year according to the standards and provisions promulgated by the Oklahoma State Regents for Higher Education; a student who satisfies the financial need criteria upon initial participation in the Oklahoma Higher Learning Access Program during the eighth, ninth, or tenth grade shall not later be denied participation in the Oklahoma Higher Learning Access Program on grounds that the student does not meet the financial need criteria.

B. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education; and

2. Comply with the standards related to maintenance of eligibility as promulgated by the Oklahoma State Regents for Higher Education.

C. The Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall promulgate rules relating to maintenance of eligibility under this act by a student.

D. It is the intent of the Legislature that students in the ninth grade for the 1992-93 school year who are determined to be eligible Oklahoma Higher Learning Access students pursuant to this act shall be the first students eligible for benefits from the Oklahoma Higher Learning Access Trust Fund.

E. The Oklahoma State Regents for Higher Education are authorized to study, develop and propose criteria for determining students' award eligibility based upon the completion of seven (7) semesters of high school coursework.

SECTION 2. 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 ~~501e(3)~~ 501(c)(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 subsection 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 subsection 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 3. AMENDATORY 51 O.S. 2001, Section 24A.3, is amended to read as follows:

Section 24A.3 Definitions. 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 4. 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 5. 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 House of Representatives the 17th day of May, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the 17th day of May, 2002.

Presiding Officer of the Senate