

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2647

By: Braddock

AS INTRODUCED

An Act relating to higher education; amending 70 O.S. 2001, Section 4450 and Section 4, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2005, Section 4452a), which relate to Quartz Mountain Arts and Conference Center and Nature Park; modifying definitions; adding definitions; changing entities for which authorization for issuance of bonds for the Center and Nature Park applies; transferring Quartz Mountain from the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park to the Board of Regents of Western Oklahoma State College; providing for the transfer of all property, duties, and obligations; providing for the transfer of personnel; specifying responsibilities for retirement system contributions; stipulating succession of contractual rights; providing for the assignment of management contracts; allowing the Board of Regents to enforce certain rules; stating intent for the Board of Regents to create an Advisory Board for the Quartz Mountain Arts and Conference Center and Nature Park; stating duties of the Advisory Board; providing for membership; establishing duties and powers of the Board of Regents relating to Quartz Mountain; authorizing the Board of Regents to commission officers and employees as park rangers; establishing powers, duties, and immunities of park rangers; listing prohibited activities; providing for penalties; providing for disbursement of fine monies; repealing 70 O.S. 2001, Sections 4451, as amended by Section 2, Chapter 293, O.S.L. 2002 and 4452 (70 O.S. Supp. 2005, Section 4451), which relate to the Quartz Mountain Arts and Conference Center and Nature Park; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 4450, is amended to read as follows:

Section 4450. As used in Sections ~~1 through 3~~ 4450 and 4452a of this ~~act~~ title and Sections 3 and 4 of this act:

A. "Quartz Mountain" means all properties held in fee title, lease or otherwise, including interests in land, real estate options or real estate contracts, held by or on behalf of the ~~Oklahoma Tourism and Recreation Commission or the Oklahoma Tourism and Recreation Department~~ Oklahoma State Regents for Higher Education that are known and designated as the Quartz Mountain Arts and Conference Center, Quartz Mountain Lodge, and Quartz Mountain State Park, including the golf course, the property known as Baldy Point, described as the N 1/2 of the NE 1/4 of Section 20, Township Five (5) North, Range Twenty (20) West of the Indian Meridian, and the SE 1/4 of the SE 1/4 of Section 17, Township Five (5) North, Range Twenty (20) West of the Indian Meridian, Greer County, Oklahoma, the property known as Devils Canyon, all buildings, improvements, appurtenances and associated lands, and all personal property including equipment, files, fixtures, furniture, and supplies that relate to the properties on the effective date of this section, as determined by an inventory on file as of the effective date of this section as required by law to be updated no later than October 1, ~~2001~~ 2006, by inventory jointly conducted by the ~~Oklahoma Tourism and Recreation Commission and the~~ Oklahoma State Regents for Higher Education and the Board of Regents of Western Oklahoma State College, and any similar personal property purchased or delivered for use at Quartz Mountain after the date of the inventory on file.

B. "Center" means the Quartz Mountain Arts and Conference Center and Nature Park ~~created in this act.~~

C. "Board" or "board of trustees" means the board of trustees for the Quartz Mountain Arts and Conference Center and Nature Park created in this act.

D. ~~"Commission" means the Oklahoma Tourism and Recreation Commission.~~

E. ~~"Department" means the Oklahoma Tourism and Recreation Department.~~

~~F.~~ "State Regents" means the Oklahoma State Regents for Higher Education.

E. "Board of Regents" means the Board of Regents of Western Oklahoma State College.

F. "Advisory Board" means the advisory board for the Quartz Mountain Arts and Conference Center and Nature Park created in Section 4 of this act.

SECTION 2. AMENDATORY Section 4, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2005, Section 4452a), is amended to read as follows:

Section 4452a. Any legislative authorization for the issuance of bonds on behalf of the Oklahoma Department of Tourism and Recreation, Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park, or the Oklahoma State Regents for Higher Education 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~~ Board of Regents of Western Oklahoma State College under the same terms and conditions as set forth in the original authorizing legislation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4453 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2006, the properties defined as Quartz Mountain in Section 4450 of Title 70 of the Oklahoma Statutes are hereby transferred from the Board of Trustees for the Quartz Mountain Arts and Conference Center and Nature Park to the Board of Regents of Western Oklahoma State College.

B. All interests in real property, facilities, equipment and appurtenances, state-appropriated monies, and all duties, obligations and liabilities of Quartz Mountain and any obligations

of the Board of Trustees for or on behalf of Quartz Mountain are hereby transferred to the Board of Regents.

C. All personnel of the Board of Trustees employed on July 1, 2006, including related liabilities for sick leave, annual leave, holidays, unemployment benefits, and workers' compensation benefits accruing prior to July 1, 2006, to such personnel shall be transferred as of July 1, 2006, to the Board of Regents. It is the intent of the Legislature that, to the extent possible, the Board of Regents shall ensure that the employees retain pay and benefits, as much as possible, including longevity, dependent insurance benefits, seniority, rights and other privileges and benefits.

D. For any employee transferred to the Board of Regents who remains in the Oklahoma Public Employees Retirement System or the Oklahoma Law Enforcement Retirement System, the Board of Regents shall pay the required employer contributions applicable to the participating employers pursuant to Section 920 of Title 74 of the Oklahoma Statutes and Section 2-304 of Title 47 of the Oklahoma Statutes. The employee shall continue to pay employee contributions as required by law.

E. For any employee transferred to the Board of Regents who is in the Teachers' Retirement System of Oklahoma, the Board of Regents shall pay the required employer contributions applicable to the participating employers pursuant to Section 17-108.1 of Title 70 of the Oklahoma Statutes and the employee shall make required contributions imposed pursuant to Section 17-116.2 of Title 70 of the Oklahoma Statutes. The Board of Regents and the employees shall be subject to all requirements of the provisions of Section 17-101 et. seq. of Title 70 of the Oklahoma Statutes governing the Teachers' Retirement System of Oklahoma.

F. The Board of Regents shall succeed to any contractual rights and responsibilities the Board of Trustees has incurred on behalf of Quartz Mountain.

G. The duties and benefits arising under any contract for management services for any part of Quartz Mountain entered into by the Board of Trustees that is in effect on July 1, 2006, shall be assigned to the Board of Regents. The contract may be renewable at the option of the Board of Regents but not to exceed a cumulative period of fifty (50) years.

H. The rules of the Board of Trustees relating to the operation of Quartz Mountain, such as traffic, fees, and other like matters, that are in effect on July 1, 2006, shall be enforceable by the Board of Regents until the Board of Regents establishes rules.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4454 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. It is the intent of the Legislature that the Board of Regents create an Advisory Board for the Quartz Mountain Arts and Conference Center and Nature Park. The Advisory Board members shall serve at the pleasure of the Board of Regents. The Advisory Board shall advise the Board of Regents regarding the management and operation of Quartz Mountain. The initial Advisory Board shall be composed of the nine (9) members serving on the Board of Trustees on July 1, 2006. It is the intent of the Legislature that successive members of the Advisory Board be composed of persons who:

1. Represent an organization recognized as a nonprofit organization pursuant to 26 U.S.C., Section 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;

2. Are residents of Kiowa, Greer, or Jackson Counties;

3. Have substantial natural resource or public land use experience; or

4. Represent the tourism and recreation industry.

B. It is the intent of the Legislature that the Board of Regents shall 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 of Regents. The Board of Regents shall have the supervision, management, and control of the Center. The Board of Regents shall be authorized to adopt rules it deems necessary to govern the Center; enter into contracts for taking title to real and personal property; lease Center facilities for programs and institutes; 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 C of this section, and fulfill other duties and responsibilities of the Board of Regents.

C. The Board of Regents may commission any officer or employee who is certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes as a park ranger as the Board of Regents 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 Title 70 of the Oklahoma Statutes.

D. 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 Board of Regents and fifty percent (50%) shall be remitted to the county in which the violation is made.

SECTION 5. REPEALER 70 O.S. 2001, Section 4451, as amended by Section 2, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2005, Section 4451), is hereby repealed.

SECTION 6. REPEALER 70 O.S. 2001, Section 4452, is hereby repealed.

SECTION 7. Sections 5 and 6 of this act shall become effective July 1, 2006.

SECTION 8. 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.

50-2-8135 KB 01/17/06