

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2745

By: Cox

AS INTRODUCED

An Act relating to the Grand River Dam Authority; transferring the Grand Cherokee Golf Course from the Oklahoma Tourism and Recreation Commission to the Grand River Dam Authority; describing the Grand Cherokee Golf Course property; providing for a joint inventory of property; providing for the transfer of personnel; stating intent to retain pay and benefits; allowing personnel to fill certain vacancies; requiring the execution of certain conveyances and documents; directing the State Auditor and Inspector to determine the amount of funds to be transferred; authorizing the Authority to establish appropriate funds and accounts; limiting responsibility of the Authority for certain claims; stipulating the succession of contractual rights; allowing the Authority to execute certain management contracts; providing for enforcement of Commission rules; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 896 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2006, the property known as Grand Cherokee Golf Course located below Pensacola Dam in Mayes County, Oklahoma, is hereby transferred from the Oklahoma Tourism and Recreation Commission and the Oklahoma Tourism and Recreation Department to the Grand River Dam Authority.

B. For purposes of this section, "Grand Cherokee Golf Course" means all properties held in fee title, lease or otherwise, including interests in land, real estate, personal effects held by or on behalf of the Oklahoma Tourism and Recreation Commission or the Oklahoma Tourism and Recreation Department that are known and

designated as the Grand Cherokee Golf Course described as (legal description) , all buildings, improvements, appurtenances and associated lands, and all personal property including equipment, files, fixtures, furniture, and supplies that relate to the property on July 1, 2006, as determined by an inventory jointly conducted by the Oklahoma Tourism and Recreation Commission and the Grand River Dam Authority to be completed by June 1, 2006, and any similar personal property purchased or delivered for use at the Golf Course after the date of the inventory on file.

C. All Oklahoma Tourism and Recreation Department personnel, in both the classified and unclassified service of the State Merit System of Personnel Administration, who are assigned as of July 1, 2006, to the Grand Cherokee Golf Course, 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 Grand River Dam Authority. It is the intent of the Legislature that, to the extent possible, the Authority 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. Notwithstanding the provisions of the Oklahoma Personnel Act, Department employees assigned to Grand Cherokee Golf Course on July 1, 2006, shall have the right, prior to the effective date of July 1, 2006, and not thereafter, to fill a budgeted vacancy in the classified service of the State Parks Division in the Department or to fill a budgeted vacancy in the unclassified service in the Travel and Tourism Division of the Department, if such employee is qualified. Additionally, the filling of vacancies shall be based on seniority order with the State of Oklahoma.

D. Appropriate conveyances and other documents shall be executed by July 1, 2006, to effectuate the transfer of Grand

Cherokee Golf Course. In the absence of memorializing documents or conveyances, the transfer, including all assignments, shall occur by operation of law.

E. The State Auditor and Inspector shall determine the amount of funds from available budgetary resources for Grand Cherokee Golf Course, including any appropriated funds, revolving funds, or sinking funds, that should be transferred on July 1, 2006, from the Department to the Authority for payment of obligations incurred prior to July 1, 2006. The State Auditor and Inspector shall consider relevant funding and expenditure history and projected expenditures and expenses related to the Golf Course and available budgetary resources for the Golf Course in determining the amount to be transferred. The Director of the Office of State Finance is authorized and directed to coordinate and administer the transfer of funds. The funds transferred to the Authority shall not be subject to any budgetary limits that may have attached to the funds when the funds were appropriated to the Department.

F. The Authority may establish appropriate funds and accounts for servicing the fiscal operations of the Golf Course. Such funds and accounts shall be subject to the direct supervision, management and control of the Board of Directors of the Authority.

G. The Authority shall not be responsible for any claims arising under The Governmental Tort Claims Act accrued prior to July 1, 2006, claims arising from any other actions accrued prior to July 1, 2006, or tort claims arising prior to July 1, 2006, for which no claim has accrued upon the date of transfer.

H. 1. The Authority shall succeed to any contractual rights and responsibilities the Department or the Commission has incurred on behalf of the Golf Course, except as provided in subsection G of this section.

2. The Authority may enter into one or more contracts for management services of the Golf Course. The contract may be

renewable at the option of the board but not to exceed a cumulative period of fifty (50) years.

I. The rules of the Commission relating to the operation of the Golf Course, such as fees, and other like matters, that are in effect on July 1, 2006, shall be enforceable by the Authority until the Authority establishes new rules.

SECTION 2. 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.

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