

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2462

6 By: Ingmire and Braddock

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to schools; amending 70 O.S 2001,
9 Sections 4450 and 4451, as amended by Section 2,
10 Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2007, Section
11 4451), which relate to the Quartz Mountain Arts and
12 Conference Center and Nature Park; modifying
13 definitions; deleting obsolete language; stating
14 representation of the board of trustees for the
15 Quartz Mountain Arts and Conference Center and Nature
16 Park; changing membership of the board of trustees;
17 providing for selection and appointment of members of
18 the board of trustees; establishing terms for
19 appointed members of the board of trustees;
20 specifying qualifications for certain appointed
21 members of the board of trustees; specifying
22 employment requirements of certain members of the
23 board of trustees; directing the board of trustees to
24 work with the consortium higher education
institutions to provide certain programs and courses;
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~~ 4451 through ~~3~~ 4452a of
this ~~act~~ title:

1 ~~A- 1.~~ "Quartz Mountain" means all properties held in fee title,
2 lease or otherwise, including interests in land, real estate options
3 or real estate contracts, held by or on behalf of the ~~Oklahoma~~
4 ~~Tourism and Recreation Commission or the Oklahoma Tourism and~~
5 ~~Recreation Department~~ board of trustees for the Quartz Mountain Arts
6 and Conference Center and Nature Park that are known and designated
7 as the Quartz Mountain Arts and Conference Center, Quartz Mountain
8 Lodge, and Quartz Mountain State Park, including the golf course,
9 the property known as Baldy Point, described as the N 1/2 of the NE
10 1/4 of Section 20, Township Five (5) North, Range Twenty (20) West
11 of the Indian Meridian, and the SE 1/4 of the SE 1/4 of Section 17,
12 Township Five (5) North, Range Twenty (20) West of the Indian
13 Meridian, Greer County, Oklahoma, the property known as Devils
14 Canyon, all buildings, improvements, appurtenances and associated
15 lands, and all personal property including equipment, files,
16 fixtures, furniture, and supplies that relate to the properties ~~on~~
17 ~~the effective date of this section, as determined by an inventory on~~
18 ~~file as of the effective date of this section as required by law to~~
19 ~~be updated no later than October 1, 2001, by inventory jointly~~
20 ~~conducted by the Oklahoma Tourism and Recreation Commission and the~~
21 ~~Oklahoma State Regents for Higher Education, and any similar~~
22 ~~personal property purchased or delivered for use at Quartz Mountain~~
23 ~~after the date of the inventory on file.;~~
24

1 ~~B.~~ 2. "Center" means the Quartz Mountain Arts and Conference
2 Center and Nature Park created in this act-;

3 ~~C.~~ 3. "Board" or "board of trustees" means the board of
4 trustees for the Quartz Mountain Arts and Conference Center and
5 Nature Park created in this act-;

6 ~~D.~~ 4. "Commission" means the Oklahoma Tourism and Recreation
7 Commission-;

8 ~~E.~~ 5. "Department" means the Oklahoma Tourism and Recreation
9 Department-; and

10 ~~F.~~ 6. "State Regents" means the Oklahoma State Regents for
11 Higher Education.

12 SECTION 2. AMENDATORY 70 O.S. 2001, Section 4451, as
13 amended by Section 2, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2007,
14 Section 4451), is amended to read as follows:

15 Section 4451. A. There is hereby created a board of trustees
16 to act as the administrative agency for the Quartz Mountain Arts and
17 Conference Center and Nature Park ("Center"), ~~which shall be created~~
18 ~~upon transfer of certain properties, rights, and obligations~~
19 ~~(collectively described as "Quartz Mountain") from the Oklahoma~~
20 ~~Tourism and Recreation Commission ("Commission") and the Oklahoma~~
21 ~~Tourism and Recreation Department ("Department") as provided in~~
22 ~~Sections 4450 through 4452 of this title. The board shall represent~~
23 a consortium of higher education institutions within The Oklahoma
24 State System of Higher Education with an interest in the

1 administration of the Center and a nonprofit arts organization which
2 operates a fine arts institute and continuing education programs
3 with an interest in the administration of the Center. The Quartz
4 Mountain Arts and Conference Center and Nature Park shall be an
5 integral part of The Oklahoma State System of Higher Education.

6 B. The board shall consist of nine (9) members, ~~eight of whom~~
7 ~~shall be appointed by the Governor with the advice and consent of~~
8 ~~the Senate. The ninth member shall be the Executive Director of the~~
9 ~~Oklahoma Tourism and Recreation Department or designee who shall~~
10 ~~serve as an ex officio, voting member.~~ three of whom shall be the
11 presidents of each of the following higher education institutions or
12 shall be individuals who meet the qualifications set forth in
13 subsection D of this section and represent and are selected by the
14 president of each of the following higher education institutions:

- 15 1. Western Oklahoma State College;
- 16 2. Cameron University; and
- 17 3. Southwestern Oklahoma State University.

18 The remaining six members shall be appointed by the Governor
19 with the advice and consent of the Senate. The members appointed
20 ~~members~~ by the Governor shall hold numbered positions with staggered
21 terms to expire as provided in subsection C of this section.

22 Successors to the ~~initial~~ members initially appointed ~~board members~~
23 by the Governor shall serve seven-year terms that shall expire on
24 June 30 of the seventh year following appointment. ~~Positions one~~

1 ~~through four shall be members of the board of directors of an~~
2 ~~organization recognized as a nonprofit organization pursuant to 26~~
3 ~~U.S.C., Section 501(c)(3) that operates a fine arts institute for~~
4 ~~high school students and a continuing education program for higher~~
5 ~~education faculty, elementary and secondary education teachers, and~~
6 ~~commercial artists. Positions five through seven shall be residents~~
7 ~~of Kiowa, Greer, or Jackson counties. Position No. 8 shall be a~~
8 ~~person with substantial natural resource or public land use~~
9 ~~experience. Position No. 9 shall be Executive Director of the~~
10 ~~Department~~ Appointed members may serve successive terms.

11 Positions one through three shall be residents of Kiowa, Greer,
12 or Jackson counties. Positions four and five shall be individuals
13 who are members of an arts organization recognized as a nonprofit
14 organization pursuant to 26 U.S.C., Section 501(c)(3) that utilize
15 the Center facilities for the fine arts institute and continuing
16 education programs offered by the organization. Position six shall
17 be the president of an arts organization recognized as a nonprofit
18 organization pursuant to 26 U.S.C., Section 501(c)(3) that utilizes
19 the Center facilities for the fine arts institute and continuing
20 education programs offered by the organization.

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

22 1. ~~Position Nos. No. 1 and 2:~~ the terms term of office of ~~two~~
23 ~~members~~ one member shall expire on June 30, ~~2002~~ 2009, and each
24 seven (7) years thereafter;

1 2. Position ~~Nos. 3 and 4~~ No. 2: the ~~terms~~ term of office of
2 ~~two members~~ one member shall expire on June 30, ~~2003~~ 2010, and each
3 seven (7) years thereafter;

4 3. Position No. ~~5~~ 3: the term of office of one member shall
5 expire on June 30, ~~2004~~ 2011, and each seven (7) years thereafter;

6 4. Position No. ~~6~~ 4: the term of office of one member shall
7 expire on June 30, ~~2005~~ 2012, and each seven (7) years thereafter;

8 5. Position No. ~~7~~ 5: the term of office of one member shall
9 expire on June 30, ~~2006~~ 2013, and each seven (7) years thereafter;

10 and

11 6. Position No. ~~8~~ 6: the term of office of one member shall
12 expire on June 30, ~~2007~~ 2014, and each seven (7) years thereafter;

13 and

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

16 D. Any member selected by a president of a higher education
17 institution to serve on the board shall be employed as an
18 administrator at the vice-president level or higher or as a provost
19 at the higher education institution which the member is
20 representing.

21 ~~D.~~ E. The Chancellor of Higher Education shall call the first
22 meeting of the board. The board of trustees shall be a body
23 corporate and shall adopt and use an official seal. The board shall
24 elect a chair, vice-chair, and secretary annually. The board shall

1 comply with the Oklahoma Open Meeting Act and the Oklahoma Open
2 Records Act. The board shall have the authority to submit a budget
3 annually to the Oklahoma State Regents for Higher Education,
4 administer monies allocated by the Oklahoma State Regents for Higher
5 Education, select and employ a chief executive officer and other
6 employees, and to expend all monies allocated to the Center as may
7 be necessary to perform the duties and responsibilities of the
8 board. The board shall have the supervision, management and control
9 of the Center. The board shall be authorized to adopt rules and
10 regulations it deems necessary to govern the Center; enter into
11 contracts for taking title to real and personal property; lease
12 Center facilities for programs and institutes; accept private funds
13 and gifts of real or personal property for joint development of the
14 Center as a cultural conference center, arts park and natural area
15 preserve; commission park rangers as provided in subsection E of
16 this section, and fulfill other duties and responsibilities of the
17 board. Board members shall receive no compensation for service on
18 the board but are to be reimbursed for reasonable and necessary
19 expenses.

20 ~~E.~~ F. The board may commission any officer or employee who is
21 certified pursuant to Section 3311 of this title as a park ranger as
22 the board deems necessary to secure the Center and to maintain law
23 and order. Park rangers, when commissioned, shall have all the
24 powers of peace officers except the serving or execution of civil

1 process and shall have in all parts of the state the same powers
2 with respect to criminal matters and enforcement of the laws
3 relating thereto as sheriffs, highway patrol troopers, and police
4 officers in their respective jurisdictions and shall possess all
5 immunities and matters of defense now available or hereafter made
6 available to sheriffs, highway patrol troopers, and police officers
7 in any suit brought against them in consequence of acts done in the
8 course of their employment, provided that the rangers shall comply
9 with the provisions of Section 3311 of this title.

10 ~~F.~~ G. 1. Notwithstanding any other provisions of law, no
11 person may:

- 12 a. discharge fireworks in any posted areas of the Center,
- 13 b. possess any glass container in a designated and posted
14 swim or beach area within the Center premises,
- 15 c. build a fire on the Center premises in areas posted as
16 prohibited by the board of trustees,
- 17 d. solicit or demand gifts, money, goods or services on
18 the Center premises, or
- 19 e. sell, hawk, or peddle on the Center premises any
20 goods, wares, merchandise, liquids, edibles, or any
21 item of value, without having a contract or lease
22 agreement approved by the board of trustees.

23 2. Any person convicted of violating the provisions of this
24 subsection shall be punished by a fine of not less than Fifty

1 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or
2 imprisonment in the county jail for not more than thirty (30) days,
3 or by both such fine and imprisonment.

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

8 ~~G.~~ H. The Center is authorized to employ seasonal employees
9 throughout the calendar year who work fewer than one thousand two
10 hundred (1,200) hours in any twelve-month period. These employees
11 shall not be entitled to paid leave, paid holidays, retirement,
12 health, dental or life insurance, and shall be exempt from any laws,
13 rules, or practices providing for these benefits.

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

18 J. The board of trustees shall work with the three consortium
19 higher education institutions and the State Regents to establish or
20 provide courses or programs of study to be offered by the
21 institutions which utilize and incorporate the facilities and
22 resources of the Center.

23 SECTION 3. This act shall become effective July 1, 2008.
24

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

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