CS for HB 2462

THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 2008

Committee Substitute for

House Bill No. 2462

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2462 - By: INGMIRE, BRADDOCK AND SHUMATE of the House and SCHULZ of the Senate.

An Act relating to schools; amending 70 O.S 2001, Sections 4450 and 4451, as amended by Section 2, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2007, Section 4451), which relate to the Quartz Mountain Arts and Conference Center and Nature Park; modifying definitions; deleting obsolete language; stating representation of the board of trustees for the Quartz Mountain Arts and Conference Center and Nature Park; changing membership of the board of trustees; providing for selection and appointment of members of the board of trustees; establishing terms for appointed members of the board of trustees; specifying qualifications for certain appointed members of the board of trustees; specifying employment requirements of certain members of the board of trustees; directing the board of trustees to 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:

~~A.~~ 1. "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~~ board of trustees for the Quartz Mountain Arts and

Conference Center and Nature Park 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, by inventory jointly conducted by the Oklahoma Tourism and Recreation Commission and the Oklahoma State Regents for Higher Education, and any similar personal property purchased or delivered for use at Quartz Mountain after the date of the inventory on file.~~;

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

~~C.~~ 3. "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.~~ 4. "Commission" means the Oklahoma Tourism and Recreation Commission~~.~~;

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 4451, as amended by Section 2, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2007, 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 Sections 4450 through 4452 of this title~~. The board shall represent a consortium of higher education institutions within The Oklahoma State System of Higher Education with an interest in the administration of the Center and a nonprofit arts organization which operates a fine arts institute and continuing education programs with an interest in the administration of the Center. 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.~~ three of whom shall be the presidents of each of the following higher education institutions or shall be individuals who meet the qualifications set forth in subsection D of this section and represent and are selected by the president of each of the following higher education institutions:

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1. Western Oklahoma State College;

2. Cameron University; and

3. Southwestern Oklahoma State University.

The remaining six members shall be appointed by the Governor with the advice and consent of the Senate. The members appointed ~~members~~ by the Governor shall hold numbered positions with staggered terms to expire as provided in subsection C of this section. Successors to the ~~initial~~ members initially appointed ~~board members~~ by the Governor 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 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~~ Appointed members may serve successive terms.

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

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utilizes the Center facilities for the fine arts institute and continuing education programs offered by the organization.

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

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

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

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

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

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

6. Position No. ~~8~~ 6: the term of office of one member shall expire on June 30, ~~2007~~ 2014, 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. Any member selected by a president of a higher education institution to serve on the board shall be employed as an administrator at the vice-president level or higher or as a provost at the higher education institution which the member is representing.

~~D.~~ E. 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.

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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; 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 E of this section, and 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.~~ F. 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

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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.~~ G. 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.

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~~G.~~ H. 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.~~ I. 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~~.

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

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

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.

COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 03-05-08 - DO PASS, As Amended and Coauthored.

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