

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2462

By: Ingmire and Braddock

4  
5  
6 AS INTRODUCED

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

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

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

21 Section 4450. As used in Sections ~~±~~ 4451 through ~~³~~ 4452a of  
22 this ~~act~~ title:

23 ~~A. 1.~~ 1. "Quartz Mountain" means all properties held in fee title,  
24 lease or otherwise, including interests in land, real estate options

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

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

24

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

4        ~~D.~~ 4. "Commission" means the Oklahoma Tourism and Recreation  
5 Commission~~;~~;

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

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

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

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

1 with an interest in the administration of the Center. The Quartz  
2 Mountain Arts and Conference Center and Nature Park shall be an  
3 integral part of The Oklahoma State System of Higher Education.

4 B. The board shall consist of ~~nine (9) members, eight of whom~~  
5 ~~shall be appointed by the Governor with the advice and consent of~~  
6 ~~the Senate. The ninth member shall be the Executive Director of the~~  
7 ~~Oklahoma Tourism and Recreation Department or designee who shall~~  
8 ~~serve as an ex officio, voting member. The appointed members shall~~  
9 ~~hold numbered positions with staggered terms to expire as provided~~  
10 ~~in this section. Successors to the initial appointed board members~~  
11 ~~shall serve seven year terms that shall expire on June 30 of the~~  
12 ~~seventh year following appointment. Positions one through four~~  
13 ~~shall be members of the board of directors of an organization~~  
14 ~~recognized as a nonprofit organization pursuant to 26 U.S.C.,~~  
15 ~~Section 501(c)(3) that operates a fine arts institute for high~~  
16 ~~school students and a continuing education program for higher~~  
17 ~~education faculty, elementary and secondary education teachers, and~~  
18 ~~commercial artists. Positions five through seven shall be residents~~  
19 ~~of Kiowa, Greer, or Jackson counties. Position No. 8 shall be a~~  
20 ~~person with substantial natural resource or public land use~~  
21 ~~experience. Position No. 9 shall be Executive Director of the~~  
22 ~~Department.~~

23 C. ~~The numbered positions and terms shall be as follows:~~  
24

1       ~~1. Position Nos. 1 and 2: the terms of office of two members~~  
2 ~~shall expire on June 30, 2002, and each seven (7) years thereafter;~~

3       ~~2. Position Nos. 3 and 4: the terms of office of two members~~  
4 ~~shall expire on June 30, 2003, and each seven (7) years thereafter;~~

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

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

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

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

13       ~~7. Position No. 9: the term of office shall coincide with the~~  
14 ~~member's tenure as executive director of the Department eight (8)~~  
15 ~~members, five of whom shall be the presidents of each of the~~  
16 ~~following higher education institutions or shall be individuals who~~  
17 ~~meet the qualifications set forth in subsection C of this section~~  
18 ~~and represent and are selected by the president of each of the~~  
19 ~~following higher education institutions:~~

20       ~~1. Western Oklahoma State College;~~

21       ~~2. Cameron University;~~

22       ~~3. Southwestern Oklahoma State University;~~

23       ~~4. University of Oklahoma; and~~

24       ~~5. Oklahoma State University.~~

1 The sixth member shall be appointed by the Governor with the advice  
2 and consent of the Senate, and shall be the president of an arts  
3 organization recognized as a nonprofit organization pursuant to 26  
4 U.S.C., Section 501(c)(3) that operates a fine arts institute and  
5 continuing education programs. The seventh and eighth members shall  
6 be appointed by the Governor with the advice and consent of the  
7 Senate, and shall be individuals recommended by the president of an  
8 arts organization recognized as a nonprofit organization pursuant to  
9 26 U.S.C., Section 501(c)(3) that operates a fine arts institute and  
10 continuing education programs. The appointed members shall serve  
11 seven-year terms that shall expire on June 30 of the seventh year  
12 following appointment. Appointed members may serve successive  
13 terms.

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

19 D. The Chancellor of Higher Education shall call the first  
20 meeting of the board. The board of trustees shall be a body  
21 corporate and shall adopt and use an official seal. The board shall  
22 elect a chair, vice-chair, and secretary annually. The board shall  
23 comply with the Oklahoma Open Meeting Act and the Oklahoma Open  
24 Records Act. The board shall have the authority to submit a budget

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

18 E. The board may commission any officer or employee who is  
19 certified pursuant to Section 3311 of this title as a park ranger as  
20 the board deems necessary to secure the Center and to maintain law  
21 and order. Park rangers, when commissioned, shall have all the  
22 powers of peace officers except the serving or execution of civil  
23 process and shall have in all parts of the state the same powers  
24 with respect to criminal matters and enforcement of the laws

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

8 F. 1. Notwithstanding any other provisions of law, no person  
9 may:

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

21 2. Any person convicted of violating the provisions of this  
22 subsection shall be punished by a fine of not less than Fifty  
23 Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), or

24

1 imprisonment in the county jail for not more than thirty (30) days,  
2 or by both such fine and imprisonment.

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

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

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

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

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

23 SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 51-2-8218 KB 12/19/07

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24