

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2753

By: Wallace and Hilbert of the  
House

6 and

7 Thompson and Rader of the  
8 Senate

9  
10  
11 COMMITTEE SUBSTITUTE

12 An Act relating to Quartz Mountain; defining terms;  
13 transferring Quartz Mountain from the board of  
14 trustees for the Quartz Mountain Arts and Conference  
15 Center and Nature Park to the Oklahoma Tourism and  
16 Recreation Department; providing timeline and  
17 requirements for transfer; providing for the transfer  
18 of personnel and related benefits; declaring  
19 legislative intent; granting right to certain  
20 personnel to fill certain budgeted vacancies on  
21 certain date; prioritizing the filling of vacancies  
22 based on seniority; requiring execution of certain  
23 documents by certain date; authorizing the  
24 establishment of certain funds and accounts in the  
Office of Management and Enterprise Services;  
providing personnel certain options related to  
participation elections in various state pension  
systems; requiring the filing of certain election  
documents by certain date; clarifying the  
requirements for employee and employer contributions  
and the treatment of service credit under different  
election scenarios; providing for treatment in the  
absence of such election by certain date; clarifying  
state pension system participation for new hires  
after certain date; exempting the Department from  
certain tort claims arising or accruing prior to

1 certain date; providing for succession related to  
2 contractual rights, rents, obligations and  
3 responsibilities; providing for payment of certain  
4 debt service through certain methods; authorizing  
5 certain management service contracts; limiting  
6 certain management service contracts; requiring the  
7 execution of certain documents related to the  
8 transfer; providing transfer occur by operation of  
9 law in the absence of such executions; authorizing  
10 the continued enforcement of certain rules during  
11 certain period; repealing 70 O.S. 2011, Sections  
12 4450, 4451, 4452, as amended by Section 640, Chapter  
13 304, O.S.L. 2012 and 4452a (70 O.S. Supp. 2019,  
14 Section 4452), which relate to the Quartz Mountain  
15 Arts and Conference Center and Nature Park; providing  
16 for codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 2229.1A of Title 74, unless  
20 there is created a duplication in numbering, reads as follows:

21 As used in Sections 1 and 2 of this act:

22 1. "Board" or "board of trustees" means the board of trustees  
23 for the Quartz Mountain Arts and Conference Center and Nature Park  
24 created in Section 4451 of Title 70 of the Oklahoma Statutes;

2. "Center" means the Quartz Mountain Arts and Conference  
Center and Nature Park;

3. "Commission" means the Oklahoma Tourism and Recreation  
Commission;

1           4. "Department" means the Oklahoma Tourism and Recreation  
2 Department;

3           5. "Quartz Mountain" means all properties held in fee title,  
4 lease or otherwise, including interests in land, real estate options  
5 or real estate contracts, held by or on behalf of the Oklahoma State  
6 Regents for Higher Education, that are known and designated as the  
7 Quartz Mountain Arts and Conference Center, Quartz Mountain Lodge,  
8 and Quartz Mountain State Park, including the golf course, the  
9 property known as Baldy Point, described as the N 1/2 of the NE 1/4  
10 of Section 20, Township Five (5) North, Range Twenty (20) West of  
11 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, 2020, by inventory jointly  
20 conducted by the Oklahoma State Regents for Higher Education and the  
21 Oklahoma Tourism and Recreation Department, and any similar personal  
22 property purchased or delivered for use at Quartz Mountain after the  
23 date of the inventory on file; and

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1       6. "State Regents" means the Oklahoma State Regents for Higher  
2 Education.

3       SECTION 2.       NEW LAW       A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2229.1B of Title 74, unless  
5 there is created a duplication in numbering, reads as follows:

6       A. Effective October 1, 2020, the properties defined as Quartz  
7 Mountain in Section 1 of this act are hereby transferred from the  
8 board of trustees for the Quartz Mountain Arts and Conference Center  
9 and Nature Park to the Oklahoma Tourism and Recreation Department.

10       B. All board of trustees personnel, in both the classified and  
11 unclassified service of the State Merit System of Personnel  
12 Administration, who are assigned as of October 1, 2020, to Quartz  
13 Mountain, including related liabilities for sick leave, annual  
14 leave, holidays, unemployment benefits and workers' compensation  
15 benefits accruing prior to October 1, 2020, to such personnel shall  
16 be transferred as of October 1, 2020, to the Department. It is the  
17 intent of the Legislature that, to the extent possible, the  
18 Department shall ensure that the employees retain pay and benefits,  
19 as much as possible, including longevity, dependent insurance  
20 benefits, seniority, rights and other privileges and benefits.  
21 Notwithstanding the provisions of the Oklahoma Personnel Act, board  
22 employees assigned to Quartz Mountain on October 1, 2020, shall have  
23 the right on October 1, 2020, and not thereafter, to fill a budgeted  
24 vacancy in the classified service of the Parks Division in the

1 Department or to fill a budgeted vacancy in the unclassified service  
2 in the Golf or Resorts Divisions of the Department, if such employee  
3 is qualified. Additionally, filling of vacancies shall be based on  
4 seniority order with the State of Oklahoma.

5 C. Appropriate conveyances and other documents shall be  
6 executed by October 1, 2020, to effectuate the transfer of Quartz  
7 Mountain.

8 D. The Department may establish appropriate funds and accounts,  
9 including a revolving fund in the Office of Management and  
10 Enterprise Services for servicing the fiscal operations of the  
11 Center. Such funds and accounts shall be subject to the direct  
12 supervision, management and control of the Department.

13 E. 1. An employee transferred pursuant to the provisions of  
14 this act who is a member of the Teachers' Retirement System of  
15 Oklahoma or the Oklahoma Law Enforcement Retirement System may elect  
16 to remain a member of the applicable system or may elect to become a  
17 member of the Oklahoma Public Employees Retirement System. The  
18 employee shall file an election on a form prescribed for that  
19 purpose with the applicable system not later than November 1, 2020.

20 2. If an employee files an election to remain in the Teachers'  
21 Retirement System of Oklahoma or the Oklahoma Law Enforcement  
22 Retirement System, the Department shall pay the required employer  
23 contributions applicable to the participating employers pursuant to  
24 Section 17-108.1 of Title 70 of the Oklahoma Statutes or Section 2-

1 304 of Title 47 of the Oklahoma Statutes. The employee shall  
2 continue to pay employee contributions as required by law.

3 3. If the employee fails to file an election by November 1,  
4 2020, the employee shall become a member of the Oklahoma Public  
5 Employees Retirement System.

6 4. Employees who become members of the Oklahoma Public  
7 Employees Retirement System shall acquire service credit in the  
8 Oklahoma Public Employees Retirement System pursuant to the  
9 provisions of Section 901 et seq. of Title 74 of the Oklahoma  
10 Statutes, and service credit accrued during the time the employee  
11 was a member of the Teachers' Retirement System of Oklahoma may be  
12 transferred to the Oklahoma Public Employees Retirement System  
13 pursuant to the provisions of Section 913 of Title 74 of the  
14 Oklahoma Statutes. For service performed by the employee, if the  
15 member fails to make the election required by paragraph 3 of this  
16 subsection, the Department shall make required contributions  
17 pursuant to Section 920 of Title 74 of the Oklahoma Statutes and the  
18 employee shall make required contributions imposed pursuant to  
19 Section 919.1 of Title 74 of the Oklahoma Statutes. The Department  
20 and the employees shall be subject to all requirements of the  
21 provisions of Section 901 et seq. of Title 74 of the Oklahoma  
22 Statutes governing the Oklahoma Public Employees Retirement System.

23 5. Any employee who is employed by the Department after October  
24 1, 2020, and who is otherwise eligible for membership in the

1 Oklahoma Public Employees Retirement System or the Oklahoma Law  
2 Enforcement Retirement System shall be enrolled during employment by  
3 the board of trustees in the Oklahoma Public Employees Retirement  
4 System or the Oklahoma Law Enforcement Retirement System, as  
5 appropriate.

6 F. The Department shall not be responsible for any claims  
7 arising under The Governmental Tort Claims Act accrued prior to  
8 October 1, 2020, claims arising from any other actions accrued prior  
9 to October 1, 2020, or tort claims arising prior to October 1, 2020,  
10 for which no claim has accrued upon the date of transfer. The  
11 Department shall not be responsible for any claims arising out of  
12 construction begun before October 1, 2020, at Quartz Mountain.

13 G. 1. The Department shall succeed to any contractual rights  
14 and responsibilities the board of trustees has incurred on behalf of  
15 Quartz Mountain, including but not limited to:

16 a. any responsibilities for payment of rents or other  
17 obligations, including but not limited to all debt  
18 service, arising under a lease or sublease pursuant to  
19 the Oklahoma State Regents for Higher Education master  
20 lease program which shall be provided to the Oklahoma  
21 State Regents for Higher Education through direct  
22 legislative appropriation or in a cash payment from  
23 the Oklahoma Department of Tourism and Recreation on  
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1 or before October 1, 2020, not to exceed Five Hundred  
2 Eight Thousand Thirty-one Dollars (\$508,031.00), and

3 b. any responsibilities related to contractual agreements  
4 with nonprofit organizations that operate a fine arts  
5 institute for high school students and a continuing  
6 education program for higher education faculty,  
7 elementary and secondary education teachers and  
8 commercial artists,

9 except as provided in subsection F of this section.

10 2. The Department may enter into one or more contracts for  
11 management services of the Center. The duties and benefits arising  
12 under any contract for management services of any part of Quartz  
13 Mountain entered into by the board of trustees that is in effect on  
14 October 1, 2020, shall be assigned to the Department. The contract  
15 may be renewable at the option of the Department but not to exceed a  
16 cumulative period of fifty (50) years.

17 3. The board of trustees shall execute all necessary documents  
18 to memorialize the assignment to the Department all rights,  
19 responsibilities, and obligations under any and all contracts the  
20 Board has entered into relating to operation of any part of Quartz  
21 Mountain, including the golf course, as provided in this section.  
22 The Department shall execute any documents necessary to memorialize  
23 acceptance of such assignment. In the absence of memorializing  
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1 documents or conveyances, the transfers including all the  
2 assignments shall occur by operation of law.

3 H. The rules of the board of trustees relating to the operation  
4 of Quartz Mountain, such as traffic, fees, and other like matters,  
5 that are in effect on October 1, 2020, shall be enforceable by the  
6 board until the Department establishes rules or until July 1, 2021,  
7 whichever occurs earlier.

8 SECTION 3. REPEALER 70 O.S. 2011, Sections 4450, 4451,  
9 4452, as amended by Section 640, Chapter 304, O.S.L. 2012 and 4452a  
10 (70 O.S. Supp. 2019, Section 4452) is hereby repealed.

11 SECTION 4. Section 3 of this act shall become effective October  
12 1, 2020.

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