

An Act

ENROLLED SENATE
BILL NO. 1570

By: Jolley and Treat of the
Senate

and

Sears and Casey of the
House

An Act relating to the Will Rogers Memorial; transferring property, personnel and funds of the Will Rogers Memorial Commission to the Oklahoma Historical Society; providing procedures; requiring execution of conveyances and other documents; specifying powers and duties of Office of Management and Enterprise Services and the Oklahoma Historical Society; requiring membership in certain retirement systems by certain employees; providing for succession of contractual rights and responsibilities; providing for enforceability of certain rules; amending 53 O.S. 2011, Sections 46, 47.2, 47.3, 47.4, 47.4A, as amended by Section 226, Chapter 304, O.S.L. 2012, 47.6, 47.8 and 47.9 (53 O.S. Supp. 2015, Section 47.4A), which relate to the Will Rogers Memorial Commission; transferring certain authority and funds; granting certain authority to the Oklahoma Historical Society; amending 53 O.S. 2011, Section 1.6, which relates to the Oklahoma Historical Society Board of Directors; modifying membership of the Board of Directors; amending 62 O.S. 2011, Sections 157, as amended by Section 448, Chapter 304, O.S.L. 2012, and 157.1 (62 O.S. Supp. 2015, Section 157), which relate to the Will Rogers Memorial Commission Revolving Fund; changing name of fund and transferring administrative direction thereof; repealing 53 O.S. 2011, Sections 45, 46.1 and 47.1, which relate to the Will Rogers Memorial Commission; providing for codification; and declaring an emergency.

SUBJECT: Will Rogers Memorial

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 45.1 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2016, all property of the Will Rogers Memorial Commission including, but not limited to, the property specified in Sections 45 and 47.8 of Title 53 of the Oklahoma Statutes, is hereby transferred to the Oklahoma Historical Society and shall be under the governance of the Oklahoma Historical Society.

B. All Commission personnel, in both the classified and unclassified service of the State Merit System of Personnel Administration, who are assigned as of June 30, 2016, including related liabilities for sick leave, annual leave, holidays, unemployment benefits and workers' compensation benefits accruing prior to July 1, 2016, to such personnel shall be transferred as of July 1, 2016, to the Oklahoma Historical Society. To the extent possible, the Oklahoma Historical Society shall ensure that the employees retain pay and benefits, including longevity, dependent insurance benefits, seniority, rights and other privileges and benefits.

C. Appropriate conveyances and other documents shall be executed by July 1, 2016, to effectuate the transfer of the Will Rogers Memorial Commission.

D. The Office of Management and Enterprise Services shall determine the amount of funds from available budgetary resources for the Will Rogers Memorial Commission, including any appropriated funds, revolving funds or sinking funds, that should be transferred on July 1, 2016, from the Will Rogers Memorial Commission to the Oklahoma Historical Society to continue operation of the Memorial

for the fiscal year ending June 30, 2016. The Director of the Office of Management and Enterprise Services is authorized and directed to coordinate and administer the funds transfer. The funds transferred to the Oklahoma Historical Society shall not be subject to any budgetary limits that may have attached to the funds when the funds were appropriated to the Commission. From the effective date of this act through June 30, 2016, the Commission shall not spend or encumber more than the funds budgeted for that period without prior approval of the Office of Management and Enterprise Services.

E. The Oklahoma Historical Society may establish appropriate funds and accounts, including a revolving fund in the Office of Management and Enterprise Services for servicing the fiscal operations of the Memorial. Such funds and accounts shall be subject to the direct supervision, management and control of the Oklahoma Historical Society.

F. An employee transferred pursuant to the provisions of this act who is a member of the Oklahoma Public Employees Retirement System shall retain such membership and all service credit and other benefits associated therewith.

G. 1. The Oklahoma Historical Society shall succeed to any contractual rights and responsibilities the Commission has incurred on behalf of the Memorial.

2. The Oklahoma Historical Society and the Commission shall execute all necessary documents to memorialize the assignment to the Oklahoma Historical Society of all rights, responsibilities and obligations under any and all contracts the Commission has entered into relating to operation of any part of the Memorial as provided in this section. The Oklahoma Historical Society shall execute any documents necessary to memorialize acceptance of such assignment. In the absence of memorializing documents or conveyances, the transfers including all the assignments shall occur by operation of law.

H. The rules of the Commission that are in effect on July 1, 2016, shall be enforceable by the Oklahoma Historical Society until the Oklahoma Historical Society establishes rules or until January 1, 2018, whichever occurs earlier.

SECTION 2. AMENDATORY 53 O.S. 2011, Section 46, is amended to read as follows:

Section 46. ~~There is hereby created a~~ The petty cash fund for the Will Rogers Memorial Commission, which may be expended for small authorized expenses of the Commission, is hereby transferred to the Oklahoma Historical Society pursuant to the provisions of Section 1 of this act.

SECTION 3. AMENDATORY 53 O.S. 2011, Section 47.2, is amended to read as follows:

Section 47.2. ~~The Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial, may:

1. Acquire, hold, own, receive, accept or contract for real or personal property in the name of the ~~Commission~~ Will Rogers Memorial;

2. Act in cooperation with federal, state, or local government or any agency thereof or any other legal entity in constructing, building, preserving, and maintaining the Will Rogers Memorial;

3. Accept gifts, grants, contributions, or donations from governmental sources, or any person, firm, corporation, or municipal subdivision of this state, or any group of persons for the purposes of constructing, maintaining, preserving, or displaying the collection and historical artifacts of the Will Rogers Memorial to be located at, or near, the town of Claremore, Oklahoma;

4. Enter into contracts and agreements with ~~the Will Rogers Heritage, Inc.~~ third parties as the Oklahoma Historical Society deems appropriate in the administration of its duties, including the authority to contract for the services of an electronic or online point-of-sale system; and

5. Furnish suitable quarters to house, display, and preserve the Will Rogers Collection.

SECTION 4. AMENDATORY 53 O.S. 2011, Section 47.3, is amended to read as follows:

Section 47.3. A. ~~The Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial, may take steps necessary and expedient to protect and preserve the name of "Will Rogers," his photographic likeness, writings of any and all classifications, including but not limited to:

1. All written material heretofore presented, and any to be presented, to the ~~Commission~~ Memorial by the family of Will Rogers; and

2. All material on which the ~~Commission~~ Memorial holds or may hold the legal copyright, including writings, manuscripts, books, notes, papers, films and tapes.

B. The ~~Commission~~ Oklahoma Historical Society may consult with and obtain the professional services of the Attorney General's office in taking any action necessary or expedient to protect the ~~Commission~~ Memorial from any unlawful use by any person or persons or corporate entities of any property of the ~~Commission~~ Memorial.

SECTION 5. AMENDATORY 53 O.S. 2011, Section 47.4, is amended to read as follows:

Section 47.4. A. ~~The Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial, may:

1. Construct and operate a comprehensive research library to house all Will Rogers memorabilia, including, but not limited to, writings, books, periodicals, sound reproductions, film reproductions and related materials, published or unpublished, for the purposes of creating, preserving and maintaining a research center for all of the Will Rogers material contemplated hereunder or any material received in the future as well as kindred collections on the site now provided by the Will Rogers family at or near the town of Claremore;

2. In the administration of the Will Rogers Memorial, maintain or lease ~~to the Will Rogers Heritage, Inc., or~~ to a third party, an outlet for the sale to the public of such items as shall, in the judgment of the ~~Commission~~ Oklahoma Historical Society or the lessee, be appropriate for sale ~~at prices set by the Commission~~, including, but not limited to, literature, in book or pamphlet form,

brochures, periodicals, books, artifacts, reproductions of Will Rogers memorabilia and statuary; and

3. Maintain donation receptacles for the purpose of the collection of voluntary donations to the Will Rogers Memorial ~~Commission and to the Will Rogers Heritage, Inc.~~ Funds donated to the Will Rogers Memorial ~~Commission~~ shall be deposited in the Will Rogers Memorial ~~Commission~~ Revolving Fund.

B. The proceeds of the sale of any material referred to in this section or payments received pursuant to a lease as authorized by this section shall be deposited in the Will Rogers Memorial ~~Commission~~ Revolving Fund, for the purposes of defraying the expenses of the operation of the outlet for sale and for such purposes as shall in the opinion of the ~~Commission~~ Oklahoma Historical Society be necessary and appropriate, including, but not limited to, scholarships, awards and prizes for educational purposes, so long as the same pertains to and is in conformity with the uses and purposes of the ~~Commission~~ Memorial.

SECTION 6. AMENDATORY 53 O.S. 2011, Section 47.4A, as amended by Section 226, Chapter 304, O.S.L. 2012 (53 O.S. Supp. 2015, Section 47.4A), is amended to read as follows:

Section 47.4A. A. There is hereby created in the State Treasury a revolving fund for the ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial, to be designated the "Will Rogers Memorial ~~Commission~~ Revolving Fund". The fund shall consist of all:

1. Appropriations, gifts, donations, grants, admission fees, and any other monies received by the ~~Commission~~ Oklahoma Historical Society pursuant to this act; and

2. Proceeds from outlet sales, unless the outlets are leased as provided in Section 47.4 of this title in which case any payments received pursuant to any such lease shall be deposited in the revolving fund.

B. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the ~~Commission~~ Oklahoma Historical Society, on behalf

of the Will Rogers Memorial. The expenditure from the fund shall be used for expenses relating to administration, duties, operations, maintenance, special projects, and acquisitions for the Memorial and shall be made pursuant to law.

C. Warrants for expenditures from this fund shall be drawn by the State Treasurer based on claims signed by an authorized employee of the ~~Commission~~ Oklahoma Historical Society and approved for payment by the Director of the Office of Management and Enterprise Services.

SECTION 7. AMENDATORY 53 O.S. 2011, Section 47.6, is amended to read as follows:

Section 47.6. A. ~~The Will Rogers Memorial Commission~~ Oklahoma Historical Society, shall:

1. Maintain the Will Rogers Memorial, and promulgate rules necessary for the maintenance and operation thereof;

2. Appoint a Director, who shall be in the unclassified service, and other employees, and shall fix their duties and compensation not otherwise prescribed by law; and

3. Make administrative decisions governing the type, nature, and propriety of all purchases made by the ~~Commission~~ Oklahoma Historical Society on behalf of the Will Rogers Memorial.

B. The ~~Commission~~ Oklahoma Historical Society may appoint a Manager, who shall be in the unclassified service, and may fix the duties of the Manager and compensation not otherwise prescribed by law.

C. The ~~Commission~~ Oklahoma Historical Society may charge admission to enter the grounds or buildings of the Memorial.

SECTION 8. AMENDATORY 53 O.S. 2011, Section 47.8, is amended to read as follows:

Section 47.8. The following described land, ~~currently owned by the Oklahoma Tourism and Recreation Commission and~~ operated as the Will Rogers Homesite, all the appurtenances thereto and all personal

property essential to the continued orderly operation of this facility are hereby transferred to the ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial. The ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society shall have the same powers and duties with respect to the facility as were previously carried out by the ~~Tourism and Recreation Commission~~ Will Rogers Memorial Commission and shall assume the performance of all existing obligations of the ~~Tourism and Recreation Commission~~ Will Rogers Memorial Commission relating to its operation and maintenance. ~~Said~~ Such premises shall include:

A tract of land all in the NW-1/4, Section 24, T 23 N, R 15 E, Rogers County, Oklahoma, described as follows: Beginning at the common corner of Sections 13, 14, 23 and 24, T 23 N, R 15 E, thence south along the west line of the NW-1/4 to the southwest corner of the N-1/2 NW-1/4 SW-1/4 SW-1/4 NW-1/4; thence northeasterly on a straight line to the northwest corner of the SW-1/4 SE-1/4 NW-1/4 NW-1/4; thence east along the north line of ~~said~~ the SW-1/4 SE-1/4 NW-1/4 NW-1/4 to the southwest corner of the E-1/2 NW-1/4 SE-1/4 NW-1/4 NW-1/4; thence northeasterly on a straight line to the northeast corner of the W-1/2 W-1/2 E-1/2 NW-1/4; thence west along the north side of the NW-1/4 to the point of beginning.

A tract of land all in the S-1/2 of Section 13, T 23 N, R 15 E, Rogers County, Oklahoma, more particularly described as follows: Beginning at the common corner of Sections 13, 14, 23 and 24 thence north along the west line of SW-1/4 to the northwest corner of SW-1/4; thence east along the north line of SW-1/4 to the northeast corner of the W-1/2 E-1/2 NW-1/4 NW-1/4 SE-1/4; thence south along east line of ~~said~~ the W-1/2 E-1/2 NW-1/4 NW-1/4 SE-1/4 to the northeast corner of the SW-1/4 SE-1/4 NW-1/4 NW-1/4 SE-1/4; thence southwesterly on a straight line to the southeast corner of the W-1/2 NW-1/4 SW-1/4 NW-1/4 SE-1/4; thence west along the south line of ~~said~~ the W-1/2 NW-1/4 SW-1/4 NW-1/4 SE-1/4 and the south line of the N-1/2 S-1/2 NE-1/4 SW-1/4 to the northeast corner of the SE-1/4 SE-1/4 NW-1/4 SW-1/4; thence south along the east line of ~~said~~ the SE-1/4 SE-1/4 NW-1/4 SW-1/4 to the southeast corner thereof; thence southeasterly on a straight line to the

southeast corner of the W-1/2 W-1/2 SE-1/4 SW-1/4; thence west along the south line of the SW-1/4 to the point of beginning.

SECTION 9. AMENDATORY 53 O.S. 2011, Section 47.9, is amended to read as follows:

Section 47.9. A. ~~The Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial, is authorized to transfer museum collection objects, which are duplicates or are outside of the scope of collections owned by it, to other state agencies or other museums with nonprofit status unless the object is leased to or loaned to the ~~Commission~~ Oklahoma Historical Society, was purchased with appropriated funds by the ~~Commission~~ Oklahoma Historical Society or the Will Rogers Memorial, or has been authenticated to have been owned or used by Will Rogers. Transfers shall not be to individuals or commercial entities.

B. ~~The Will Rogers Memorial Commission~~ Oklahoma Historical Society shall be exempt from the Oklahoma Surplus Property Act for the purpose of disposing of museum collection surplus property as described in subsection A of this section and is authorized to destroy and dispose of museum collection surplus property including objects owned by the ~~Commission~~ Oklahoma Historical Society that have deteriorated past the point of usefulness or have no resale value.

C. No past or present member of the Will Rogers Memorial ~~Commission~~ or the Oklahoma Historical Society, ~~current~~ employee of the Oklahoma Historical Society, their families, or volunteer may obtain possession of museum collection surplus property ~~from the Commission~~ in person or by proxy.

SECTION 10. AMENDATORY 53 O.S. 2011, Section 1.6, is amended to read as follows:

Section 1.6. A. The Board of Directors of the Oklahoma Historical Society shall consist of not more than twenty-five (25) members, with the Governor as an ex officio member. In addition to any appointing authority of the Governor, the Governor shall appoint one at-large member of the Board of Directors who shall be a surviving lineal descendant of Will Rogers, if there is a descendant

who chooses to serve and if such descendant otherwise satisfies the conditions and qualifications of the Society's constitution or bylaws for appointment as an at-large member. The number of members of ~~said~~ the Board may be decreased by act of the Legislature or by act of ~~said~~ the Society by amending its constitution. Each member of the Board of Directors shall hold office until the successor of the member is elected and qualified pursuant to the provisions of the constitution of the Society or as otherwise provided by the Oklahoma Historical Preservation Act, Section 1.1 et seq. of this title. If at any time the provisions of the Society's constitution or bylaws are in conflict with statutory provisions relating to appointment of members by congressional district, statutory provisions shall prevail.

B. Members of the Board of Directors are hereby declared to be agents of the State of Oklahoma.

SECTION 11. AMENDATORY 62 O.S. 2011, Section 157, as amended by Section 448, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2015, Section 157), is amended to read as follows:

Section 157. There is hereby created in the State Treasury a revolving fund for the ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial, to be designated "The Will Rogers Memorial ~~Commission~~ Revolving Fund-". The fund shall consist of monies received by the ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society pursuant to statutory provisions, but not including appropriated funds. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers Memorial. Expenditures from ~~said~~ the fund shall be made pursuant to the laws of this state and the statutes relating to the ~~said Commission~~ Memorial, and without legislative appropriation. Warrants for expenditures shall be drawn by the State Treasurer, based on claims signed by an authorized employee or employees of the ~~said Commission~~ Oklahoma Historical Society and approved for payment by the Director of the Office of Management and Enterprise Services.

SECTION 12. AMENDATORY 62 O.S. 2011, Section 157.1, is amended to read as follows:

Section 157.1. All monies which may accrue from the sale of Will Rogers Papers shall be deposited in the ~~Revolving Fund of the Will Rogers Memorial Commission~~ Will Rogers Memorial Revolving Fund.

SECTION 13. REPEALER 53 O.S. 2011, Sections 45, 46.1 and 47.1, are hereby repealed.

SECTION 14. 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.

Passed the Senate the 25th day of February, 2016.

Anthony Sykes
Presiding Officer of the Senate

Passed the House of Representatives the 2nd day of March, 2016.

John Harris
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 3rd

day of March, 20 16, at 11:21 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th

day of March, 20 16, at 2:34 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th

day of March, 20 16, at 2:43 o'clock P M.

By: Chris Benz