

ENROLLED SENATE
BILL NO. 527

By: Littlefield of the Senate

and

Pope of the House

An Act relating to the Oklahoma Historical Societies; amending 53 O.S. 2001, Sections 1.3, 1.4, 1.5, 1.6a, 1.12, 1.15, 1.21, 4.7 and 5.1, which relate to the Oklahoma Historical Preservation Act; specifying origin of process for title transfer; providing exemption; requiring certain proceeds be deposited into certain fund; modifying powers and duties; prohibiting the sale of certain arts and crafts; removing certain rule promulgation requirement; updating statutory reference; increasing petty cash fund; changing depository of certain fees; modifying authorization to charge entry fee; removing requirement for submittal of certain report; requiring Oklahoma Historical Society Board of Directors to determine hours of public access to certain building; changing name of certain museum; authorizing the Oklahoma Historical Society to sell certain property for certain price; repealing 53 O.S. 2001, Sections 1.11, 1.13, 1.14, 1.19, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.2a, 4.2b, 4.3, 4.4, 4.5, 4.6, 4.8, 4.10 and 5.2, which relate to the Oklahoma Historical Preservation Act; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 53 O.S. 2001, Section 1.3, is amended to read as follows:

Section 1.3 It shall be the duty of the Oklahoma Historical Society to:

1. Collect, purchase, catalog, store, preserve, conserve and maintain books, maps, photographs, newspapers, records, reports, manuscripts, charts, paintings, three-dimensional artifacts and other materials germane to the history of Oklahoma, the Indian and the West;

2. Gather and utilize collected materials to create interpretive exhibits illustrative of the history of Oklahoma, the United States and the world in the ~~State~~ Oklahoma Museum of History and at other assigned museums and historic sites; ~~to be open to the public without fee except as otherwise provided by law;~~

3. Prepare and publish materials relative to the history of the State of Oklahoma. Such materials may be offered for sale ~~at a reasonable cost~~ to the public at museums and historic sites operated by the Society;

4. Prepare and publish matters relating to the Society's transactions and research as may be useful to its membership and the public. Such publications shall include an annual report of its collections;

5. Develop an oral history program for the State of Oklahoma designed to promote the preservation and utilization of oral history within the state concerning significant elements of the social, political, economic, cultural, educational, ethnic and military history of the geographical area now known as the State of Oklahoma; transcribe, index, catalog and maintain the results of these interviews to make them readily available to the public and historical researchers;

6. Develop an educational program for the purpose of making available to schools and the public information pertaining to the history of Oklahoma through the utilization of collections and properties held by the Society. Reasonable charges may be made for the dissemination of any such facts or information; and

7. Work with the Oklahoma Capitol Complex and Centennial Commemoration Commission to prepare a master report for the Governor and Legislature on promotion, enhancement and preservation of the military history of Oklahoma.

SECTION 2. AMENDATORY 53 O.S. 2001, Section 1.4, is amended to read as follows:

Section 1.4 A. In addition to other powers and duties specified by law, the Oklahoma Historical Society shall have the power and duty to:

1. Acquire by gift, devise, purchase or otherwise, absolutely or in trust, and to hold ~~and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey or otherwise dispose of~~ any real property or real estate or other interest therein as may be necessary in carrying into effect the purpose of the Oklahoma Historical Preservation Act.

2. Enter into contracts and to execute all instruments necessary to fulfill its duties, respecting the protection, preservation, maintenance and operation of such historic buildings, sites and/or objects as it may select.

3. Correlate and preserve drawings, plans, photographs and other data of historic and archaeologic sites, buildings and objects.

4. Make surveys of historic and archaeologic sites, buildings and objects for the purpose of determining which possesses

exceptional value as commemorating or relating to the history of Oklahoma.

5. Make necessary investigations and research in Oklahoma relating to particular sites, buildings or objects to obtain true and accurate historical and archaeological facts and information concerning such sites, buildings or objects.

6. Contract and make cooperative agreements with municipalities, corporations, associations and individuals, with proper bond where deemed advisable to protect, preserve, maintain or operate any historic or archaeological building, site, object or property used in connection therewith for public use, regardless whether the title thereto is in the State of Oklahoma. No contract or cooperative agreement shall be made or entered into which will obligate the General Revenue Fund of the State Treasury unless or until the Legislature has appropriated sufficient monies for such purpose.

7. Restore, reconstruct, rehabilitate, preserve and maintain historic or prehistoric sites, buildings, objects and properties of historical and archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

8. Operate and manage historic and archaeological sites, buildings and properties acquired under the provisions of the Oklahoma Historical Preservation Act, together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases or permits for the use of land, building space, roads or trails when necessary or desirable either to accommodate the public or to facilitate administration; provided, that such concessions, leases or permits shall be granted only after competitive bids to the person making the highest and best bid.

9. Organize a corporation under the laws of this state when it would be administratively burdensome to restore, reconstruct, operate or maintain any particular historic or archaeological site, building or property donated to the state.

~~10. Develop an entry fee pilot project as authorized in Section 3 of this act.~~

B. The Oklahoma Historical Society is authorized to make exchanges of duplicates held by it for matters of historical importance which are of the same approximate value as determined by professional appraisal.

SECTION 3. AMENDATORY 53 O.S. 2001, Section 1.5, is amended to read as follows:

Section 1.5 The Oklahoma Historical Society may conduct arts and crafts programs, exhibits and shows on state property under the jurisdiction of the Oklahoma Historical Society. ~~The Oklahoma Historical Society may permit the craftsmen and artists or their agents to sell their arts and crafts at such programs, exhibits and shows. The Oklahoma Historical Society shall promulgate rules and~~

~~regulations relating to such programs, exhibits and shows which shall be in compliance with the Constitution and laws of this state.~~

SECTION 4. AMENDATORY 53 O.S. 2001, Section 1.6a, is amended to read as follows:

Section 1.6a The Oklahoma Historical Society may employ seasonal employees throughout the calendar year. Project labor employed by the Oklahoma Historical Society for a period of time necessary to complete a project shall be in the unclassified service of the state as provided by the Oklahoma Personnel Act, ~~Section 840.1 et seq. of Title 74 of the Oklahoma Statutes.~~ Such 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 such benefits.

The Oklahoma Historical Society shall include in its annual budget request a summary of the use of project labor which shall include the number of workers employed under the provisions of this section and the total wages paid to these employees.

SECTION 5. AMENDATORY 53 O.S. 2001, Section 1.12, is amended to read as follows:

Section 1.12 There is hereby authorized to be created a petty cash fund for the Oklahoma Historical Society in an amount not to exceed ~~One Thousand Five Hundred Dollars (\$1,500.00)~~ Five Thousand Dollars (\$5,000.00). This fund may be allocated to museums and sites owned and operated by the Oklahoma Historical Society in amounts not to exceed Two Hundred Dollars (\$200.00) per museum or site for the purpose of establishing separate petty cash fund accounts. Said fund may be established from any state funds available to the Oklahoma Historical Society for general operating expenses and shall be administered under such rules and regulations as prescribed by the Director of State Finance.

SECTION 6. AMENDATORY 53 O.S. 2001, Section 1.15, is amended to read as follows:

Section 1.15 The Executive Director, or an authorized designee, of the Historical Society is authorized to make certified copies of any and all records, papers or other documents, including excerpts and parts of all of any newspaper or file, and papers and archives held by said society in trust for the United States Government, and such as may by him or her be certified and attested and the seal of the Historical Society affixed thereto, shall be received in evidence in all the courts of this state and have the same force and effect as the original would when introduced in evidence; provided, that when such certificates are made for the United States Government, or any of its officers, to be used in evidence in behalf of the United States Government, or any of its agencies, such certificate shall be made without fee or charge, and the same as to the State of Oklahoma and its agents, but in all other instances fees for such certificate shall be paid by the party applying therefor in such amount as allowed by law to the Secretary of State for such certification, and when such fee is not fixed by law it shall be a reasonable charge to be fixed by the Board of Directors

of said Society. All fees so received shall be paid into the ~~state depository in the State Treasury and held for the use and benefit of the Oklahoma Historical Society~~ Oklahoma Historical Society Revolving Fund, provided, that no fee shall be charged for such certified copy when required in the transaction of the business of the state or the United States Government.

SECTION 7. AMENDATORY 53 O.S. 2001, Section 1.21, is amended to read as follows:

Section 1.21 A. The Oklahoma Historical Society is authorized to charge at its discretion an entry fee at all of its ~~the following~~ museums and historical sites:

- ~~1. The Route 66 Museum located in Clinton, Oklahoma;~~
- ~~2. The Fort Gibson Military Park located in Fort Gibson, Oklahoma;~~
- ~~3. The Pioneer Woman Museum located in Ponca City, Oklahoma;~~
- ~~4. The Henry Overholser House located in Oklahoma City, Oklahoma; and~~
- ~~5. Spiro Mounds Archaeological Center located near Spiro, Oklahoma.~~

B. The Board of Directors of the Oklahoma Historical Society shall establish an entry fee schedule to charge the public for admission to the participating sites. The entry fee schedule shall include special rates for families, school groups and any other group or category of persons the Board designates.

C. The Oklahoma Historical Society shall separately account for and report the revenue which is generated from the collection of the entry fee for the participating sites. After the collected fees are deposited in the Oklahoma Historical Society Revolving Fund, the Oklahoma Historical Society shall separately track the fee revenue generated from each site to ensure that all revenue accruing to the credit of each site is budgeted and expended for that site. The revenue shall be used at each site to enhance, improve, market and pay for expenses associated with the site including, but not limited to, site personnel, utilities, conservation supplies, site promotion and marketing, equipment, professional services and capital improvements.

D. The Board of Directors of the Oklahoma Historical Society shall evaluate the overall effectiveness of charging an entry fee at the participating sites, including the impact on educational outreach, public opinion and operational efficiency. ~~The Board shall prepare a report which shall include recommendations for discontinuation, modification, or continuation of entry fees. The report shall be submitted to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chairs of the Senate and House of Representatives Appropriations Committees by February 1, 2002.~~

E. The amount of money appropriated to the Oklahoma Historical Society shall not be reduced to offset the amount of revenue generated and collected through the charging of entry fees.

SECTION 8. AMENDATORY 53 O.S. 2001, Section 4.7, is amended to read as follows:

Section 4.7 A. The Oklahoma Historical Society shall permit public access to the Wiley Post Building ~~during the hours of 8:00 a.m. to 5:00 p.m. on Monday through Saturday, except on state holidays~~ as determined by its Board of Directors.

B. The Oklahoma Historical Society is authorized to allow public access to the Wiley Post Building at times other than those ~~required~~ determined in subsection A of this section for special activities or events.

SECTION 9. AMENDATORY 53 O.S. 2001, Section 5.1, is amended to read as follows:

Section 5.1 The Oklahoma Historical Society Museum ~~located in the Wiley Post Historical Building~~ is hereby designated the State Oklahoma Museum of History.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5.2a of Title 53, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Historical Society is authorized to sell surplus property at fair market value as determined by the Board of Directors of the Oklahoma Historical Society. The process for the sale and transfer of title shall originate with the Board. The Oklahoma Historical Society shall be exempt from Section 62.1 et seq. of Title 74 of the Oklahoma Statutes for the purpose of selling surplus property. All proceeds from the sale of the property shall be deposited into the Oklahoma Historical Society Revolving Fund.

SECTION 11. REPEALER 53 O.S. 2001, Sections 1.11, 1.13, 1.14, 1.19, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.2a, 4.2b, 4.3, 4.4, 4.5, 4.6, 4.8, 4.10 and 5.2, are hereby repealed.

SECTION 12. This act shall become effective November 1, 2003.

Passed the Senate the 20th day of May, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2003.

Presiding Officer of the House
of Representatives