

1 ENGROSSED SENATE
2 BILL NO. 1570

By: Jolley and Treat of the
Senate

3 and

4 Sears and Casey of the
5 House

6
7 An Act relating to the Will Rogers Memorial;
8 transferring property, personnel and funds of the
9 Will Rogers Memorial Commission to the Oklahoma
10 Historical Society; providing procedures; requiring
11 execution of conveyances and other documents;
12 specifying powers and duties of Office of Management
13 and Enterprise Services and the Oklahoma Historical
14 Society; requiring membership in certain retirement
15 systems by certain employees; providing for
16 succession of contractual rights and
17 responsibilities; providing for enforceability of
18 certain rules; amending 53 O.S. 2011, Sections 46,
19 47.2, 47.3, 47.4, 47.4A, as amended by Section 226,
20 Chapter 304, O.S.L. 2012, 47.6, 47.8 and 47.9 (53
21 O.S. Supp. 2015, Section 47.4A), which relate to the
22 Will Rogers Memorial Commission; transferring certain
23 authority and funds; granting certain authority to
24 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.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 45.1 of Title 53, unless there
4 is created a duplication in numbering, reads as follows:

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

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

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

1 D. The Office of Management and Enterprise Services shall
2 determine the amount of funds from available budgetary resources for
3 the Will Rogers Memorial Commission, including any appropriated
4 funds, revolving funds or sinking funds, that should be transferred
5 on July 1, 2016, from the Will Rogers Memorial Commission to the
6 Oklahoma Historical Society to continue operation of the Memorial
7 for the fiscal year ending June 30, 2016. The Director of the
8 Office of Management and Enterprise Services is authorized and
9 directed to coordinate and administer the funds transfer. The funds
10 transferred to the Oklahoma Historical Society shall not be subject
11 to any budgetary limits that may have attached to the funds when the
12 funds were appropriated to the Commission. From the effective date
13 of this act through June 30, 2016, the Commission shall not spend or
14 encumber more than the funds budgeted for that period without prior
15 approval of the Office of Management and Enterprise Services.

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

22 F. An employee transferred pursuant to the provisions of this
23 act who is a member of the Oklahoma Public Employees Retirement
24

1 System shall retain such membership and all service credit and other
2 benefits associated therewith.

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

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

16 H. The rules of the Commission that are in effect on July 1,
17 2016, shall be enforceable by the Oklahoma Historical Society until
18 the Oklahoma Historical Society establishes rules or until January
19 1, 2018, whichever occurs earlier.

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

22 Section 46. ~~There is hereby created a~~ The petty cash fund for
23 the Will Rogers Memorial Commission, which may be expended for small
24 authorized expenses of the Commission, is hereby transferred to the

1 Oklahoma Historical Society pursuant to the provisions of Section 1
2 of this act.

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

10 2. In the administration of the Will Rogers Memorial, maintain
11 or lease ~~to the Will Rogers Heritage, Inc.,~~ or to a third party, an
12 outlet for the sale to the public of such items as shall, in the
13 judgment of the ~~Commission~~ Oklahoma Historical Society or the
14 lessee, be appropriate for sale ~~at prices set by the Commission,~~
15 including, but not limited to, literature, in book or pamphlet form,
16 brochures, periodicals, books, artifacts, reproductions of Will
17 Rogers memorabilia and statuary; and

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

23 B. The proceeds of the sale of any material referred to in this
24 section or payments received pursuant to a lease as authorized by

1 this section shall be deposited in the Will Rogers Memorial
2 ~~Commission~~ Revolving Fund, for the purposes of defraying the
3 expenses of the operation of the outlet for sale and for such
4 purposes as shall in the opinion of the ~~Commission~~ Oklahoma
5 Historical Society be necessary and appropriate, including, but not
6 limited to, scholarships, awards and prizes for educational
7 purposes, so long as the same pertains to and is in conformity with
8 the uses and purposes of the ~~Commission~~ Memorial.

9 SECTION 6. AMENDATORY 53 O.S. 2011, Section 47.4A, as
10 amended by Section 226, Chapter 304, O.S.L. 2012 (53 O.S. Supp.
11 2015, Section 47.4A), is amended to read as follows:

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

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

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

24

1 B. The revolving fund shall be a continuing fund not subject to
2 fiscal year limitations and shall be under the administrative
3 direction of the ~~Commission~~ Oklahoma Historical Society, on behalf
4 of the Will Rogers Memorial. The expenditure from the fund shall be
5 used for expenses relating to administration, duties, operations,
6 maintenance, special projects, and acquisitions for the Memorial and
7 shall be made pursuant to law.

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

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

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

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

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

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

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

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

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

9 Section 47.8. The following described land, ~~currently owned by~~
10 ~~the Oklahoma Tourism and Recreation Commission~~ and operated as the
11 Will Rogers Homesite, all the appurtenances thereto and all personal
12 property essential to the continued orderly operation of this
13 facility are hereby transferred to the ~~Will Rogers Memorial~~
14 ~~Commission~~ Oklahoma Historical Society, on behalf of the Will Rogers
15 Memorial. The ~~Will Rogers Memorial Commission~~ Oklahoma Historical
16 Society shall have the same powers and duties with respect to the
17 facility as were previously carried out by the ~~Tourism and~~
18 ~~Recreation Commission~~ Will Rogers Memorial Commission and shall
19 assume the performance of all existing obligations of the ~~Tourism~~
20 ~~and Recreation Commission~~ Will Rogers Memorial Commission relating
21 to its operation and maintenance. ~~Said~~ Such premises shall include:

22 A tract of land all in the NW-1/4, Section 24, T 23 N, R
23 15 E, Rogers County, Oklahoma, described as follows:

24 Beginning at the common corner of Sections 13, 14, 23 and

1 24, T 23 N, R 15 E, thence south along the west line of
2 the NW-1/4 to the southwest corner of the N-1/2 NW-1/4 SW-
3 1/4 SW-1/4 NW-1/4; thence northeasterly on a straight line
4 to the northwest corner of the SW-1/4 SE-1/4 NW-1/4 NW-
5 1/4; thence east along the north line of ~~said~~ the SW-1/4
6 SE-1/4 NW-1/4 NW-1/4 to the southwest corner of the E-1/2
7 NW-1/4 SE-1/4 NW-1/4 NW-1/4; thence northeasterly on a
8 straight line to the northeast corner of the W-1/2 W-1/2
9 E-1/2 NW-1/4; thence west along the north side of the NW-
10 1/4 to the point of beginning.

11 A tract of land all in the S-1/2 of Section 13, T 23 N, R
12 15 E, Rogers County, Oklahoma, more particularly described
13 as follows: Beginning at the common corner of Sections
14 13, 14, 23 and 24 thence north along the west line of SW-
15 1/4 to the northwest corner of SW-1/4; thence east along
16 the north line of SW-1/4 to the northeast corner of the W-
17 1/2 E-1/2 NW-1/4 NW-1/4 SE-1/4; thence south along east
18 line of ~~said~~ the W-1/2 E-1/2 NW-1/4 NW-1/4 SE-1/4 to the
19 northeast corner of the SW-1/4 SE-1/4 NW-1/4 NW-1/4 SE-
20 1/4; thence southwesterly on a straight line to the
21 southeast corner of the W-1/2 NW-1/4 SW-1/4 NW-1/4 SE-1/4;
22 thence west along the south line of ~~said~~ the W-1/2 NW-1/4
23 SW-1/4 NW-1/4 SE-1/4 and the south line of the N-1/2 S-1/2
24 NE-1/4 SW-1/4 to the northeast corner of the SE-1/4 SE-1/4

1 NW-1/4 SW-1/4; thence south along the east line of ~~said~~
2 the SE-1/4 SE-1/4 NW-1/4 SW-1/4 to the southeast corner
3 thereof; thence southeasterly on a straight line to the
4 southeast corner of the W-1/2 W-1/2 SE-1/4 SW-1/4; thence
5 west along the south line of the SW-1/4 to the point of
6 beginning.

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

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

19 B. The ~~Will Rogers Memorial Commission~~ Oklahoma Historical
20 Society shall be exempt from the Oklahoma Surplus Property Act for
21 the purpose of disposing of museum collection surplus property as
22 described in subsection A of this section and is authorized to
23 destroy and dispose of museum collection surplus property including
24 objects owned by the ~~Commission~~ Oklahoma Historical Society that

1 have deteriorated past the point of usefulness or have no resale
2 value.

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

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

10 Section 1.6. A. The Board of Directors of the Oklahoma
11 Historical Society shall consist of not more than twenty-five (25)
12 members, with the Governor as an ex officio member. In addition to
13 any appointing authority of the Governor, the Governor shall appoint
14 one at-large member of the Board of Directors who shall be a
15 surviving lineal descendant of Will Rogers, if there is a descendant
16 who chooses to serve and if such descendant otherwise satisfies the
17 conditions and qualifications of the Society's constitution or
18 bylaws for appointment as an at-large member. The number of members
19 of ~~said~~ the Board may be decreased by act of the Legislature or by
20 act of ~~said~~ the Society by amending its constitution. Each member
21 of the Board of Directors shall hold office until the successor of
22 the member is elected and qualified pursuant to the provisions of
23 the constitution of the Society or as otherwise provided by the
24 Oklahoma Historical Preservation Act, Section 1.1 et seq. of this

1 title. If at any time the provisions of the Society's constitution
2 or bylaws are in conflict with statutory provisions relating to
3 appointment of members by congressional district, statutory
4 provisions shall prevail.

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

7 SECTION 11. AMENDATORY 62 O.S. 2011, Section 157, as
8 amended by Section 448, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
9 2015, Section 157), is amended to read as follows:

10 Section 157. There is hereby created in the State Treasury a
11 revolving fund for the ~~Will Rogers Memorial Commission~~ Oklahoma
12 Historical Society, on behalf of the Will Rogers Memorial, to be
13 designated "The Will Rogers Memorial ~~Commission~~ Revolving Fund-".
14 The fund shall consist of monies received by the ~~Will Rogers~~
15 ~~Memorial Commission~~ Oklahoma Historical Society pursuant to
16 statutory provisions, but not including appropriated funds. The
17 revolving fund shall be a continuing fund not subject to fiscal year
18 limitations and shall be under the administrative direction of the
19 ~~Will Rogers Memorial Commission~~ Oklahoma Historical Society, on
20 behalf of the Will Rogers Memorial. Expenditures from ~~said~~ the fund
21 shall be made pursuant to the laws of this state and the statutes
22 relating to the ~~said Commission Memorial~~, and without legislative
23 appropriation. Warrants for expenditures shall be drawn by the
24 State Treasurer, based on claims signed by an authorized employee or

1 employees of the ~~said Commission~~ Oklahoma Historical Society and
2 approved for payment by the Director of the Office of Management and
3 Enterprise Services.

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

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

9 SECTION 13. REPEALER 53 O.S. 2011, Sections 45, 46.1 and
10 47.1, are hereby repealed.

11 SECTION 14. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2016.

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8 _____
9 Presiding Officer of the House
10 of Representatives