

OKLAHOMA STATUTES  
TITLE 53. OKLAHOMA HISTORICAL SOCIETIES AND ASSOCIATIONS

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§53-1.1. Short title.

Sections 1.1 through 5.1 of Title 53 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Historical Preservation Act".

Added by Laws 1988, c. 217, § 3, emerg. eff. June 21, 1988.

§53-1.2. Oklahoma Historical Society - Membership - Powers - Expenditures of state funds - Disposition of collections of property.

A. There is hereby created the Oklahoma Historical Society consisting of members who have heretofore become and are now members of said Society, and such others as may be admitted and elected as members thereof, in accordance with the terms of the constitution and bylaws, or as otherwise provided by the the Oklahoma Historical Preservation Act.

B. The Oklahoma Historical Society is hereby declared to be an organized agency of the State of Oklahoma, with power to formulate and promulgate, rules and regulations pursuant to the Administrative Procedures Act by means of its constitution and bylaws, and resolutions for its government and regulation subject to the laws of the state.

C. The Oklahoma Historical Society shall faithfully expend and apply all money received from the state to the uses and purposes directed by law. The Society shall hold all its present and future

collections of property for the state, and shall not sell, mortgage or dispose of any such property without authority of law.  
Added by Laws 1988, c. 217, § 4, emerg. eff. June 21, 1988.

§53-1.3. Duties.

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 Oklahoma Museum of History and at other assigned museums and historic sites;
3. Prepare and publish materials relative to the history of the State of Oklahoma. Such materials may be offered for sale 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.

Added by Laws 1988, c. 217, § 5, emerg. eff. June 21, 1988. Amended by Laws 1991, c. 253, § 4, operative July 1, 1991; Laws 2000, c. 111, § 1, eff. July 1, 2000; Laws 2003, c. 289, § 1, eff. Nov. 1, 2003.

§53-1.4. Additional powers and duties - Exchanges of duplicates.

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 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 archaeologic 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 archaeologic 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 archaeologic site, building or property donated to the state.

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.

Added by Laws 1957, p. 452, §§ 1, 2, emerg. eff. April 30, 1957. Amended by Laws 1968, c. 139, § 1, emerg. eff. April 8, 1968; Laws 1973, c. 46, § 7, operative July 1, 1973; Laws 1988, c. 217, § 6, emerg. eff. June 21, 1988. Renumbered from Title 53, § 2A by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988. Amended by Laws 1995, c. 71, § 1, emerg. eff. April 12, 1995; Laws 2003, c. 289, § 2, eff. Nov. 1, 2003.

§53-1.4a. Office of Tribal Relations.

A. There is hereby created within the Research Division of the Oklahoma Historical Society the Office of Tribal Relations. The Office of Tribal Relations shall:

1. Gather, preserve, and maintain all records, documents, and material related to negotiations and agreements between tribal governments and the state and political subdivisions;

2. Maintain an archive of all compacts and agreements between tribal governments and the state and political subdivisions; and

3. Organize the compacts, agreements and related documents and material in a manner that is accessible to the public.

B. The Oklahoma Historical Society shall provide suitable office space for the Office of Tribal Relations.

Added by Laws 2005, c. 392, § 1, eff. July 1, 2005.

§53-1.5. Arts and crafts programs, exhibits and shows on state property.

The Oklahoma Historical Society may conduct arts and crafts programs, exhibits and shows on state property under the jurisdiction of the Oklahoma Historical Society.

Added by Laws 1987, c. 204, § 10, operative July 1, 1987. Renumbered from Title 53, § 2B by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988; Laws 2003, c. 289, § 3, eff. Nov. 1, 2003.

§53-1.6. Board of Directors - Membership - Succession - Agents of state.

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 the Board may be decreased by act of the Legislature or by act of 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.

Laws 1935, p. 63, § 1; Laws 1988, c. 217, § 7, emerg. eff. June 21, 1988. Renumbered from § 6 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988. Amended by Laws 1992, c. 364, § 4, emerg. eff. June 4, 1992; Laws 2016, c. 1, § 10, emerg. eff. March 7, 2016.

#### §53-1.6a. Seasonal employees.

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. 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. Added by Laws 1992, c. 367, § 10, eff. July 1, 1992. Amended by Laws 2003, c. 289, § 4, eff. Nov. 1, 2003.

#### §53-1.7. Accounts and reports.

The Board of Directors shall keep a correct account of all funds received and expenditures made by the Board of Directors in aid of the Society and report annually to the Governor a detailed statement of such receipts and expenditures.

R.L.1910, § 4362. Amended by Laws 1988, c. 217, § 8, emerg. eff. June 21, 1988. Renumbered from § 3 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

#### §53-1.8. Contributions, gifts and donations - Title to real estate - Leasing real estate - Custodians.

The Oklahoma Historical Society may solicit and receive contributions, gifts, and donations to be held by it in trust under the terms and conditions imposed by the donors, and title to all real estate acquired, donated and granted to said Society shall be taken in the name of the state to be held for the use and benefit of the Oklahoma Historical Society under the conditions of such grants or

donations, the Board of Directors of the Oklahoma Historical Society, through its officers or duly authorized agents to be manager of such real property with authorization to let and lease the same for a period not to exceed three (3) years, and where necessary employ a suitable custodian or custodians of such realty, with the proviso that no expense is to be incurred relative thereto except as is authorized by law and an appropriation theretofore made to meet same. Provided, further, that as to such realty as may consist of parks and places of historical interest with buildings thereon such custodian or caretaker may be employed by such Board to be paid out of receipts from visitors or out of an appropriation theretofore specifically made for such purpose, and from donations theretofore pledged for such purpose and made to meet such expense, which is not to exceed such receipts or donations or such appropriation theretofore made for such purpose.

Laws 1935, p. 64, § 3. Amended by Laws 1985, c. 281, § 5, emerg. eff. July 22, 1985. Renumbered from § 8 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

§53-1.9. Title to locally-owned historical or recreational site - Approval of funding.

The title to any locally owned historic or recreational site or improvements thereon shall not be acquired by or conferred to the Oklahoma Historical Society to qualify for state funding without prior approval of both the Senate and the House of Representatives. Before such approval is given, proposals for acquisitions shall be made to the Board of Directors of the Oklahoma Historical Society. Within sixty (60) days after receiving a proposal, the Board of Directors shall have a study made of the proposed acquisition. The study shall evaluate the historical background and significance of the property, the educational value of the property, the accessibility of the property to the public, and any other factors the Board of Directors deems pertinent. The study shall also include an estimate of the cost of restoring the property if restoration is necessary, an estimate of the cost of providing access to the property if additional access is necessary, and an estimate of the cost of operating and maintaining the property for at least five (5) fiscal years subsequent to the proposed date of acquisition of the property. A written report of the results of the study shall be submitted by the Board of Directors to the Historic Preservation Review Committee appointed by the Governor to comply with rules and procedures prescribed by the Secretary of the Interior pursuant to Public Law 89-665. The Historic Preservation Review Committee, or its successor, shall evaluate the results of the study and shall submit, within thirty (30) days of receiving the report, a written recommendation to the Speaker of the House, President Pro Tempore of the Senate, and Governor as to the advisability of the acquisition.

Laws 1981, c. 334, § 5, emerg. eff. June 30, 1981. Amended by Laws 1983, c. 58, § 1, operative July 1, 1983. Renumbered from § 8.1 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

§53-1.10. Historical Society Revolving Fund.

There is hereby created in the State Treasury of the State of Oklahoma a revolving fund to be designated as the Historical Society Revolving Fund, which shall consist of all money appropriated to said fund and all money received by the Oklahoma Historical Society from membership, sales of publications, sales of merchandise to visitors, income from duplicating and microfilm services, contributions, entry fees, gifts and endowments, excluding those gifts and endowments conditionally tendered, and other income derived from the operations of the Oklahoma Historical Society and from historic sites. The Oklahoma Historical Society is hereby authorized and directed to prepare for public distribution such historical data as may in its judgment meet the public demand; said Society shall determine the fee to be charged for each of the publications and such fee should be sufficient to cover the cost of preparing, publishing and marketing to the general public in the museums and historic sites operated by the Society.

Said revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Oklahoma Historical Society and the disbursements therefrom shall be approved by the Society. Monies deposited in said revolving fund may be expended for the purpose of maintaining and operating the Oklahoma Historical Society functions and for operation of historic sites. Monies deposited in said revolving fund from entry fees collected at each participating museum or site pursuant to the entry fee pilot project shall be expended only on the museum and historic site from which the fee is collected and for the purposes outlined in Section 1.21 of this title. Purchases of merchandise for sale to visitors shall be exempt from The Oklahoma Central Purchasing Act but all other expenditures shall be made pursuant to the laws of the state and the statutes relating to the Oklahoma Historical Society. Warrants for expenditures from this fund shall be drawn by the State Treasurer based on claims signed by the approving officer of the Society and approved for payment by the Director of the Office of Management and Enterprise Services.

Added by Laws 1949, p. 373, § 1, emerg. eff. May 20, 1949. Amended by Laws 1973, c. 46, § 8, operative July 1, 1973; Laws 1979, c. 287, § 18, emerg. eff. June 7, 1979; Laws 1985, c. 281, § 3, emerg. eff. July 22, 1985. Renumbered from § 19 of this title by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988. Amended by Laws 1995, c. 71, § 2, emerg. eff. April 12, 1995; Laws 2012, c. 304, § 221.

§53-1.10a. Oklahoma Historical Society Capital Improvement and Operations Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society, to be designated the "Oklahoma Historical Society Capital Improvement and Operations Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Historical Society and apportioned to such fund pursuant to the provisions of Sections 1353 and 1403 of Title 68 of the Oklahoma Statutes and such other monies accredited to the fund pursuant to law.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purpose of maintaining and operating the Oklahoma Historical Society functions, capital improvements and for operation of historic sites.

C. No monies from this revolving fund shall be transferred for any purpose to any other state agency. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. Added by Laws 2010, c. 466, § 4, eff. July 1, 2010. Amended by Laws 2012, c. 304, § 222.

§53-1.11. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-1.12. Petty cash fund.

There is hereby authorized to be created a petty cash fund for the Oklahoma Historical Society in an amount not to exceed 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 the Office of Management and Enterprise Services.

Added by Laws 1980, c. 363, § 8, emerg. eff. June 27, 1980. Amended by Laws 1982, c. 345, § 15, emerg. eff. June 2, 1982. Renumbered from § 19.2 of Title 53 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988. Amended by Laws 2003, c. 289, § 5, eff. Nov. 1, 2003; Laws 2012, c. 304, § 223.

§53-1.12a. Gifts, devises, bequests, money or real or personal property - Deposit in special agency account.

All gifts, devises, bequests, money or property, either real or personal, which may be or which heretofore have been conditionally tendered to the Oklahoma Historical Society may be deposited in the agency special account established for the Society in accordance with Section 7.2 of Title 62 of the Oklahoma Statutes. The Board of Directors of the Society is hereby directed, authorized and empowered to hold such funds or property in trust or invest or sell them and use either principal or interest or proceeds of sale for the benefit of the Oklahoma Historical Society, all in a manner which is consistent with the terms of the gift as stipulated by the donor and within the provisions of other applicable laws.  
Added by Laws 2004, c. 152, § 1, emerg. eff. April 22, 2004.

§53-1.13. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-1.14. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-1.15. Certified copies of records, papers and documents - Fees for certificates.

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 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.

Added by Laws 1935, p. 64, § 7. Amended by Laws 1988, c. 217, § 11, emerg. eff. June 21, 1988. Renumbered from Title 53, § 12 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988; Laws 2003, c. 289, § 6, eff. Nov. 1, 2003.

§53-1.16. Union soldiers' room - Purpose - Custodian - Agreements as to contents.

The Union Soldiers' Room in the Oklahoma Historical Society is hereby set aside as a memorial to the soldiers and sailors and others who supported the side of the Union in the Civil War, and a custodian is hereby provided who shall be a Union Soldier, or the widow of a Union Soldier, or the descendant of a Union Soldier. And the Board of Directors of the Oklahoma Historical Society are hereby authorized to enter into agreements with camps or agencies of the organization of Union Soldiers and Sailors and their sons and daughters as to matters to be placed within said Room and for the permanent retention of the same therein.

Laws 1935, p. 65, § 8. Renumbered from § 13 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

§53-1.17. Confederate soldiers' room - Purpose - Custodian - Agreements as to contents.

The Confederate Soldiers' Room in the Oklahoma Historical Society is hereby set aside as a memorial to the soldiers and sailors and all who supported the side of the Confederacy in the Civil War, and a custodian is herein provided who shall be a Confederate Soldier, or the widow of a Confederate Soldier, or the descendant of a Confederate Soldier. And the Board of Directors of the Oklahoma Historical Society are hereby authorized to enter into agreements with camps or agencies of the organizations of the Confederate Soldiers and Sailors and of their sons and daughters as to matters to be placed within said Room and for the permanent retention of the same therein.

Added by Laws 1935, p. 65, § 9, emerg. eff. June 25, 1935.

Renumbered from Title 53, § 14 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

§53-1.18. Dispensation of funds - Limitations.

The Oklahoma Historical Society shall dispense funds for historical purposes only as defined by paragraph 6 of Section 6 of this act. The Oklahoma Historical Society may enter into contracts with other state agencies or nonprofit corporations holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code of 1986, as amended, and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code of 1986, of the United States, as amended, or with individuals or associations pursuant to statutory requirements.

Funds shall not be applied, donated or used directly or indirectly for the use, benefit or support of any sect, church, denomination or system of religion, or for the use, benefit or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such. The Oklahoma

Historical Society shall provide opportunity to organizations to submit written applications to be received and acted upon by the Oklahoma Historical Society. At the conclusion of the contract, each state agency, nonprofit corporation, individual or association shall provide the Oklahoma Historical Society with proof of fulfillment of the contract in proper order and must be affirmed on the proper form, provided by the Oklahoma Historical Society, by the managing officers of the state agency, nonprofit group, association or individual making the contract.

Laws 1981, c. 18, § 3, emerg. eff. April 6, 1981. Amended by Laws 1988, c. 217, § 12, emerg. eff. June 21, 1988. Renumbered from § 20.10 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

§53-1.19. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-1.20. Donation receptacles.

Each Oklahoma museum or historical site supported by state funds shall provide a donation receptacle at the museum or historical site operated under the authority of the State of Oklahoma. The donation receptacles shall be for the purpose of the collection of voluntary donations of monies made by visitors to the museums and historical sites. Any monies collected in any such donation receptacle shall be deposited in an account or the revolving fund established for that specific museum or historical site for the purposes of funding renovations of the museum or historical site, acquisitions of artifacts, and other expenditures necessary for the operation, maintenance and expansion of the museum or historical site.

Added by Laws 1991, c. 253, § 3, eff. July 1, 1991.

§53-1.21. Entry fees at museums and historical sites.

A. The Oklahoma Historical Society is authorized to charge at its discretion an entry fee at all of its museums and historical sites.

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. Residents and nonresidents of this state seventeen (17) years of age and younger shall not be charged an entry fee at least one (1) day per week. The day of the week shall be designated by the Board.

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.

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. Added by Laws 1995, c. 71, § 3, emerg. eff. April 12, 1995. Amended by Laws 1997, c. 306, § 1, emerg. eff. May 29, 1997; Laws 2003, c. 289, § 7, eff. Nov. 1, 2003; Laws 2007, c. 187, § 1, eff. Nov. 1, 2007.

§53-1.22. Endowment to trade, sell or barter collection items.

The Board of Directors of the Oklahoma Historical Society may, at its discretion, contract with other state agencies and/or non-profit organizations to create an irrevocable endowment with associated management and administration costs to trade, sell or barter donated and deaccessioned collection items that do not conform to collection policies of the Oklahoma Historical Society. In accordance with the code of ethics established by professional museum management associations, proceeds from the endowment shall be used only for the acquisition, conservation or use of collections at museums, historic sites or research facilities owned and operated by the Oklahoma Historical Society.

Added by Laws 2017, c.102, § 1, eff. Nov. 1, 2017.

§53-2.1. Violations - Penalties.

No person shall willfully or knowingly break, break off, crack, carve upon, write, or otherwise mark upon, or in any manner damage, destroy, mutilate, deface, mar, take or harm any historic or prehistoric site, building, object, artifact, fossil or material in, around or upon any historic site owned, operated, managed or under the control of or under an easement granted to the Oklahoma Historical Society. Any person convicted of violating any of the provisions of the Oklahoma Historical Preservation Act shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by confinement in the county jail for not to exceed one (1) year or by both such fine and confinement.

Added by Laws 1988, c. 217, § 9, emerg. eff. June 21, 1988. Amended by Laws 1994, c. 164, § 1, emerg. eff. May 6, 1994.

§53-3.1. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-3.2. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-3.3. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-3.4. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.1. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.2. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.2a. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.2b. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.3. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.4. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.5. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.6. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.7. Wiley Post Building - Public access.

A. The Oklahoma Historical Society shall permit public access to the Wiley Post Building 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 determined in subsection A of this section for special activities or events.

Added by Laws 1986, c. 271, § 7, operative July 1, 1986. Renumbered from Title 53, § 20.13 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988; Laws 2003, c. 289, § 8, eff. Nov. 1, 2003.

§53-4.8. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.9. Property transferred to state.

The Old Fort Gibson Stockade Commission shall transfer and convey to the State of Oklahoma all of the lands and properties that it has acquired and now holds in its name, to be held and used by the State of Oklahoma for historical park purposes under jurisdiction of the Oklahoma Historical Society.

Laws 1947, p. 337, § 2. Amended by Laws 1987, c. 188, § 12, operative July 1, 1987. Renumbered from Title 74, § 357.2 by Laws 1987, c. 188,

§ 26, operative July 1, 1987. Renumbered from § 20.14 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988.

§53-4.10. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-4.11. Repealed by Laws 2002, c. 112, § 2, eff. Dec. 31, 2002.

§53-4.12. Robert S. Kerr Museum - Operation and management.

The Oklahoma Historical Society has entered into a permanent agreement to operate and manage the Robert S. Kerr Museum on the grounds of the Kerr Conference Center. The Oklahoma Historical Society is authorized, as part of their agency operations, to continue to operate and manage said museum as a tribute to Robert S. Kerr who was National Commander of the American Legion and provided leadership and service to the citizens of the State of Oklahoma as Governor and United States Senator.

Added by Laws 1997, c. 410, § 23, eff. July 1, 1997.

§53-4.13. Renumbered as § 8204 of Title 74 by Laws 2001, c. 315, § 21.

§53-5.1. Oklahoma Museum of History - Designation.

The Oklahoma Historical Society Museum is hereby designated the Oklahoma Museum of History.

Added by Laws 1987, c. 204, § 11, operative July 1, 1987. Renumbered from Title 53, § 20.16 by Laws 1988, c. 217, § 15, emerg. eff. June 21, 1988; Laws 2003, c. 289, § 9, eff. Nov. 1, 2003.

§53-5.2. Repealed by Laws 2003, c. 289, § 11, eff. Nov. 1, 2003.

§53-5.2a. Sale of surplus property.

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.

Added by Laws 2003, c. 289, § 10, eff. Nov. 1, 2003.

§53-5.2b. Authorization to transfer ownership of historic properties

The Oklahoma Historical Society is hereby authorized to transfer ownership of historic properties, both real and tangible, to appropriate organizations or groups who agree to maintain the properties in the best interest of historic preservation and who pay fair market value for such property. Notwithstanding Section 5.2a of

Title 53 of the Oklahoma Statutes, when property by the Society is declared surplus, or is determined to be beyond the means of the Society to maintain properly, the Society shall first offer the property for sale at fair market value to the original donor, even if a reversionary clause is not included in the gift agreement. If a donor cannot be identified, the property may be offered for sale at fair market value to an appropriate not-for-profit organization or a federally recognized Indian tribe that agrees to maintain the property through a formal written contract which provides for compensation, and may include in-kind, in the form of maintenance and preservation agreements. The process for the sale and transfer of title shall originate with the Oklahoma Historical Society Board of Directors. The authorization to sell this property pursuant to this section shall be exempt from the Oklahoma Surplus Property Act as well as Sections 327 and 327.1 of Title 61 of the Oklahoma Statutes. Added by Laws 2016, c. 309, § 1, emerg. eff. May 16, 2016.

§53-5.3. Participation in National History Day competition.

The Oklahoma Historical Society may sponsor and administer state participation in the annual National History Day competition contingent upon the availability of necessary funding and the approval of the Oklahoma Historical Society Board of Directors. Added by Laws 1996, c. 40, § 1, emerg. eff. April 8, 1996.

§53-6.1. Gravesite markers for deceased Governors of state.

A. The Oklahoma Historical Society is given the authority to mark the gravesites of deceased Governors of the State of Oklahoma which are located in Oklahoma with historical markers that readily identify the gravesite.

B. The Oklahoma Historical Society may purchase and hold property as may be necessary to erect the historical gravesite markers.

C. The Oklahoma Historical Society shall have authority to:

1. Designate the approximate location of the historical gravesite markers;
2. Preserve the historical gravesite markers;
3. Design the historical gravesite markers;
4. Accept gifts and donations for the erection and preservation of the gravesite markers; and
5. Encourage local participation in and contribution to the erection and preservation of the gravesite markers through the use of gifts, donations, and matching-fund agreements between local individuals or groups and the Historical Society. Such matching-fund agreements shall be funded by donations made to the Historical Society from sources other than appropriated dollars.

Added by Laws 2009, c. 145, § 1, eff. Nov. 1, 2009.

§53-7.1 Creation - Purpose.

A. There is hereby created within the Oklahoma Historical Society the Buffalo Soldiers Heritage Corridor.

B. The purpose of the Buffalo Soldiers Heritage Corridor is to encourage the development and appreciation of historic sites, museums, and heritage programs associated with the story of the Buffalo Soldiers and their legacy of patriotic service, sacrifice, and struggle for the fundamental rights and responsibilities of every American citizen.

C. Furthermore, the Corridor is to encourage heritage tourism that will attract visitors to Oklahoma and lead them to communities where the stories of the Buffalo Soldiers and their legacy are still evident today.

Added by Laws 2005, c. 197, § 1, eff. Nov. 1, 2005.

§53-7.2. Administration - Public-private partnership - Geographic area.

A. The Corridor shall be a cooperative program administered by the Oklahoma Historical Society to focus resources on the shared theme of Buffalo Soldiers within a fixed geographical area.

B. The Corridor shall be a private-public partnership between federal, state, county, municipal, tribal, nonprofit organizations, and private individuals who share the responsibility for preserving and promoting the story of the Buffalo Soldiers.

C. All participating communities and organizations shall share a common heritage of the African-American soldiers who served their country in the military and contributed to the development of farms and ranches owned by the Freedmen of the Five Civilized Tribes, the All-Black Towns of Oklahoma, and the Greenwood District of Tulsa.

D. The Corridor, as administered by the Historical Society, shall encompass the following communities and sites: Tulsa, Cabin Creek, Fort Gibson, Honey Springs Battlefield, Muskogee, Rentiesville, Taft, Grayson, Clearview, and Boley. Others along the Corridor will be encouraged to participate in the program.

E. The partners in the Corridor, subject to funding, shall participate in events, programs, signage, and interpretive markers administered by the Oklahoma Historical Society.

F. The partners in the Corridor, subject to funding, shall participate in promotional brochures and regional, national, and international marketing efforts administered by the Oklahoma Tourism and Recreation Department.

Added by Laws 2005, c. 197, § 2, eff. Nov. 1, 2005.

§53-7.3. Repealed by Laws 2013, c. 227, § 8, eff. Nov. 1, 2013.

§53-7.4. Buffalo Soldiers Heritage Corridor Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated the "Buffalo Soldiers Heritage Corridor Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the fund by law, as well as gifts, donations, and private, state, and federal funds designated for the deposit thereto.

B. All monies accruing to the credit of such fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purpose of providing for the programs and direct costs of the Buffalo Soldiers Heritage Corridor.

C. Expenditures from such fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2005, c. 197, § 4, eff. Nov. 1, 2005. Amended by Laws 2012, c. 304, § 224.

§53-45. Repealed by Laws 2016, c. 1, § 13, emerg. eff. Mar. 7, 2016.

§53-45.1. Transfer of property to Oklahoma Historical Society

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.

Added by Laws 2016, c. 1, § 1, emerg. eff. March 7, 2016.

#### §53-46. Petty cash fund

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.

Added by Laws 1968, c. 124, § 1, emerg. eff. April 4, 1968. Amended by Laws 2016, c. 1, § 2, emerg. eff. March 7, 2016.

§53-46.1. Repealed by Laws 2016, c. 1, § 13, emerg. eff. Mar. 7, 2016.

§53-47. Amount - Procedures - Reimbursement.

The Director of the Office of Management and Enterprise Services is authorized and directed to fix the maximum amount of the petty cash fund created in Section 46 of this title and to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

Added by Laws 1968, c. 124, § 2, emerg. eff. April 4, 1968. Amended by Laws 2012, c. 304, § 225.

§53-47.1. Repealed by Laws 2016, c. 1, § 13, emerg. eff. Mar. 7, 2016.

§53-47.2. Powers of the Oklahoma Historical Society

The 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 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 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.

Added by Laws 1975, c. 182, § 2, emerg. eff. May 22, 1975. Amended by Laws 1999, c. 262, § 3; Laws 2001, c. 198, § 3, emerg. eff. May 7, 2001; Laws 2016, c. 1, § 3, emerg. eff. March 7, 2016.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 3.

§53-47.3. Preservation of property.

A. The 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 Memorial by the family of Will Rogers; and

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

B. The 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 Memorial from any unlawful use by any person or persons or corporate entities of any property of the Memorial.

Added by Laws 1975, c. 182, § 3, emerg. eff. May 22, 1975. Amended by Laws 1999, c. 262, § 4; Laws 2001, c. 198, § 4, emerg. eff. May 7, 2001; Laws 2016, c. 1, § 4, emerg. eff. March 7, 2016.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 4.

§53-47.4. Research library - Sales - Revolving fund.

A. The 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 a third party, an outlet for the sale to the public of such items as shall, in the judgment of the Oklahoma Historical Society or the lessee, be appropriate for sale, 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. Funds donated to the Will Rogers Memorial shall be deposited in the Will Rogers Memorial 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 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 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 Memorial.

Added by Laws 1975, c. 182, § 4, emerg. eff. May 22, 1975. Amended by Laws 1999, c. 262, § 5; Laws 2001, c. 198, § 5, emerg. eff. May 7, 2001; Laws 2016, c. 1, § 5, emerg. eff. March 7, 2016.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 5.

§53-47.4A. Will Rogers Memorial Revolving Fund

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

1. Appropriations, gifts, donations, grants, admission fees, and any other monies received by the 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 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 Oklahoma Historical Society and approved for payment by the Director of the Office of Management and Enterprise Services.

Added by Laws 1999, c. 262, § 6. Amended by Laws 2001, c. 198, § 6, emerg. eff. May 7, 2001; Laws 2012, c. 304, § 226; Laws 2016, c. 1, § 6, emerg. eff. March 7, 2016.

NOTE: An effective date of Aug. 1, 2001, for Laws 1999, c. 262, § 6 was repealed by Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001.

§53-47.5. Inventory of material on exhibit and in storage.

The State Auditor and Inspector's office shall be supplied with a complete inventory of material on exhibit and in storage subject to audit in the same manner as operational accounts of the Memorial.

Laws 1975, c. 182, § 5, emerg. eff. May 22, 1975; Laws 1979, c. 30, § 89, emerg. eff. April 6, 1979; Laws 1980, c. 159, § 8, emerg. eff. April 2, 1980.

§53-47.6. Maintenance - Director and other employees - Purchases - Manager - Admission charges.

A. The 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 Oklahoma Historical Society on behalf of the Will Rogers Memorial.

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

Added by Laws 1975, c. 182, § 6, emerg. eff. May 22, 1975. Amended by Laws 1983, c. 238, § 5, operative July 1, 1983; Laws 1987, c. 204, § 44, operative July 1, 1987; Laws 1999, c. 262, § 7; Laws 2001, c. 198, § 7, emerg. eff. May 7, 2001; Laws 2016, c. 1, § 7, emerg. eff. March 7, 2016.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 7.

§53-47.7. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-47.8. Will Rogers Homesite - Transfer of operation.

The following described land 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 Oklahoma Historical Society, on behalf of the Will Rogers Memorial. The Oklahoma Historical Society shall have the same powers and duties with respect to the facility as were previously carried out by the Will Rogers Memorial Commission and shall assume the performance of all existing obligations of the Will Rogers Memorial Commission relating to its operation and maintenance. 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 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 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 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 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.

Added by Laws 1980, c. 354, § 18, emerg. eff. June 25, 1980.

Renumbered from Title 74, § 1837 by Laws 2005, c. 363, § 88, eff.

Nov. 1, 2005; Laws 2016, c. 1, § 8, emerg. eff. March 7, 2016.

NOTE: Editorially renumbered from Title 74, § 1832 to avoid a duplication in numbering.

#### §53-47.9. Museum Collection - Transfers - Surplus Property

A. The 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 Oklahoma Historical Society, was purchased with appropriated funds by the 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 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 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, employee of the Oklahoma Historical Society, their families, or volunteer may obtain

possession of museum collection surplus property in person or by proxy.

Added by Laws 2010, c. 305, § 1, emerg. eff. June 5, 2010. Amended by Laws 2016, c. 1, § 9, emerg. eff. March 7, 2016.

§53-47A. Repealed by Laws 2001, c. 198, § 14, emerg. eff. May 7, 2001.

§53-81. Official Theater of the State of Oklahoma.

The Lynn Riggs Players of Oklahoma, Incorporated, is hereby designated "The Official Theater of the State of Oklahoma".

Laws 1961, p. 726, § 1.

§53-82. Historical Society as official depository.

The Oklahoma Historical Society shall be the official depository for such articles, papers, script and other materials and items as may be donated to the state by the Lynn Riggs Players of Oklahoma, Inc., for advancing the cultural and educational heritage of Oklahoma.

Laws 1961, p. 726, § 2.

§53-91. Designation.

The official State Memorial to Honorable Robert S. Kerr is hereby designated to be at the place of his birth on the original family homestead southeast of the city of Ada, Oklahoma.

Laws 1963, p. 745, H.J.R.No. 503, § 1.

§53-161. Short title.

This act shall be known and may be cited as the Oklahoma Arts and Humanities Act.

Laws 1965, c. 263, § 1.

§53-162. Policy of state.

The understanding, knowledge, enjoyment and practice of the arts serve to advance the development of our citizens and contribute to the general welfare of the state. Therefore, it shall be the policy of the state to encourage and stimulate all forms of artistic endeavors. Any activity undertaken under this policy shall assist and encourage, but not limit in any manner, the freedom of expression which is essential for the well-being of the arts.

Laws 1965, c. 263, § 2; Laws 1980, c. 204, § 1, emerg. eff. May 9, 1980.

§53-163. Council - Membership - Tenure - Name change.

The State Arts Council of Oklahoma is hereby re-created and renamed the Oklahoma Arts Council. The Council shall consist of fifteen (15) members appointed by the Governor with the approval of

the State Senate. Members shall be individuals who have a real and active interest in the arts and an understanding of the value of these pursuits to our society.

The term of office of each member shall be three (3) years beginning July 1 of the year of appointment, or until a successor has been appointed and qualified for the office. The Governor shall appoint five members on or before July 1 of each year. A vacancy shall be filled for the remainder of the term only. No person may be appointed to the Council for more than two consecutive terms.

The name prescribed by this section shall not affect in any manner whatsoever any legal relationships, bonds, contracts, supervisory authority of the Council, title to property, obligations, or any other phase or aspect of the legal status of the Council for any purpose, except that the Council shall be referred to as the "Oklahoma Arts Council" in all current and future references to the Council.

Supplies, including but not limited to letterheads, which on the effective date of this section carry or are labeled with the name "State Arts Council of Oklahoma" shall be utilized after the effective date of this section until such supplies are depleted. Any new supplies ordered for use after the effective date of this section shall bear the name "Oklahoma Arts Council". For purposes of this section, "supplies" shall not mean signs designating the name of the Council.

Added by Laws 1965, c. 263, § 3. Amended by Laws 1979, c. 115, § 1; Laws 1980, c. 204, § 2, emerg. eff. May 9, 1980; Laws 1983, c. 333, § 19, emerg. eff. June 29, 1983; Laws 1996, c. 348, § 6, eff. July 1, 1996.

#### §53-164. Meetings.

The Council shall meet not less than semi-annually and at such other times as it may order, or upon call of the Chairman. All meetings shall be open to the public.

Laws 1965, c. 263, § 4.

#### §53-165. Officers.

The officers of the Council shall be the chairman, vice-chairman and secretary. The Council shall annually elect a chairman and vice-chairman at the first meeting held after July 1.

Laws 1965, c. 263, § 5; Laws 1980, c. 204, § 3, emerg. eff. May 9, 1980.

#### §53-166. Powers and duties.

The Oklahoma Arts Council shall be responsible for the acquisition, exhibition, management and care of the State Art Collection and is empowered and directed to exercise these powers and duties:

(a) Consider the whole state of the arts, cultural activities and cultural heritage of Oklahoma. The purview of the Council shall not be limited but shall include music, theater, dance, opera, graphic arts, plastic arts, architecture, poetry, plays or any other art, regardless of period, school or type. Full attention shall also be given to art, art museums, live performances or concerts, art exhibits and other like endeavors.

(b) Survey the artistic and cultural activities and facilities of the state, and the institutions, organizations or individuals engaged in these undertakings.

(c) Study information collected and prepare proposals for the study, practice and presentation of the arts.

(d) Foster conferences, institutes and exhibits on the arts and hold or cooperate in such ventures.

(e) Report biennially to the Governor and Legislature on or before January 31 of each odd-numbered year. Reports shall include recommendations and suggestions for the expansion and improvement of the arts and for wider opportunity of participation in these activities by our citizens.

(f) Publish any reports, surveys, news bulletins or other materials pertaining to its findings, recommendations and work.

(g) Perform or engage in all else necessary or desirable to give full force and effect to the provisions of this act.

Added by Laws 1965, c. 263, § 6. Amended by Laws 1980, c. 204, § 4, emerg. eff. May 9, 1980; Laws 2007, c. 187, § 2, eff. Nov. 1, 2007.

#### §53-167. Gifts, grants or bequests - Disposition.

The Oklahoma Arts Council may apply for, accept and use any gift, grant or bequest from any source for the purpose of discharging its duties. All monetary gifts, grants or bequests shall be deposited in the State Treasury to the credit of the Council and shall be disbursed as provided by the Oklahoma Budget Law of 1947, as amended, upon proper claims approved by the secretary or other person designated by the Council.

Added by Laws 1965, c. 263, § 7. Amended by Laws 1979, c. 30, § 90, emerg. eff. April 6, 1979; Laws 2007, c. 187, § 3, eff. Nov. 1, 2007; Laws 2010, c. 413, § 13, eff. July 1, 2010.

#### §53-168. Expenditure - Personnel.

The Council may make expenditures for its operation within the limits of funds made available to the Council by appropriation or otherwise and may also employ and fix the compensation of the personnel that the Council deems essential to the discharge of its duties as provided by the Oklahoma Personnel Act.

Amended by Laws 1983, c. 237, § 7, operative July 1, 1983.

#### §53-170. Filing of reports, studies, etc.

The Council shall promptly file copies of any and all of its reports, studies, publications or any other documents or materials, regardless of form of issue, with the Oklahoma State Library. Laws 1965, c. 263, § 10.

§53-171. Dispensation of funds - Contracts for goods and services.

The Oklahoma Arts Council shall dispense funds for arts purposes only. The Oklahoma Arts Council shall enter into contracts with other state agencies or nonprofit corporations holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 1954, and listed as an exempt organization in Section 501(c)(3) of the Internal Revenue Code, 1954, of the United States, as amended. These nonprofit corporations must demonstrate that the goods and services provided meet the intent of the state policy provided in this act.

Funds shall not be applied, donated or used directly or indirectly for the use, benefit or support of any sect, church, denomination or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

The Oklahoma Arts Council shall provide opportunity, by public notices, to all organizations interested in providing these goods and services, who will submit written applications to be received and acted upon by the Council. At the conclusion of the contract, each state agency or nonprofit corporation shall provide the Oklahoma Arts Council with proof of fulfillment of the contract in proper order and must be affirmed on the proper form, provided by the Oklahoma Arts Council, by the managing officers of the state agency or nonprofit group making the contract.

Added by Laws 1980, c. 204, § 5, emerg. eff. May 9, 1980. Amended by Laws 1996, c. 348, § 7, eff. July 1, 1996.

§53-172. Scholarships for Summer Arts Institute.

Any scholarships awarded pursuant to the Summer Arts Institute scholarship program funded by the Oklahoma Arts Council shall be given to residents of this state.

Added by Laws 1984, c. 1, § 5, emerg. eff. Jan. 30, 1984. Amended by Laws 1996, c. 348, § 8, eff. July 1, 1996.

§53-174. Visual arts programs in schools - Incentive grants.

A. The Oklahoma Arts Council is authorized to assist and, if funds are available, to make incentive grants to school districts or organizations for the establishment of visual arts programs in schools. The award of grants shall be limited to:

1. School districts that do not have an existing visual arts program or full-time certified visual arts teachers in school sites; and

2. Organizations that provide visual arts programming to school districts that do not have an existing visual arts program or full-time certified visual arts teachers in school sites.

B. The incentive grant funding may be used for the support of visual arts programs in underserved schools or paying the salary costs of a certified art teacher.

C. The Council shall determine criteria for the program and establish a process for the consideration of proposals. The Council is authorized to promulgate rules for the operation of the program.

D. Any money appropriated by the Legislature for the incentive grant program shall be matched with other funding secured by the Council. The matching funding may be raised by the Council, school districts, for-profit or nonprofit organizations, governmental entities, private or public foundations, corporations, or individuals. Any matching funding raised by the Council for the program shall be deposited in the Oklahoma Arts Council Arts Education Revolving Fund created in Section 175 of this title. If matching funding is raised and designated for a grant to a specific school or organization, the Council may match the funding with monies from the Oklahoma Arts Council Arts Education Revolving Fund. Added by Laws 2007, c. 187, § 4, eff. Nov. 1, 2007. Amended by Laws 2008, c. 298, § 1, eff. July 1, 2008; Laws 2015, c. 351, § 1, eff. July 1, 2015.

§53-175. Oklahoma Arts Council Arts Education Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Arts Council to be designated the "Oklahoma Arts Council Arts Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Council from appropriations, private and public donations, contributions, gifts, grants, and any other monies received by the Council for the purpose of providing incentive grants as provided for in Section 174 of this title. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council for the purpose of providing incentive grants as provided for in Section 174 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 2007, c. 187, § 5, eff. Nov. 1, 2007. Amended by Laws 2012, c. 304, § 227.

§53-201. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-201A. Membership - Compensation.

A. The J.M. Davis Memorial Commission shall be composed of five (5) members to be appointed by the Governor with the advice and consent of the Senate for terms of four (4) years.

B. The current members of the Commission shall serve the remainder of the term for which they were appointed.

C. The members of the Commission shall serve without compensation but are authorized reimbursement for necessary travel expenses as provided for state officials and employees under the State Travel Reimbursement Act on claims approved by the chair of the Commission.

Added by Laws 2001, c. 198, § 8, emerg. eff. May 7, 2001.

§53-201B. Commission authority.

The J.M. Davis Memorial Commission is authorized to:

1. Acquire and hold real estate or interest therein or personal property in the name of the Commission;

2. Act in cooperation and enter into contracts and agreements with the owner or owners of the J.M. Davis Gun Collection;

3. Furnish suitable quarters to house, display and preserve the J.M. Davis Gun Collection and other historical artifacts;

4. In the administration of the J.M. Davis Gun Collection, maintain or lease to the owner or owners of the J.M. Davis Gun Collection, or to a third party, an outlet for the sale to the public of such items as shall, in the judgment of the Commission 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 and statuary;

5. Accept gifts, grants and donations from governmental sources or any individual, person, firm, corporation or foundation for the use and purpose of building, constructing, operating, maintaining, preserving or displaying the J.M. Davis Gun Collection and other historical artifacts. The location of the display and other historical artifacts shall be within the city limits of Claremore, Oklahoma, in Rogers County. The site for the display of the J.M. Davis Gun Collection shall not be moved from its current location at 333 North Lynn Riggs Boulevard, Claremore, Oklahoma, unless a declaratory judgment has first been issued by the District Court of Rogers County stating that any such relocation is in compliance with the lease dated April 25, 1967, between the J.M. Davis Foundation, Inc. and the J.M. Davis Memorial Commission; provided, the Commission may appeal any final declaratory judgment issued by the district court authorizing or directing the relocation of the current location of the site to the Supreme Court within thirty (30) days of the filing of the declaratory judgment; and

6. Maintain donation receptacles for the purpose of the collection of voluntary donations to the J.M. Davis Memorial

Commission and to the owner or owners of the J.M. Davis Gun Collection. Funds donated to the J.M. Davis Memorial Commission shall be deposited into the J.M. Davis Memorial Commission Revolving Fund.

Added by Laws 2001, c. 198, § 9, emerg. eff. May 7, 2001. Amended by Laws 2002, c. 151, § 1, emerg. eff. April 29, 2002; Laws 2017, c. 96, § 1, emerg. eff. April 25, 2017.

§53-201C. Salaries and duties of employees - Executive director - Protection of artifacts - Agreements or contracts.

A. The J.M. Davis Memorial Commission shall have power and authority to:

1. Appoint and to fix the salaries and duties of the professional and administrative employees and curators as may be necessary to carry out the purpose of this act;

2. Appoint an executive director who shall serve at the pleasure of the Commission. A member of the Commission may be appointed as the executive director; provided, if a member of the Commission is so appointed, the member shall resign as a member of the Commission and the vacancy shall be filled in the same manner as are original appointments; and

3. Provide for the proper housing, protection and display of the J.M. Davis Gun Collection and other historical artifacts.

B. Any agreements or contracts providing for the employment of persons or to purchase property or equipment or the construction of any facilities shall not be authorized unless necessary funds have been appropriated by the Legislature or have been otherwise obtained from gifts, grants or contributions actually received by the Commission.

Added by Laws 2001, c. 198, § 10, emerg. eff. May 7, 2001. Amended by Laws 2001, c. 420, § 5, emerg. eff. June 5, 2001.

§53-201D. J.M. Davis Memorial Commission Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund to be designated as the J.M. Davis Memorial Commission Revolving Fund, which shall consist of all money received by the J.M. Davis Memorial Commission from rents of lands and buildings, admission fees, the sale of souvenirs and curios, the sale of concessions or leasing of concessions at the J.M. Davis Memorial site, annual deposits of earnings from the J.M. Davis Arms and Historical Museum Endowment Fund and receipt of gifts and devises for the benefit of the fund or for the benefit of the J.M. Davis Gun Collection, from whatever source derived.

B. The J.M. Davis Memorial Commission Revolving Fund may be used for the operation of a souvenir and curio shop and for other authorized costs of operation of the J.M. Davis Memorial Commission. The Fund shall be under the control and management of the J.M. Davis

Memorial Commission, and disbursements therefrom shall be made on claims approved by the Commission. The State Budget Director shall draw warrants payable by the State Treasurer in payment of all claims against the J.M. Davis Memorial Commission Revolving Fund herein created, after the claims have been audited and approved for payment as provided by law.

Added by Laws 2001, c. 198, § 11, emerg. eff. May 7, 2001. Amended by Laws 2014, c. 144, § 1, eff. Nov. 1, 2014.

§53-201E. Petty cash fund.

There is hereby created a petty cash fund for the J.M. Davis Memorial Commission, which may be expended for small authorized expenses of the Commission. The amount of the petty cash fund shall be Five Hundred Dollars (\$500.00), and the J.M. Davis Memorial Commission is authorized to prescribe forms, systems and procedures for its administration. The petty cash fund may be reimbursed from time to time by the filing of proper claims, accompanied by valid receipts for expenditures made.

Added by Laws 2001, c. 198, § 12, emerg. eff. May 7, 2001.

§53-201F. Burial grounds for J.M. and Genevieve Davis.

The J.M. Davis Memorial Commission is authorized and directed to allot space, on land owned by the Commission, as burial grounds for J.M. and Genevieve Davis.

Added by Laws 2001, c. 198, § 13, emerg. eff. May 7, 2001.

§53-201G. J.M. Davis Memorial Commission - Transfers - Destruction, disposal and possession of surplus property.

A. The J.M. Davis Memorial Commission 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 or was purchased with appropriated funds by the Commission. Transfers shall not be to individuals or commercial entities.

B. The J.M. Davis Memorial Commission 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 that have deteriorated past the point of usefulness or have no resale value.

C. No past or present member of the J.M. Davis Memorial Commission, current employee, their families, volunteer, or member of the Friends of the J.M. Davis Museum, Inc. or its successor may obtain possession of museum collection surplus property from the Commission in person or by proxy.

D. The J.M. Davis Memorial Commission shall not transfer, or dispose of any property that is leased to, loaned to, or held in temporary custody by the Commission.

Added by Laws 2010, c. 305, § 2, emerg. eff. June 5, 2010.

§53-201H. J.M. Davis Arms and Historical Museum Endowment Fund.

There is hereby created in the State Treasury a fund for the J.M. Davis Memorial Commission to be designated the "J.M. Davis Arms and Historical Museum Endowment Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received through donations, appropriations or interest earned by investment of monies in the fund. The fund shall be invested by the State Treasurer in accordance with Section 89.2 of Title 62 of the Oklahoma Statutes. Only earnings from the fund, including any interest, dividends or realized capital gains from investment of monies in the fund shall be deposited annually to the credit of the J. M. Davis Memorial Commission Revolving Fund, pursuant to Section 201D of Title 53 of the Oklahoma Statutes.

Added by Laws 2014, c. 144, § 2, eff. Nov. 1, 2014.

§53-202. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-203. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-204. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-205. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-206. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-207. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-208. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-209. Repealed by Laws 1999, c. 262, § 8.

NOTE: Laws 2001, c. 198, § 15, emerg. eff. May 7, 2001 repealed the effective date (Aug. 1, 2001) of Laws 1999, c. 262, § 8.

§53-231. Oklahoma Music Hall of Fame Board.

A. There is hereby re-created until July 1, 2013, in accordance with the provisions of the Oklahoma Sunset Law, a board to be designated as the "Oklahoma Music Hall of Fame Board". The Board shall be composed of seven (7) members who shall be appointed by the Governor with the advice and consent of the Senate. Of the initial members appointed, two shall serve for two (2) years, two shall serve for four (4) years, and three shall serve for six (6) years as the Governor may direct. After the initial appointment, all members shall serve six - year terms. Selection of members shall be made from those individuals who have shown a sincere desire to recognize Oklahoma's contribution to music.

B. The Board shall elect a chair and vice-chair from among the membership to serve for one (1) year. Members of the Board shall not be compensated for their services, but each member shall be entitled to reimbursement in accordance with the State Travel Reimbursement Act for expenses incurred in attending Board meetings. The Board shall meet quarterly and at such other times as its rules may prescribe. A majority of the members appointed shall constitute a quorum for transaction of business. The Board may appoint and fix the salaries and duties of an executive secretary or director and such staff as may be necessary for the performance of its duties, purposes and functions.

C. It shall be the function and main purpose of the Board to honor those, living or dead, who, by achievement or service, have made outstanding and lasting contributions to music in Oklahoma or elsewhere. The Board may adopt such rules as may be needed to carry out its duties, purposes and functions. Also, it may conduct surveys and polls and may appoint such committees and representatives as it may determine necessary or desirable.

D. The Board shall be responsible for selecting a suitable site and/or facility in Muskogee, Oklahoma, which shall be dedicated to the research, archiving and display of Oklahoma's musical heritage and the individuals contributing to such heritage.

E. The Board may:

1. Solicit and accept donations, contributions and gifts of money and property;
2. Expend funds donated or contributed for its support;
3. Acquire and hold real estate or interest therein or personal property in its own name; and
4. Charge admission fees.

Added by Laws 1999, c. 183, § 1, eff. July 1, 1999. Amended by Laws 2006, c. 208, § 1, eff. Nov. 1, 2006; Laws 2012, c. 71, § 1.

§53-232. Oklahoma Music Hall of Fame Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Music Hall of Fame Board to be designated the "Oklahoma Music Hall of Fame Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board from admission fees, private and public donations, contributions, and gifts. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of creating, operating, staffing and maintaining an Oklahoma Music Hall of Fame, and any legitimate expenses of the Board. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1999, c. 183, § 2, eff. July 1, 1999. Amended by Laws 2012, c. 304, § 228.

§53-351. Short title.

This act shall be known as the "Oklahoma State Register of Historic Places Act".

Added by Laws 1983, c. 132, § 1, eff. Nov. 1, 1983.

§53-352. Legislative intent.

It is the intent of the Legislature that the historical, archeological, architectural and cultural heritage of the state are among the most important assets of the state and that these resources should be identified, recorded and preserved.

Added by Laws 1983, c. 132, § 2, eff. Nov. 1, 1983.

§53-353. Oklahoma Historic Preservation Review Committee.

A. There is hereby created the Oklahoma Historic Preservation Review Committee, in compliance with the National Historic Preservation Act of 1966, (P.L. 89-665) as amended, and regulations promulgated thereunder. The Review Committee shall consist of at least five (5) members, and shall include at least one recognized professional in each of the following disciplines: History, archeology, architecture and architectural history. Nonprofessional citizens may be appointed to the Review Committee, but a majority of the members shall be professionals. The professional members of the Review Committee shall meet the minimum qualifications required by federal law.

B. The Governor shall appoint the members of the Review Committee, who shall serve at the Governor's pleasure.

C. Members of the Review Committee shall serve without compensation.

Added by Laws 1983, c. 132, § 3, eff. Nov. 1, 1983.

§53-354. State Historic Preservation Officer.

The Executive Director of the Oklahoma Historical Society shall be the State Historic Preservation Officer who, with no additional compensation, shall work with the federal government and other states concerning matters of historic preservation.

Added by Laws 1983, c. 132, § 4, eff. Nov. 1, 1983.

§53-355. State Register of Historic Places.

A. There is hereby created a "State Register of Historic Places".

B. The State Historic Preservation Officer, in consultation with the Oklahoma Historic Preservation Review Committee, shall establish a listing of sites, districts, structures, buildings, areas or objects above or below the surface of the earth whether on land or in the waters of the state, together with any designated improvements thereon, significant in the history, architecture, archeology, or culture of the state, its communities or the nation. Such listing shall constitute the Oklahoma State Register of Historic Places. All historic places within the state listed on or nominated to the National Register before or after this act becomes law shall be deemed to be listed in the State Register.

C. The State Historic Preservation Officer, with the advice of the Review Committee, shall establish the procedures and the criteria for listing in the State Register.

D. Listing a privately owned property in the State Register shall in no way violate or abridge the lawful owner's right to use, modify, or dispose of said property.

Added by Laws 1983, c. 132, § 4, eff. Nov. 1, 1983.

§53-361. Anthropological and archaeological projects.

A. Any person, or persons, making any investigations, explorations, or excavations of any prehistoric ruins, ancient burial grounds, pictographs, petroglyphs, prehistoric specimens, utensils, and trinkets, and all other archaeological features discoveries in the state on state lands, shall donate to the state all articles, implements and material found or discovered by such investigations, explorations, or excavations, which shall be deposited with a museum or other recognized repository in the state, within ninety (90) days after the permit termination date, as provided in subsection F of this section.

B. 1. The State Archaeologist, in consultation with the State Historic Preservation Officer, shall study and evaluate the museums and institutions in this state and designate appropriate curatorial

facilities. The characteristics of museums and institutions to be considered in making this determination shall include:

- a. the quality of the physical plant,
- b. previous experience in curation, and
- c. the availability of a professional staff trained in curation or archaeology.

2. All original field records, notes, photographs and other information collected, except for personal journals or diaries, or reasonable facsimilies of those records, notes, photographs and other information shall be housed in the same repository as the collections of artifacts and archaeological materials unless otherwise specified in the permit or by the State Archaeologist in consultation with the State Historic Preservation Officer.

3. All those collections of artifacts, archaeological materials, field records, maps, notes, photographs and other information collected pursuant to the provisions of this act shall be made available to the people of Oklahoma for study, examination and appreciation, provided that such availability can be arranged without contributing to the destruction or degradation of said artifacts, archaeological materials, field records, maps, notes, photographs and other information and objects and that such release of information is in the educational interest of the citizens of Oklahoma.

4. Any repository for materials as designated in accordance with paragraph 1 of this subsection may, as it deems necessary, charge a reasonable, one-time fee of a permit holder to help defray the costs of providing long-term storage of the materials.

C. Before any exploration or excavation is made in or on any prehistoric ruins or archaeological site in Oklahoma, on the Oklahoma State Register, or on property owned by or under the control of the State of Oklahoma or any of its political subdivisions, a permit shall first be obtained from the State Archaeologist, Oklahoma Archaeological Survey.

Such permit shall be issued upon:

1. Receipt of an application from any state agency, institution, company or individual who can show cause for having such a permit for the taking, salvage, excavation, restoration or conducting of scientific or educational studies at, in or on properties defined in this subsection;

2. Payment of a fee of Fifty Dollars (\$50.00);

3. Determination by the State Archaeologist of the appropriateness of the permit request. This determination shall include:

- a. application on a form approved by the State Archaeologist,
- b. specifications on the need for the indicated research activity and shall include a research design providing for the recovery of scientific, archaeological or historical information,

c. designation and qualifications of personnel involved in the project,

d. specifications on the location, nature of the activity and time period required for the work, and

e. a signed statement from the landowner or, for state lands, from the appropriate state agency, granting permission for access and removal of archaeological or historical specimens;

4. Signing an agreement to donate specimens or materials in compliance with subsection A of this section; and

5. A signed agreement establishing a mutually acceptable formula for determining a one-time fee, as authorized by subsection B of this section, or that no fee will be charged by the repository for the long-term curation of deposited materials relating to the licensed project.

D. Each permit shall accurately specify the locations, nature of the activity and the time period covered by the permit, and shall authorize or permit explorations or excavations only at the described location.

E. Copies of issued permits shall be on file with the State Archaeologist and the State Historic Preservation Officer.

F. Each permit shall expire at midnight one (1) year after the date of its issuance, provided, that any permit may be revoked by the State Archaeologist, upon consultation with the State Historic Preservation Officer, at any time upon being convinced that archaeological activities authorized by the permit are being conducted unlawfully or improperly. It shall be the duty of the State Archaeologist to monitor all projects granted permits. The following shall be considered proper actions for the conducting of archaeological work under a permit:

1. One copy of the permit shall be at the site of the project, either in the possession of the Principal Investigator of the project or a designated supervisory archaeologist at the project site;

2. The permit may be examined by the State Archaeologist or his designated representative on demand at any time during the period of the permit; and

3. Investigation or excavation of archaeological sites or ruins listed on the permit must be conducted in accordance with the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, and the permit provisions of this statute, as stipulated.

The permit may be renewed if cause is shown for the need of renewal. The fee for renewal shall be at the rate for a new application.

G. A final report shall be submitted to the State Archaeologist and the State Historic Preservation Officer each within a reasonable period of time after the termination of the permitted project. Applications for new permits from delinquent permit holders shall not

be granted until the delinquent final reports are delivered. This final report shall be in accordance with federal standards and the "minimal standard for reports" which have been adopted by the State Historic Preservation Officer and the Oklahoma Archaeological Survey.

H. The fees, if any, collected under the provisions of this section shall be deposited in the Revolving Fund of the University of Oklahoma, and shall be used for the payment of the expenses in making investigations and for administration costs by the State Archaeologist as set out in this section; provided, that the State Archaeologist shall not issue any permit to any person until a thorough review has been made as to the purpose, place, and condition of the proposed explorations or excavations.

I. It shall be unlawful for any person to offer for sale or to purchase any archaeological specimen knowing the same to have been acquired in violation of this act.

J. Any person in possession of articles or materials acquired in violation of this act shall forfeit them to the state, pending return to their rightful owner.

K. It shall be unlawful for any person to intentionally and knowingly deface American Indian or aboriginal paintings, pictographs, petroglyphs or other marks or carvings on rock or elsewhere that are of archaeological interest and pertain to early American Indian or aboriginal habitation of the country. It shall be unlawful to willingly injure, disfigure, remove or destroy any archaeological resources, including but not limited to, a prehistoric or historic structure, site, monument, marker, medallion, burial, burial marker or artifact without lawful authority as provided in this or related statutes. It shall be unlawful to enter onto the enclosed lands of another with the intent to intentionally injure, disfigure, remove, excavate, damage, take, dig into or destroy any archaeological remains or any prehistoric or historic site, American Indian or aboriginal campsite, artifact, burial, ruin or other materials wherever situated within the state without the consent of the owner.

L. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall forfeit to the state for final disposition all articles and materials and related records wrongfully acquired through his action or efforts, and shall also be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail, not exceeding thirty (30) days, or both.

M. In order to protect and preserve historical, archaeological and scientific information, matters and objects and other archaeological remains, which may from time to time be found on privately owned lands within Oklahoma, the Legislature declares as a statement of purpose that archaeological excavations on privately owned lands should be discouraged except in accordance with and

pursuant to the spirit and authority of this statute. Persons having knowledge of the location of archaeological sites in the State of Oklahoma are encouraged to communicate such information to a reputable museum, institution of higher learning, a recognized scientific or historical institution or society or the Oklahoma Archaeological Survey. Those institutions, societies or museums contacted with such information should in turn inform the State Archaeologist, Oklahoma Archaeological Survey, so that the information may be recorded in the inventory of sites maintained for the state.

Amended by Laws 1985, c. 268, § 1, eff. Nov. 1, 1985. Renumbered from Title 70, § 3309 by Laws 1985, c. 268, § 2, eff. Nov. 1, 1985.

§53-400. Repealed by Laws 2019, c. 24, § 1, eff. Nov. 1, 2019.

§53-401. Repealed by Laws 2019, c. 24, § 2, eff. Nov. 1, 2019.

§53-402. Repealed by Laws 2019, c. 24, § 3, eff. Nov. 1, 2019.

§53-403. Repealed by Laws 2019, c. 24, § 4, eff. Nov. 1, 2019.

§53-411. Short title - Heritage Preservation Act.

This act shall be known and may be cited as the "Heritage Preservation Act".

Added by Laws 2015, c. 149, § 1.

§53-412. Heritage Preservation Grant Program.

A. There is hereby created within the Oklahoma Historical Society the Heritage Preservation Grant Program to provide financial assistance to cities, counties, nonprofit organizations, and tribal governments to operate and improve the effectiveness of museums and historical organizations.

B. The purpose of the Heritage Preservation Grant Program is to encourage the collecting, preserving, and sharing of Oklahoma history at the grassroots level in all parts of the state.

Added by Laws 2015, c. 149, § 2.

§53-413. Adoption of rules--Application evaluation.

A. The Oklahoma Historical Society shall adopt rules establishing the Heritage Preservation Grant Program including, but not limited to, eligibility criteria, the application process, and grant award amounts.

B. The Oklahoma Historical Society Board of Directors shall create weighted criteria to evaluate each application based on the potential for project sustainability, the impact on the scope of collections, public participation, and programming possibilities.

C. Oklahoma Historical Society staff shall evaluate each application based on the weighted criteria and adherence to program requirements that include, but are not limited to, geographical balance, local financial match, and the existence of a strategic plan for the applicant organization, tribal division or governmental department. The evaluations shall be provided to the Heritage Preservation Grant Selection Committee of the Oklahoma Historical Society Board of Directors.

Added by Laws 2015, c. 149, § 3.

§53-414. Entities eligible for grants.

Entities eligible for grants from the Heritage Preservation Program shall be limited to Oklahoma municipal and county governments, federally recognized Indian Tribes, and nonprofit organizations incorporated within Oklahoma.

Added by Laws 2015, c. 149, § 4.

§53-415. Permissible grant uses.

Grants awarded under the Heritage Preservation Program shall not be used for capital improvements or repairs. Grants may be used only for operating expenses for eligible entities engaged in collecting, preserving, and sharing Oklahoma heritage. Preference will be given to projects affecting collections, educational programs, and exhibits. Grants may be used to support the development of strategic plans.

Added by Laws 2015, c. 149, § 5.

§53-416. Grant Review Committee.

A. The President of the Oklahoma Historical Society Board of Directors shall appoint an Oklahoma Heritage Preservation Grant Review Committee for the purpose of reviewing all grant applications. The committee shall consist of five (5) to seven (7) members.

B. The committee shall meet on a schedule to be established by the Oklahoma Historical Society Board of Directors.

C. The Oklahoma Heritage Preservation Grant Review Committee shall be provided the Oklahoma Historical Society staff evaluations of each application along with staff recommendations.

D. The final recommendations of the Oklahoma Heritage Preservation Grant Review Committee shall be presented to the Oklahoma Historical Society Board of Directors for action.

E. The Oklahoma Historical Society Board of Directors shall have the duty of awarding Heritage Preservation Grants to entities under the provisions of this act.

F. Each member of the Oklahoma Heritage Preservation Grant Review Committee shall serve without compensation except that each member of the Committee shall receive reimbursement for travel

expenses in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

G. The meetings of the Oklahoma Historical Society Board of Directors shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, and the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

H. Staff support for the execution of this act shall be provided by the Oklahoma Historical Society.

Added by Laws 2015, c. 149, § 6.

§53-417. Heritage Preservation Revolving Fund.

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Historical Society to be designated the Heritage Preservation Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited into the fund by law, gift, donation, grant, or Oklahoma Historical Society Board of Directors allocation.

B. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purpose of providing grants for the collecting, preserving, and sharing of Oklahoma heritage pursuant to the Heritage Preservation Act and to support and maintain the efforts of this act. Monies accruing to the credit of the fund may also be used for direct costs of administering the provisions of the Heritage Preservation Act.

C. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Added by Laws 2015, c. 149, § 7. Amended by Laws 2018, c. 243, § 2, eff. Nov. 1, 2018.