

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED SENATE
BILL 116

By: Haney and Hobson of the
Senate

and

Settle and Begley of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to historical societies; amending 53 O.S. 1991, Sections 47.1, 47.2, 47.3, 47.4, 47.5, and 47.6, which relate to the Will Rogers Memorial Commission and the J.M. Davis Memorial Commission; merging the Will Rogers Memorial Commission and J.M. Davis Memorial Commission; providing for membership; deleting obsolete language; clarifying language; authorizing travel reimbursement for members; combining powers and duties; creating the Will Rogers and J.M. Davis Memorials Commission Revolving Fund; providing for deposits and expenditures; providing procedures; stating purpose; repealing 53 O.S. 1991, Sections 47.7, 201, 202, 203 204, 205, 206, 207, 208, and 209, which relate to the Will Rogers Memorial Commission and the J.M. Davis Memorial Commissions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47A of Title 53, unless there is created a duplication in numbering, reads as follows:

Effective August 1, 2001, the J.M. Davis Memorial Commission is hereby merged with the Will Rogers Memorial Commission, and shall be known as the Will Rogers and J.M Davis Memorials Commission.

SECTION 2. AMENDATORY 53 O.S. 1991, Section 47.1, is amended to read as follows:

Section 47.1 A. There is hereby ~~re-created~~ created the Will Rogers ~~Memorial~~ and J.M. Davis Memorials Commission which shall be

composed of seven (7) members, ~~provided however, that at~~ to be appointed as follows:

1. On or before August 1, 2001, the Governor shall initially appoint four members ~~least one member of the seven members of the Commission shall be selected appointed by the Governor from the existing members of the Will Rogers Memorial Commission, one of whom shall be the surviving children~~ child of Will Rogers, ~~consisting of Will Rogers, Jr., James Rogers and Mary Rogers Brooks, so long as said children of Will Rogers are~~ he is alive; ~~provided, the appointment of a surviving child shall not be subject to Senate confirmation.~~ If there be no surviving ~~children~~ child of Will Rogers, then ~~said~~ the member shall be appointed by the Governor, with the advice and consent of the Senate as hereinafter provided. If for any reason ~~said~~ the child of Will Rogers ~~selected~~ cannot serve or chooses not to serve, ~~then the remaining children~~ he may choose a designee ~~to represent them; provided; The appointment of such designee~~ who shall not be subject to Senate confirmation; and

2. On or before August 1, 2001, the Governor shall appoint three members from the members of the J.M. Davis Memorial Commission serving on that date.

B. ~~The terms of office of the current members of the Commission shall end on May 22, 1975, provided that each of the current members shall hold office until his successor has been appointed and qualified, and provided further, that acts performed by the current members of the Commission after May 22, 1975, and prior to the appointment and qualification of their successors in office shall be of full effect and validity.~~ Upon the expiration of the terms of office of ~~the current~~ members of the Commission, the Governor shall have the authority to appoint members of the Commission, with the advice and consent of the Senate, ~~seven new members of the Commission,~~ subject to the provisions of subsection A of this section. ~~Of the new members to be so appointed by the Governor, the~~

~~The member selected from the surviving children~~ child of Will Rogers, or the member selected by the surviving ~~children~~ child of Will Rogers as ~~their~~ his designee, shall serve for a term of six (6) years. The other six ~~new~~ members of the Commission shall be appointed for staggered terms, ~~with one member to be appointed for a term of one (1) year; one member to be appointed for a term of two (2) years; one member to be appointed for a term of three (3) years; one member to be appointed for a term of four (4) years; one member to be appointed for a term of five (5) years; and one member to be appointed for a term of six (6) years.~~ At the expiration of the term of office of each ~~new~~ member appointed under the provisions of this subsection and of each succeeding member appointed thereafter, the Governor shall appoint a successor, with the advice and consent of the Senate, and subject to the provisions of subsection A of this section, ~~a successor~~ who shall serve for a term of six (6) years. Whenever a vacancy on the Commission shall occur by death, resignation, or otherwise, the Governor shall fill the same by appointment, with the advice and consent of the Senate, and subject to the provisions of subsection A of this section. Each member shall hold office until ~~his~~ a successor has been appointed and qualified.

C. ~~The Commission~~ Members shall serve without compensation. Members of the Commission shall receive 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.

D. Each of the members of the Commission shall be subject to removal from office, in the same manner as other state officials not subject to impeachment.

SECTION 3. AMENDATORY 53 O.S. 1991, Section 47.2, is amended to read as follows:

Section 47.2 The Will Rogers and J.M. Davis Memorials

Commission may:

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

2. Act in cooperation with ~~the~~ federal, state, or local government or any ~~of its agencies~~ agency thereof or any other legal entity in constructing, building, preserving, and maintaining ~~said~~ the Will Rogers Memorial and J.M. Davis Memorials;

3. Accept gifts, grants, contributions, or donations from ~~the United States Government, or any branch thereof~~ governmental sources, or any person, firm, corporation, or municipal subdivision of ~~the government of the State of Oklahoma~~ 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 and J.M. Davis Memorials to be located at, or near, the town of Claremore, Oklahoma, ~~on the site now provided by the Will Rogers family for the purposes of locating thereon such a the memorial~~;

4. Enter into contracts and agreements with the J.M. Davis Foundation, Inc.;

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

6. Segregate at all times the J.M. Davis Memorial facilities and collections from the Will Rogers Memorial facilities and collections.

SECTION 4. AMENDATORY 53 O.S. 1991, Section 47.3, is amended to read as follows:

Section 47.3 A. The Will Rogers and J.M. Davis Memorials Commission may take ~~such steps as shall be~~ 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 ~~Will Rogers Memorial~~ Commission by the family of Will Rogers; and

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

B. The ~~Will Rogers Memorial~~ Commission may consult with and obtain the professional services of the Attorney General's office ~~of the State of Oklahoma~~ in taking such any action ~~as shall be~~ necessary or expedient to protect the ~~Will Rogers Memorial~~ Commission from any unlawful use by any person or persons or corporate entities of any property of ~~said Will Rogers Memorial~~ the Commission.

SECTION 5. AMENDATORY 53 O.S. 1991, Section 47.4, is amended to read as follows:

Section 47.4 A. The Will Rogers and J.M. Davis Memorials Commission 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 ~~as shall be~~ 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 an outlet for the sale to the public of such items as shall, in the judgment of the Commission, be appropriate for sale ~~and~~ at prices set by the Commission, including, but not limited to, literature, in

book or pamphlet form, brochures, periodicals, books, artifacts, reproductions of Will Rogers memorabilia and statuary.

B. The proceeds of the sale of any material referred to in ~~paragraph 2, above,~~ this section shall be deposited in the Will Rogers and J.M. Davis Memorials Revolving Fund as hereinafter set forth, for the purposes of defraying the expenses of the operation of such outlet for sale and for such purposes as shall in the opinion of the ~~Will Rogers Memorial~~ Commission 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 ~~Will Rogers Memorial~~ Commission.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 47.4A of Title 53, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Will Rogers and J.M. Davis Memorials Commission to be designated the "Will Rogers and J.M. Davis Memorials Commission Revolving Fund". The fund shall consist of all appropriations, gifts, donations, grants, admission fees, sale of souvenirs or concessions, leasing of concessions at the site, or any other monies received by the Commission pursuant to this act. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Commission. The expenditure from the fund shall be used for expenses relating to administration, duties, operations, maintenance, special projects, and acquisitions for the Memorials and shall be made pursuant to law. Warrants for expenditures from this fund shall be drawn by the State Treasurer based on claims signed by an authorized employee of the Commission and approved for payment by the Director of State Finance.

SECTION 7. AMENDATORY 53 O.S. 1991, Section 47.6, is amended to read as follows:

Section 47.6 A. The Will Rogers and J.M. Davis Memorials Commission shall:

1. Maintain the Will Rogers and J.M. Davis Memorials, and make all rules ~~and regulations~~ necessary for the maintenance and operation thereof; ~~and~~

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

3. Make administrative decisions governing the type, nature, and propriety of all purchases made by the Commission.

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

C. The Commission may charge admission to enter the grounds or buildings of the ~~Will Rogers Memorial~~ Memorials.

SECTION 8. REPEALER 53 O.S. 1991, Sections 47.7, 201, 202, 203, 204, 205, 206, 207, 208, and 209 are hereby repealed.

SECTION 9. This act shall become effective August 1, 2001.

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