

ENGROSSED SENATE
BILL NO. 200

By: Herbert of the Senate
and

Hutchison of the House

[historical societies - J.M. Davis and Will Rogers
Memorial Commissions - operate jointly for certain
purposes - renaming the Will Rogers Memorial
Commission - effective date -

emergency]

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 47.1A of Title 53, unless there
is created a duplication in numbering, reads as follows:

The J.M. Davis Memorial Commission is hereby merged with the
Will Rogers Memorial Commission. The J.M. Davis Memorial Commission
and the Will Rogers Memorial Commission shall operate jointly for
the purposes of joint marketing and promotion.

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

Section 47.1 A. ~~There~~ Effective August 1, 2001, there is
hereby ~~re-created~~ created the Will Rogers ~~Memorial~~ and J.M. Davis
Memorials Commission which shall be composed of ~~seven (7)~~ eight (8)
~~members, provided however, that at.~~ At least one member of ~~the~~
~~seven members of~~ the Commission shall be ~~selected~~ appointed by the
Governor from the surviving children of Will Rogers, ~~consisting of~~
who are Will Rogers, Jr., James Rogers, and Mary Rogers Brooks, so
long as ~~said~~ the children of Will Rogers are alive; provided, the
appointment of a surviving child shall not be subject to Senate
confirmation. If there be no surviving children 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~~ a child of Will Rogers ~~selected~~ appointed cannot serve or chooses not to serve, then the remaining children may choose a designee to represent them; provided, the appointment of ~~such~~ a designee shall not be subject to Senate confirmation.

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, 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 of Will Rogers, or the member selected by the surviving children of Will Rogers as their designee, shall serve for a term of six (6) years. The other ~~six new~~ seven 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, 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, the same 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~~ Until August 1, 2001, the Will Rogers Memorial Commission and after August 1, 2001, 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;

3. Accept gifts, grants, contributions or donations from the United States Government, or any branch thereof, 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 maintaining the Will Rogers Memorial 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 memorial.

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

Section 47.3 A. ~~The~~ Until August 1, 2001, the Will Rogers Memorial Commission, and after August 1, 2001, 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~~ Until August 1, 2001, the Will Rogers Memorial Commission, and after August 1, 2001, 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 Memorial 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.

SECTION 6. AMENDATORY 53 O.S. 1991, Section 47.5, is amended to read as follows:

Section 47.5 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.

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

Section 47.6 A. ~~The~~ Until August 1, 2001, the Will Rogers Memorial Commission, and after August 1, 2001, the Will Rogers and J.M. Davis Memorials Commission shall:

1. Maintain the Will Rogers Memorial 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.

SECTION 8. AMENDATORY 53 O.S. 1991, Section 203, is amended to read as follows:

Section 203. ~~The~~ Until August 1, 2001, the J.M. Davis Memorial Commission, and after August 1, 2001, the Will Rogers and J.M. Davis Memorials Commission shall have power and authority to appoint and to fix the salaries and duties of such professional and administrative employees and curators as may be necessary ~~to carry out the purpose of this act, such expenses to be paid from the funds appropriated by House Bill No. 1019 Of the Thirtieth Oklahoma Legislature~~ for the proper housing, protection and display of the J.M. Davis Gun Collection and other historical artifacts; provided that 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 therefor have been appropriated by the Legislature or have been otherwise obtained from gifts, grants or contributions actually received by the Commission.

SECTION 9. AMENDATORY 53 O.S. 1991, Section 208, is amended to read as follows:

Section 208. ~~That~~ Until August 1, 2001, the J. M. Davis Memorial Commission, and after August 1, 2001, the Will Rogers and J.M. Davis Memorials Commission is hereby authorized and directed to allot space, on land owned by ~~said~~ the Commission, as burial grounds for J. M. and Genevieve Davis.

SECTION 10. REPEALER 53 O.S. 1991, Section 201, is hereby repealed.

SECTION 11. Section 10 of this act shall become effective August 1, 2001.

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

Passed the Senate the 23rd day of February, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1999.

Speaker of the House of Representatives