

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 663

By: Taylor and Ford of the
Senate

and

Jones of the House

COMMITTEE SUBSTITUTE

An Act relating to historical societies; amending 53 O.S. 1991, Sections 47.1, 47.2, 47.3, 47.4, as amended by Sections 2, 3, 4 and 5, Chapter 262, O.S.L. 1999, Section 6, Chapter 262, O.S.L. 1999 and 47.6, as amended by Section 7, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Sections 47.1, 47.2, 47.3, 47.4, 47.4A and 47.6), which relate to the Will Rogers Memorial Commission; repealing certain mergers; declaring legislative intent; deleting obsolete language; modifying membership of Commission; stating terms; allowing for lease of outlet of certain entity; requiring the Will Rogers Memorial Commission to maintain donation receptacles; stating purpose; requiring proceeds from outlet sales to be deposited in certain fund; providing for exception; deleting obsolete language; creating the J.M. Davis Memorial Commission; providing for terms and appointment of members; prohibiting compensation; authorizing travel reimbursement; stating authority of the Commission; specifying location of certain display and artifacts; requiring certain declaratory judgment for removal of certain display; stating powers of Commission; creating the J.M. Davis Memorial Commission Revolving Fund; stating purpose; establishing certain procedures for certain fund; creating a petty cash fund; stating purpose; providing for certain fund amount; establishing certain procedures for certain fund; authorizing sales of certain items; requiring burial grounds for certain persons; repealing Sections 1 and 9, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47A), which relate to the merger of the Will Rogers Memorial and J.M. Davis Memorial Commissions; providing for codification; and declaring an 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 46.1 of Title 53, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature by operation of this act to repeal the merger of the Will Rogers Memorial Commission and the J.M. Davis Memorial Commission which was to occur on August 1, 2001. It is the further intent of the Legislature that the Commissions continue to operate as separate entities.

SECTION 2. AMENDATORY 53 O.S. 1991, Section 47.1, as amended by Section 2, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47.1), is amended to read as follows:

Section 47.1 A. ~~There is hereby created the~~ The Will Rogers and ~~J.M. Davis Memorials~~ Memorial Commission ~~which~~ shall be composed of seven (7) members to be appointed as follows:

~~1. On or before August 1, 2001, the~~ The Governor shall ~~initially~~ appoint ~~four members from the existing members of the Will Rogers Memorial Commission,~~ one ~~of whom~~ member who shall be the a surviving ~~child~~ lineal descendant of Will Rogers, ~~James Rogers,~~ so long ~~as he is alive.~~ If there ~~be~~ is no surviving ~~child~~ descendant of Will Rogers who chooses to serve, then the member shall be appointed by the Governor, with the advice and consent of the Senate as hereinafter provided. ~~If for any reason the child of Will Rogers cannot serve or chooses not to serve, he may choose a 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. 1. Upon the expiration of the terms of office of members of the Commission, the Governor shall have the authority to appoint members of the Commission, with the advice and consent of the Senate, subject to the provisions of subsection A of this section.

~~The surviving child of Will Rogers, or the member selected by the surviving child of Will Rogers as his designee,~~

2. The lineal descendant of Will Rogers shall serve for a term of six (6) years. The other six members of the Commission appointed by the Governor shall be appointed for staggered terms.

3. At the expiration of the term of office of each 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, who shall serve for a term of six (6) years. The current members of the Commission shall serve the remainder of the term for which they were appointed.

C. 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 a successor has been appointed and qualified.

~~C.~~ D. 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.~~ E. 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, as amended by Section 3, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47.2), is amended to read as follows:

Section 47.2 ~~The Will Rogers and J.M. Davis Memorials~~ Memorial Commission may:

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

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 ~~and J.M. Davis Memorials~~ 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 ~~and J.M. Davis Memorials~~ Memorial to be located at, or near, the town of Claremore, Oklahoma; and

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

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

~~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, as amended by Section 4, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47.3), is amended to read as follows:

Section 47.3 A. The Will Rogers ~~and J.M. Davis Memorials~~ Memorial Commission 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 Commission by the family of Will Rogers; and

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

B. The Commission may consult with and obtain the professional services of the Attorney General's office in taking any action necessary or expedient to protect the Commission from any unlawful use by any person or persons or corporate entities of any property of the Commission.

SECTION 5. AMENDATORY 53 O.S. 1991, Section 47.4, as amended by Section 5, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47.4), is amended to read as follows:

Section 47.4 A. ~~The Will Rogers and J.M. Davis Memorials Memorial~~ 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 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 the Will Rogers Heritage, Inc., 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, 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 Commission and to the Will Rogers Heritage, Inc. Funds donated to the Will Rogers Memorial Commission shall be deposited in the Will Rogers Memorial Commission 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 ~~and J.M. Davis Memorials~~ Memorial Commission Revolving Fund ~~as hereinafter set forth~~, for the purposes of defraying the expenses of the operation of ~~such~~ the outlet for sale and for such purposes as shall in the opinion of the 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 Commission.

SECTION 6. AMENDATORY Section 6, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47.4A), is amended to read as follows:

Section 47.4A A. There is hereby created in the State Treasury a revolving fund for the Will Rogers ~~and J.M. Davis Memorials~~ Memorial Commission to be designated the "Will Rogers ~~and J.M. Davis Memorials~~ Memorial Commission Revolving Fund". The fund shall consist of all ~~appropriations~~:

1. Appropriations, gifts, donations, grants, admission fees, ~~sale of souvenirs or concessions, leasing of concessions at the site, or~~ and any other monies received by the Commission 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 Commission. The expenditure from the fund shall be used for expenses relating to administration, duties, operations, maintenance, special projects, and acquisitions for the ~~Memorials~~ 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 Commission and approved for payment by the Director of State Finance.

SECTION 7. AMENDATORY 53 O.S. 1991, Section 47.6, as amended by Section 7, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47.6), is amended to read as follows:

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

1. Maintain the Will Rogers ~~and J.M. Davis Memorials~~ Memorial, and ~~make all~~ 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 Commission.

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

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201A of Title 53, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201B of Title 53, unless there is created a duplication in numbering, reads as follows:

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 J.M. Davis Foundation, Inc.;

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 J.M. Davis Foundation Inc., 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. Charge admission fees to view the J.M. Davis Gun Collection and other historical artifacts; and

6. 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.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201C of Title 53, unless there is created a duplication in numbering, reads as follows:

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; and

2. 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.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201D of Title 53, unless there is created a duplication in numbering, reads as follows:

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, 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.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201E of Title 53, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201F of Title 53, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 14. REPEALER Section 1, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47A), is hereby repealed.

SECTION 15. REPEALER Section 9, Chapter 262, O.S.L.
1999, is hereby repealed.

SECTION 16. 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.

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