

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 705

By: Ford

AS INTRODUCED

An Act relating to historical societies; amending 53 O.S. 1991, Sections 47.1, 47.2, 47.3 and 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 and the J.M. Davis Memorial Commission; dissolving merger between Will Rogers Memorial Commission and J.M. Davis Memorial Commission; re-creating the Will Rogers Memorial Commission; modifying language relating to appointment of Commission members and terms of appointment; deleting language relating to travel reimbursement; modifying powers and duties; re-creating the Will Rogers Memorial Commission Revolving Fund; re-creating the J.M. Davis Memorial Commission; providing for membership, travel reimbursement, power and duties; creating the J.M. Davis Memorial Commission Revolving Fund and petty cash fund and providing procedures related thereto; repealing Sections 1 and 9, Chapter 262, O.S.L. 1999 (53 O.S. Supp. 2000, Section 47A), which relate to the Will Rogers 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. 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~~ re-created 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 Governor shall initially appoint four members from the existing members of the Will Rogers Memorial Commission, one of whom; provided, however, that at least~~

one member of the seven members of the Commission shall be the surviving child of Will Rogers, James Rogers, so long as he is alive; provided, the appointment of the surviving child shall not be subject to Senate confirmation. If there be no surviving child of Will Rogers, ~~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. 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, six members of the Commission, 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~~ appointed by the Governor, shall serve for a term of six (6) years. The other six 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 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~~7~~ 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. Members of the Commission 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~~ member of the Commission shall be subject to removal from office in the same manner as other state officials not subject to impeachment.

SECTION 2. 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, receipt or contract for real or personal property in the name of the Commission;

2. Act in cooperation with the federal, state~~7~~ or local government or any agency thereof or any other legal entity in constructing, building, preserving~~7~~ and maintaining the Will Rogers ~~and J.M. Davis Memorials~~ Memorial; and

3. Accept gifts, grants, contributions, or donations from ~~governmental sources~~ the United States Government, or any branch thereof, or any person, firm, corporation~~7~~ 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~~7~~

~~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, on the site now provided by the Will Rogers family for the purposes of locating thereon such a memorial.~~

SECTION 3. 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 Office of the Attorney General's office ~~General~~ 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 4. 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; and

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 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 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 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 5. 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 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, 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 Memorial~~ and shall be made pursuant to law. Warrants for expenditures from ~~this~~ the 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 6. 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 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 7. 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:

There is hereby re-created the J.M. Davis Memorial Commission 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. The members of the Commission shall serve without compensation but are hereby 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 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 202A of Title 53, unless there is created a duplication in numbering, reads as follows:

The J.M. Davis Memorial Commission shall have full power to acquire and hold real estate or interest therein or personal property in its own name; to act in cooperation and enter into contracts and agreements with the J.M. Davis Foundation, Inc.; to furnish suitable quarters to house, display and preserve the J.M. Davis Gun Collection and other historical artifacts; to charge admission fees to view the J.M. Davis Gun Collection and other historical artifacts; to 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; provided that the location of such display shall be in the vicinity of the business area of the city of Claremore, Rogers County, Oklahoma.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 203A of Title 53, unless there is created a duplication in numbering, reads as follows:

The J.M. Davis Memorial 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 funds appropriated by the 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 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 204A of Title 53, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury of the State of Oklahoma 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, from admission fees, from the sale of souvenirs and curios and from the sale of concessions or leasing of concessions at the J.M. Davis Memorial site, and from acceptance 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.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205A of Title 53, unless there is created a duplication in numbering, reads as follows:

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 and shall be under the control and management of the Commission, and disbursements therefrom shall be made on claims approved by the Commission. The Director of State Finance shall draw warrants

payable by the State Treasurer in payment of all claims against the fund, 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 206A 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.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 207A of Title 53, unless there is created a duplication in numbering, reads as follows:

The amount of the petty cash fund created in Section 12 of this act 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 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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