

# An Act

ENROLLED HOUSE  
BILL NO. 3124

By: Lepak and Burns of the  
House

and

Quinn and Stephens of the  
Senate

An Act relating to the J.M. Davis Memorial Commission; amending 53 O.S. 2021, Sections 201C and 201G, which relate to Commission duties and properties of the J.M. Davis Memorial Commission; allowing the J.M. Davis Memorial Commission to enter into certain contracts; prohibiting certain donations of funds; allowing the sale of certain property; and providing an effective date.

SUBJECT: J.M. Davis Memorial Commission

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

SECTION 1. AMENDATORY 53 O.S. 2021, Section 201C, is amended to read as follows:

Section 201C. 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; and

4. Enter into contracts for services to be performed in furtherance of the authorized activities and duties of the J.M. Davis Memorial Commission 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, as amended, or with individuals or associations pursuant to statutory requirements.

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

C. 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 2. AMENDATORY 53 O.S. 2021, Section 201G, is amended to read as follows:

Section 201G. A. The J.M. Davis Memorial Commission is authorized to sell or 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 or to

commercial entities or individuals 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~~ Any transfer or sale shall be in full compliance with the laws and regulations regarding the sale of such objects, including laws and regulations regarding the sale of firearms. The proceeds of any sale or transfer shall be deposited in the J.M. Davis Arms and Historical Museum Endowment Fund, or the J.M. Davis Memorial Commission Revolving Fund as determined by a vote of the Commission.

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, or 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 unless obtained at a public sale under the provisions of this section.

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.

SECTION 3. This act shall become effective November 1, 2022.

Passed the House of Representatives the 10th day of March, 2022.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 28th day of April, 2022.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_