

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3124

By: Lepak of the House

and

**Quinn** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to the J.M. Davis Memorial  
12                   Commission; amending 53 O.S. 2021, Sections 201C and  
13                   201G, relating to commission duties and properties to  
14                   the J.M. Memorial; allowing the J.M. Memorial  
15                   Commission to enter into certain contracts;  
16                   prohibiting certain donations of funds; allowing the  
17                   sale of certain property; and providing an effective  
18                   date.

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

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

22                   Section 201C.   A.   The J.M. Davis Memorial Commission shall have  
23 power and authority to:

24                   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;

1           2. Appoint an executive director who shall serve at the  
2 pleasure of the Commission. A member of the Commission may be  
3 appointed as the executive director; provided, if a member of the  
4 Commission is so appointed, the member shall resign as a member of  
5 the Commission and the vacancy shall be filled in the same manner as  
6 are original appointments; ~~and~~

7           3. Provide for the proper housing, protection and display of  
8 the J.M. Davis Gun Collection and other historical artifacts; and

9           4. Enter into contracts for services to be performed in  
10 furtherance of the authorized activities and duties of the J.M.  
11 Davis Memorial Commission with other state agencies or nonprofit  
12 corporations holding a valid exemption from taxation issued pursuant  
13 to Section 501(a) of the Internal Revenue Code of 1986, as amended,  
14 and listed as an exempt organization in Section 501(c)(3) of the  
15 Internal Revenue Code of 1986, as amended, or with individuals or  
16 associations pursuant to statutory requirements.

17           B. Funds of the J.M. Davis Memorial Commission shall not be  
18 applied, donated, or used directly or indirectly for the use,  
19 benefit, or support of any sect, church, denomination, or system of  
20 religion, or for the use, benefit, or support of any priest,  
21 preacher, minister, or other religious teacher or dignitary, or  
22 sectarian institution as such. The J.M. Davis Memorial Commission  
23 shall provide opportunity to organizations to submit written  
24 applications to be received and acted upon by the J.M. Davis

1 Memorial Commission. At the conclusion of the contract, each state  
2 agency, nonprofit corporation, individual, or association shall  
3 provide the J.M. Davis Memorial Commission with proof of fulfillment  
4 of the contract in proper order and must be affirmed on the proper  
5 form, provided by the J.M. Davis Memorial Commission, by the  
6 managing officers of the state agency, nonprofit group, association,  
7 or individual making the contract.

8 B. C. Any agreements or contracts providing for the employment  
9 of persons or to purchase property or equipment or the construction  
10 of any facilities shall not be authorized unless necessary funds  
11 have been appropriated by the Legislature or have been otherwise  
12 obtained from gifts, grants or contributions actually received by  
13 the Commission.

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

16 Section 201G. A. The J.M. Davis Memorial Commission is  
17 authorized to sell or transfer museum collection objects, which are  
18 duplicates or are outside of the scope of collections owned by it,  
19 to other state agencies or other museums with nonprofit status or to  
20 commercial entities or individuals unless the object is leased to or  
21 loaned to the Commission or was purchased with appropriated funds by  
22 the Commission. ~~Transfers shall not be to individuals or commercial~~  
23 ~~entities.~~ Any transfer or sale shall be in full compliance with the  
24 laws and regulations regarding the sale of such objects, including

1 laws and regulations regarding the sale of firearms. The proceeds  
2 of any sale or transfer shall be deposited in the J.M. Davis Arms  
3 and Historical Museum Endowment Fund, or the J.M. Memorial  
4 Commission Revolving Fund as determined by a vote of the Commission.

5 B. The J.M. Davis Memorial Commission shall be exempt from the  
6 Oklahoma Surplus Property Act for the purpose of disposing of museum  
7 collection surplus property as described in subsection A of this  
8 section and is authorized to destroy and dispose of museum  
9 collection surplus property including objects owned by the  
10 Commission that have deteriorated past the point of usefulness or  
11 have no resale value.

12 C. No ~~past or present~~ member of the J.M. Davis Memorial  
13 Commission, ~~current~~ employee, or their families, ~~volunteer, or~~  
14 ~~member of the Friends of the J.M. Davis Museum, Inc. or its~~  
15 ~~successor~~ may obtain possession of museum collection surplus  
16 property from the Commission in person or by proxy unless obtained  
17 at a public sale under the provisions of this section.

18 D. The J.M. Davis Memorial Commission shall not transfer, or  
19 dispose of any property that is leased to, loaned to, or held in  
20 temporary custody by the Commission.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/03/2022 - DO PASS,  
24 As Amended and Coauthored.