

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3124

6 By: Lepak

7 COMMITTEE SUBSTITUTE

8 An Act relating to the J.M. Davis Memorial
9 Commission; amending 53 O.S. 2021, Sections 201C and
10 201G, relating to commission duties and properties to
11 the J.M. Memorial; allowing the J.M. Memorial
12 Commission to enter into certain contracts;
13 prohibiting certain donations of funds; allowing the
14 sale of certain property; and providing an effective
15 date.

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

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

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

21 1. Appoint and to fix the salaries and duties of the
22 professional and administrative employees and curators as may be
23 necessary to carry out the purpose of this act;

24 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

1 Commission is so appointed, the member shall resign as a member of
2 the Commission and the vacancy shall be filled in the same manner as
3 are original appointments; ~~and~~

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

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

14 B. Funds of the J.M. Davis Memorial Commission shall not be
15 applied, donated, or used directly or indirectly for the use,
16 benefit, or support of any sect, church, denomination, or system of
17 religion, or for the use, benefit, or support of any priest,
18 preacher, minister, or other religious teacher or dignitary, or
19 sectarian institution as such. The J.M. Davis Memorial Commission
20 shall provide opportunity to organizations to submit written
21 applications to be received and acted upon by the J.M. Davis
22 Memorial Commission. At the conclusion of the contract, each state
23 agency, nonprofit corporation, individual, or association shall
24 provide the J.M. Davis Memorial Commission with proof of fulfillment

1 of the contract in proper order and must be affirmed on the proper
2 form, provided by the J.M. Davis Memorial Commission, by the
3 managing officers of the state agency, nonprofit group, association,
4 or individual making the contract.

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

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

13 Section 201G. A. The J.M. Davis Memorial Commission is
14 authorized to sell or transfer museum collection objects, which are
15 duplicates or are outside of the scope of collections owned by it,
16 to other state agencies or other museums with nonprofit status or to
17 commercial entities or individuals unless the object is leased to or
18 loaned to the Commission or was purchased with appropriated funds by
19 the Commission. ~~Transfers shall not be to individuals or commercial~~
20 ~~entities.~~ Any transfer or sale shall be in full compliance with the
21 laws and regulations regarding the sale of such objects, including
22 laws and regulations regarding the sale of firearms. The proceeds
23 of any sale or transfer shall be deposited in the J.M. Davis Arms
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1 and Historical Museum Endowment Fund, or the J.M. Memorial
2 Commission Revolving Fund as determined by a vote of the Commission.

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

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

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

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

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21 58-2-11016 LRB 03/03/22

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