ENGROSSED HOUSE
BILL NO. 2987 By: Leist

An Act relating to property; amending 60 O.S. 1991, Sections 381, 382, 383, 384, 385, 386, 387, 388 and 389, which relate to gifts given and transferred to the state; requiring gifts to officers, agencies of state, counties, municipalities, towns and school districts comply with act; defining term; requiring certain reports; providing for content; requiring submission; updating language; providing for procedures; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 60 O.S. 1991, Section 381, is amended to read as follows:

Section 381. A. The legal capacity of the State of Oklahoma, and of each county, municipality, city, town and school district in the state, to take title or any interest therein, legal, equitable, or both~~, to any property, real, personal or mixed~~ legal and equitable, by gift, ~~testamentary or otherwise, as well as by purchase,~~ is hereby specifically approved and affirmed.

B. The acceptance and transfer of any gift made to the state or to any officer or proper governing board, commission or other state agency shall comply with the provisions of Sections 381 through 390 of this title.

C. The acceptance and transfer of any gift made to the state or to any officer or proper governing board, commission or other entity of a county, municipality, town or school district shall comply with the provisions of Sections 391 through 396 of this title.

D. For purposes of Sections 381 through 396 of this title, the term "gift" means a voluntary transfer of any property to the state, county, municipality, city, town or school district made gratuitously and without consideration. The term "gift" includes, but is not limited to, the transfer of real or personal property, or combination of personal and real property or interest therein, legal and equitable through testamentary, deed, purchase and delivery and acceptance.

SECTION 2. AMENDATORY 60 O.S. 1991, Section 382, is amended to read as follows:

Section 382. No gift~~, testamentary or otherwise, of any property, real or personal or both, or any interest therein,~~ to the State of Oklahoma, or to any county, municipality, city, town, or school district in the state, or to any combination thereof, if accepted upon behalf of the state, county, municipality, city, town, or school district, by the officer, proper governing board or commission thereof, nor the transfer of title thereto in accordance with such gift, or the will or other instrument by which such gift is made, nor the privilege of making or receiving such a gift, nor any income or profits derived by such state, county, municipality, city, town or school district from any such property or its use or disposition thereof, shall be subject to any form of tax.

SECTION 3. AMENDATORY 60 O.S. 1991, Section 383, is amended to read as follows:

Section 383. A. Except to the extent that such authority is otherwise specifically vested in some other state officer, board, commission, or agency, the Governor of the State of Oklahoma is hereby authorized to accept, upon behalf of this state, any gift~~,~~

~~testamentary or otherwise,~~ of any property presented to this state or to any state institution, department, or agency.

B. Except as otherwise provided in Sections 391 through 396 of this title, and except for gifts of cash or the equivalent of cash, delivery of such property, possession thereof, and any muniments of title thereto shall be made to and receipted for by the Director of ~~Public Affairs~~ Central Services. Gifts of cash or the equivalent of cash shall be made to and receipted for by the Director of State Finance.

C. 1. If the authority to accept gifts is vested in any state officer, board, or commission or other state entity, such state officer and state entity which retains the gift shall submit a report beginning January 1, 1997, and on or before January 1 of every year thereafter, which details any gift received by the state officer or state entity during the previous calendar year. The report shall reflect:

a. the type of gift received,

b. the value, monetary or historical, or otherwise,

c. the name and address of each person or the donors. If the gift is contributed by an organization, business or other type of entity, the names of the persons with the authority to authorize the donation of the gift shall be listed,

d. the designation of a particular purpose of the gift, if any, and any restrictions or limitations on the expenditure or use of the gift,

e. where the gift is physically located,

f. whether the gift has been sold and reduced to cash pursuant to Sections 387 and 388 of this title,

g. the disposition of the gift or the disposition from the sale of the gift,

h. to whom the gift is distributed or other method of disposition of the gift, and

i. any state funds expended for maintenance, repair, selling or otherwise for the gift.

2. The state official or state entity shall submit two copies of the report as required by this subsection each to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate. The Speaker of the House of Representatives shall forward one copy of the report to the chair of the House Appropriations and Budget Committee. The President Pro Tempore of the Senate shall forward one copy of the report to the Senate Joint Committee on Budget and Program Oversight.

SECTION 4. AMENDATORY 60 O.S. 1991, Section 384, is amended to read as follows:

Section 384. Any ~~property involved in a gift, testamentary or otherwise, given~~ gift transferred to the State of Oklahoma or some state officer, board, commission, or agency for the use or benefit of a specified state institution, department, or agency, whether one or more, when accepted by the Governor and delivered to the ~~Office of Public Affairs~~ Department of Central Services or the Office of State Finance as provided for in Section 383 of this title, shall be allotted by ~~said Office of Public Affairs~~ the Department of Central Services or Office of State Finance to such state institution, department, or agency, in accordance, as nearly as possible, with the terms of the gift. Any state official or state agency accepting or transferring the gift shall comply with the provisions of Section 6 of this act.

SECTION 5. AMENDATORY 60 O.S. 1991, Section 385, is amended to read as follows:

Section 385. Any property involved in any gift~~, testamentary or otherwise,~~ given to the State of Oklahoma for a particular purpose or purposes, as distinguished from public purposes generally, when

accepted by the Governor or accepted and delivered to the ~~Office of Public Affairs~~ Department of Central Services, as provided for in Section 383 of this title, shall be allotted by said ~~Office of Public Affairs~~ Department of Central Services to the specified program, fund, or other purpose or to the state institution, department, or agency, or the state institutions, departments, or agencies, if any, which, under the applicable statutes, are charged with the performance of the specific purpose or purposes to which such gift is limited or dedicated.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 385.1 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. Any state officer or state agency accepting and receiving gifts pursuant to this section shall complete the report required by Section 383 of Title 60 of the Oklahoma Statutes.

B. For any gifts that are allotted by the Department of Central Services, the Governor of this state or the Office of State Finance, the Department and office shall submit a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing the gift, the name and address of the donor, the value, the designation of the particular purpose, and to which state program, fund, or other use, or to the state officer, state institution, department or agency the gift was allotted.

SECTION 7. AMENDATORY 60 O.S. 1991, Section 386, is amended to read as follows:

Section 386. A. Except as may be otherwise provided in Sections 391 through 396 of this title, any gift of real property ~~involved in any gift, testamentary or otherwise, given~~ transferred to this state for public purposes generally or without designation of any particular purpose to which the same is to be devoted, when accepted by the Governor and delivered to the ~~Office of Public Affairs~~ Department of Central Services, as provided for in Section

383 of this title, and which may be occupied and used advantageously, as determined by the ~~Office of Public Affairs~~ Department of Central Services, by a particular state institution, department, or agency in performing its assigned duties or functions~~, and any~~ shall be allotted by the Department of Central Services to such state institution, department, or agency.

B. Any gift of tangible personal property ~~involved in any gift, testamentary or otherwise, given~~ transferred to this state for public purposes generally or without designation of any particular purpose to which the same is to be devoted, when accepted by the Governor and delivered to the ~~Office of Public Affairs~~ Department of Central Services, as provided for in Section 383 of this title, which is determined to be, by the ~~Office of Public Affairs~~ Department of Central Services, especially suited to the special needs of a particular state institution, department, or agency, or may be used advantageously by a particular state institution, department, or agency in performing its assigned duties or functions, shall be allotted by the ~~Office of Public Affairs~~ Department of Central Services to such state institution, department, or agency.

C. Any ~~such~~ gift of real property which is not occupied and used, or the occupancy and use of which is terminated by the state institution, department, or agency to which it has been so allotted and which may be occupied and used advantageously, as determined by the ~~Office of Public Affairs~~ Department of Central Services, by some other particular state institution, department, or agency in performing its assigned duties or functions, and any such tangible gift of personal property which is not used, or the use of which is terminated, by the state institution, department, or agency to which it has been so allotted and which is determined to be, by the ~~Office of Public Affairs~~ Department of Central Services, especially suited to the special needs of a particular state institution, department,

or agency, or may be used advantageously by some other particular state institution, department, or agency in performing its assigned duties or functions, shall be allotted by the ~~Office of Public Affairs~~ Department of Central Services to such other state institution, department, or agency.

SECTION 8. AMENDATORY 60 O.S. 1991, Section 387, is amended to read as follows:

Section 387. A. Except as may be otherwise provided in Sections 391 through 396 of this title, the gift of any real property ~~involved in any gift, testamentary or otherwise, given~~ transferred to this state for public purposes generally or without designation of any particular purpose to which the same shall be devoted, when accepted by the Governor and delivered to the ~~Office of Public Affairs~~ Department of Central Services, as provided for in Section 383 of this title, which may not be occupied and used advantageously, as determined by the ~~Office of Public Affairs~~ Department of Central Services, by any particular state institution, department, or agency as contemplated by Section 386 of this title, and any tangible gift of personal property ~~involved in any gift, testamentary or otherwise, given~~ transferred to this state for public purposes generally or without designation of any particular purpose to which the same shall be devoted, when accepted by the Governor and delivered to the ~~Office of Public Affairs~~ Department of Central Services, as provided for in Section 383 of this title, which is determined to be, by the ~~Office of Public Affairs~~ Department of Central Services, not especially suited to the special needs of any particular state institution, department, or agency, or may not be used advantageously by any particular state institution, department, or agency in performing its assigned duties or functions, as contemplated by Section 386 of this title, shall be sold by the ~~Office of Public Affairs~~ Department of Central Services as required by law.

B. If, in the judgment of the ~~Office of Public Affairs,~~ Department of Central Services, the gift of any ~~such~~ real property which is or becomes subject to sale ~~may~~ will not be sold immediately to advantage, ~~it~~ the property may be leased or otherwise rented, until such time as, in the opinion of said ~~Office~~ Department, ~~it~~ the property may be sold to advantage.

SECTION 9. AMENDATORY 60 O.S. 1991, Section 388, is amended to read as follows:

Section 388. Except as may be otherwise provided in Sections 391 through 396 of this title, any stocks, bonds, choses in action, or other intangible personal property, except cash or the equivalent thereof, ~~involved in a gift, testamentary or otherwise, given~~ transferred to this state for public purposes generally and without designation of any particular purpose to which the same shall be devoted, when accepted by the Governor and delivered to the ~~Office of Public Affairs~~ Department of Central Services, as provided for in Section 383 of this title, shall be converted, by the ~~Office of Public Affairs~~ Department of Central Services, into cash as soon as may be practicable.

SECTION 10. AMENDATORY 60 O.S. 1991, Section 389, is amended to read as follows:

Section 389. Except as may be otherwise provided in Sections 391 through 396 of this title, any gift of cash or the equivalent thereof ~~involved in any gift, testamentary or otherwise,~~ given or transferred to this state for public purposes generally or without designation to any particular purpose to which the same shall be devoted, when accepted by the Governor and delivered to the Office of State Finance, as provided for in Section 383 of this title, together with all income, interest, rentals, or otherwise, from any property delivered to the ~~Office of Public Affairs~~ Department of Central Services pursuant to the provisions of Section 383 and Sections 386 through 388 of this title, and all cash derived from

sales, or other conversions into cash, of such other property as provided for in Sections 386 through 388 of this title, shall be deposited in the State Treasury to the credit of the General Revenue Fund for the fiscal year in which it is received.

SECTION 11. This act shall become effective November 1, 1996.

Passed the House of Representatives the 5th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate