

ENROLLED SENATE
BILL NO. 378

By: Littlefield of the Senate
and
Eddins of the House

An Act relating to mental health and state government; amending 43A O.S. 1991, Section 2-106, which relates to the Department of Mental Health and Substance Abuse Services and the Board of Mental Health and Substance Abuse Services; authorizing lease of certain property to certain entities for certain period; providing for amendment of certain leases; providing for governance; amending 74 O.S. 1991, Section 1003, which relates to the Interlocal Cooperation Act; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 2-106, is amended to read as follows:

Section 2-106. The Board of Mental Health and Substance Abuse Services shall accept, hold in trust and authorize the use of any grant or devise of land, or any donation or bequest of money, or other personal property made to the Department of Mental Health and Substance Abuse Services, or to any institution therein, so long as the terms of the grant, donation, bequest, gift, or will are carried out. The Board of Mental Health and Substance Abuse Services may invest and re-invest any funds and may lease or sell any real or personal property and invest the proceeds, for the benefit of the Department or any institution therein unless prevented by the terms of the grant, donation, bequest, gift or will.

The Board may lease any property owned or held in trust to any other state agency, political subdivision, county, municipality or a nonprofit organization established for the purpose of providing community-based services or assistance to clients of the mental health system, for a period not to exceed ten (10) years. Any lease in effect at the time of the effective date of this provision may be amended to extend the lease to a ten-year term. Any lease entered into pursuant to these provisions shall be governed by the

provisions of the Interlocal Cooperation Act, Section 1001 et seq. of Title 74 of the Oklahoma Statutes.

The Board of Mental Health and Substance Abuse Services must annually account to the State Auditor and Inspector for all monies or property received or expended by virtue of this section which account shall state the source of the monies or property received with the actual date of its receipt, the particular use or place for which it was expended, the balance on hand showing the place of deposit of the unexpended balance.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 1003, is amended to read as follows:

Section 1003. A. For the purposes of Section 1001 et seq. of this title, the term "public agency" shall mean :

1. Any political subdivision of this state;
2. Any agency of the state government or of the United States;
3. Each and every public trust of this state regardless of whether the beneficiary of such trust is a municipality, a county, or the State of Oklahoma, except the Oklahoma Ordnance Works Authority;

4. Any corporation organized not for profit pursuant to the provisions of the Oklahoma General Corporation Act, Section 1001 et seq. of Title 18 of the Oklahoma Statutes, for the primary purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents or to provide community-based services or assistance to clients of the Department of Mental Health and Substance Abuse Services as provided in Section 2-106 of Title 43A of the Oklahoma Statutes; and

5. Any political subdivision of another state.

B. The term "state" shall mean a state of the United States and the District of Columbia.

SECTION 3. This act shall become effective November 1, 1995.