

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 267

By: Shurden of the Senate
and
Stanley of the House

COMMITTEE SUBSTITUTE

An Act relating to game and fish; authorizing the Wildlife Conservation Commission to assist in the creation of the Wildlife Conservation Foundation of Oklahoma; stating purpose of the Foundation; stating conditions for the Foundation; allowing the Chair and Director to serve on the board of the Foundation; prohibiting compensation for service on board; requiring the Commission to make certain determination; providing for issuance of a letter by the Director; allowing the Department to take certain actions; providing for collection and deposit of Foundation funds; requiring submission of an annual audit to certain persons; authorizing the Commission to issue certain special permits for designated species; providing for selling the special permits by auction or sealed bid; providing for certain contracts; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-103a of Title 29, unless there is created a duplication in numbering, reads as follows:

A. The Wildlife Conservation Commission may assist in the creation of a citizen-supported organization known as the Wildlife Conservation Foundation of Oklahoma, to provide assistance, funding and promotional support for Department programs and projects consistent with the purposes set forth in Article 26 of the Oklahoma Constitution and Title 29 of the Oklahoma Statutes.

B. The Wildlife Conservation Foundation of Oklahoma shall:

1. Be a bona fide, not-for-profit organization exempt from the payment of federal income taxes pursuant to Section 501(c)(3) of the federal Internal Revenue Code that does not engage in, and has no officer, director or member who engages in, any prohibited transaction, as defined by Section 503(b) of the Internal Revenue Code;

2. Be organized in accordance with the laws of this state, domiciled in Oklahoma and in good standing;

3. Be organized and operated to conduct programs and activities, raise funds, request and receive grants, gifts and bequests of money, acquire, receive, hold, invest and administer in its own name securities, funds, or real or personal property, and make expenditures, for the benefit of the Commission and Department and consistent with their authorized purposes;

4. Be an organization which provides equal employment and membership opportunities to all persons regardless of race, color, national origin, religion, sex or age; and

5. Have a majority of its directors or trustees appointed by the Commission.

C. The chair of the Commission and Director shall serve as nonvoting members on the Board of Directors of the Foundation, but shall receive no compensation for such service.

D. Subject to a determination by the Commission that the Foundation is currently organized to act in a manner consistent with the goals of the Commission and best interests of the state and the issuance of a written letter by the Director to that effect, the Department and Foundation may exercise the authorities outlined in paragraphs 1 and 2 of subsection B of this section, in addition to any other authorities provided by law.

1. The Department may permit the Foundation to use its property, facilities and personnel free of charge, subject to such conditions as the Department deems appropriate, to the extent that such use is for an approved public purpose, in accordance with applicable law, and it does not unreasonably interfere with the use of same by the Department or the public and may engage in any lawful transaction with the Foundation in furtherance of the purposes of the Commission and Department.

2. The Department may contract with and cooperate with the Foundation on projects.

3. The Department may contract with and cooperate with the Foundation on projects for acquiring, restoring, maintaining and protecting wetlands and other wildlife habitats, for performing scientific research, for conducting public education projects, or for any other project consistent with the purposes stated in Article 26 of the Oklahoma Constitution and Title 29 of the Oklahoma

Statutes. The Department may reimburse costs or provide grant funds to the Foundation in such amounts as are approved by the Commission.

E. Funds collected by the Foundation shall be considered private funds and shall be held in an account outside of the State Treasury. The Foundation shall provide for an annual audit of its financial records and accounts and shall submit such audit to the Commission and the State Auditor and Inspector.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-103b of Title 29, unless there is created a duplication in numbering, reads as follows:

The Commission may, by order, authorize the Department to issue, in addition to regular permits issued under this title, up to five (5) special permits each year for designated species. Such permit shall be sold at public auction or by sealed bid. The Department may contract with nonprofit organizations and charitable causes to conduct such auctions.

SECTION 3. This act shall become effective November 1, 1997.

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