

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1539

By: Hutchison

AS INTRODUCED

An Act relating to game and fish; authorizing the Wildlife Conservation Commission to cooperate with certain foundations; stating purpose of the foundation; stating conditions for a foundation; allowing the Chair and Director to serve on the board of the foundation; prohibiting compensation for service on board; prohibiting employees from certain membership; requiring the Commission to make certain determination; providing for issuance of a letter by the Director; allowing the Department to take certain actions; allowing the Commission to refuse donations from a foundation; providing for collection and deposit of foundation funds; requiring submission of an annual audit to certain persons; 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 3-315 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. The Wildlife Conservation Commission may seek ways to encourage support from private individuals, companies, corporations and others in the private and public sectors by cooperating with a nonprofit foundation. The foundation shall have been established and operate for the exclusive purpose of providing assistance, funding and promotional support for the Department of Wildlife Conservation programs and projects and other purposes consistent with those set forth in Article 26 of the Oklahoma Constitution and Title 29 of the Oklahoma Statutes.

B. As used in this section, a "foundation" means any company, trust, corporation or association that is:

1. A bona fide, not for profit organization exempt from the payment of federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code which does not engage in or have an officer, director or member engaged in any prohibited transactions as defined in Section 503(b) of the Internal Revenue Code;

2. Organized in accordance with the laws of this state;

3. 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 the Department which are consistent with the purposes of the Commission and the Department; and

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

C. The Chair of the Commission and the Director of the Department may serve as nonvoting members on the board of a

foundation established for the purpose of supporting the Commission or Department, but shall not receive compensation for service on the board. No employee of the Department shall be a voting member of a foundation established for the support of the Commission or Department.

D. Prior to receiving any assistance, funding or support from a foundation, the Commission shall make a determination that the foundation is currently organized to act in a manner consistent with the goals of the Commission and in the best interest of the state. Upon making such a determination the Director shall issue a written letter to that effect. After a letter is issued, the Department may, in addition to other actions:

1. Permit the foundation to use property, facilities and personnel of the Department free of charge, subject to conditions the Department deems appropriate and to the extent that such use is for an approved purpose. The use shall not interfere with the duties and functions of the Department or the public;

2. Engage in any lawful transaction with the foundation in furtherance of the purposes of the Commission and Department; and

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

E. The Commission may refuse to accept any donation of real or personal property offered by or through a foundation and shall have the final authority to accept or refuse to accept any grant or award offered by a foundation for the benefit of the Commission or Department.

F. Any funds collected by a foundation established pursuant to this section shall be considered private funds and shall be held in

an account outside of the State Treasury. A foundation shall provide for an annual audit of its financial records and accounts and shall submit the audit to the Commission and the State Auditor and Inspector.

SECTION 2. This act shall become effective November 1, 1997.

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