

ENROLLED HOUSE
BILL NO. 2318

By: Wilson of the House

and

Shurden and Gumm of the
Senate

An Act relating to tourism and recreation; encouraging the Oklahoma Tourism and Recreation Commission to explore the benefits of a not-for-profit state park foundation; describing the type of support from a state park foundation; authorizing the establishment of a state park foundation; stating purpose; outlining types of support; defining a state park foundation; allowing the Commission to refuse a donation from a state park foundation; providing for service by an employee or Commissioner on a state park foundation board; prohibiting payment for service on a board; describing public character of a state park foundation; prohibiting deposit of public funds; providing for codification; providing an effective date; and declaring an emergency.

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 1811.10 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Tourism and Recreation Commission is encouraged to explore the potential benefits of not-for-profit foundations for support of state parks. Such support from a not-for-profit foundation shall not substitute for the obligation of the state to support the natural resources infrastructure of the state, but shall serve only as a supplement to state funding and as a means to further assist the Oklahoma Tourism and Recreation Department in preserving the natural resources and facilities of significance in the state.

B. There is hereby authorized the establishment of a not-for-profit state park foundation for the purpose of encouraging contributions by private individuals, companies, foundations, corporations, and others in the private and public sectors. Contributions shall be utilized for the support, preservation, and development of state park properties. This support, preservation, and development shall include, but is not limited to, preservation of historic facilities, development of educational and interpretive programs, materials, and other means of support.

C. As used in this section, a "state park foundation" means any company, trust, corporation, or association:

1. That solicits money or property in the name of any state park under the jurisdiction of the Oklahoma Tourism and Recreation Commission; and

2. Which is exempt from federal income taxes or is verifiably and in good faith in the process of obtaining federal tax exemption status pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

D. The Oklahoma Tourism and Recreation Commission may refuse to accept any grant, award, or donation of real or personal property offered by or through a state park foundation.

E. No employee of the Oklahoma Tourism and Recreation Department shall be a voting member of a state park foundation board. Members of the Oklahoma Tourism and Recreation Commission may serve on the board of a state park foundation, but shall not constitute a majority of the members of the board of the foundation. No member of the Commission serving on the board or an employee of the Department serving as an ex officio member of the board shall be compensated by the foundation for service as a member of the foundation board.

F. A state park foundation created pursuant to this section shall not be an entity of state government. No public funds shall be deposited in any account owned or controlled by a state park foundation.

SECTION 2. This act shall become effective July 1, 2004.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of February,
2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of April, 2004.

Presiding Officer of the Senate