

1 ENGROSSED SENATE
2 BILL NO. 95

By: Simpson of the Senate

3 and

4 Townley of the House
5
6

7 An Act relating to the Commission for Rehabilitation
8 Services; amending 74 O.S. 2011, Section 166.5, as
9 amended by Section 838, Chapter 304, O.S.L. 2012 (74
10 O.S. Supp. 2018, Section 166.5), which relates to
11 powers and duties of the Commission for
12 Rehabilitation Services; allowing the Commission to
13 accept certain gifts for certain benefit; providing
14 for use of gifts; providing for use of conditional
15 gifts; updating statutory references; and providing
16 an effective date.

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

18 SECTION 1. AMENDATORY 74 O.S. 2011, Section 166.5, as
19 amended by Section 838, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2018, Section 166.5), is amended to read as follows:

21 Section 166.5. A. The Commission for Rehabilitation Services
22 shall have the powers and duties to:

23 1. Adopt bylaws and promulgate rules for the regulation of its
24 affairs and the conduct of its business;

2. Formulate policies and adopt rules for the effective
administration of the duties of the State Department of
Rehabilitation Services;

1 3. Adopt an official seal;

2 4. Establish an office;

3 5. Sue and to be sued, subject to the provisions of The
4 Governmental Tort Claims Act;

5 6. Make and enter into all contracts necessary or incidental to
6 the performance of its duties and the execution of its powers;

7 7. Purchase or lease equipment, furniture, materials and
8 supplies, and incur such other expenses as may be necessary to
9 maintain and operate the Commission and the State Department of
10 Rehabilitation Services, or to discharge its duties and
11 responsibilities or to make any of its powers effective;

12 8. Acquire by purchase, lease, gift, solicitation of gift or by
13 any other manner, and to maintain, use and operate or to contract
14 for the maintenance, use and operation of or lease of any and all
15 property of any kind, real, personal or mixed or any interest
16 therein unless otherwise provided by ~~this act~~ Section 166.1 et seq.
17 of this title; provided that, all contracts for real property shall
18 be subject to the provisions of Section 63 of this title;

19 9. Appoint such officers, agents and employees as it deems
20 necessary to operate and maintain the Commission and to prescribe
21 their duties and to fix their compensation;

22 10. Perform such other acts as shall be necessary for the
23 accomplishment of the purposes of ~~Chapter 5A~~ Section 166.1 et seq.
24 of this title; and

1 11. Serve as trustee for the trust created in subsection B of
2 this section for the benefit of the Oklahoma School for the Blind
3 and the Oklahoma School for the Deaf.

4 B. 1. The Commission for Rehabilitation Services is hereby
5 authorized and directed to create a trust into which all real
6 property held by the Commission for the benefit of the Oklahoma
7 School for the Blind and the Oklahoma School for the Deaf shall be
8 transferred.

9 2. The property placed in trust:

10 a. shall be held for the sole benefit of the Oklahoma
11 School for the Blind and the Oklahoma School for the
12 Deaf,

13 b. if not needed for use by the schools, may be leased or
14 rented to others and all income received from such
15 leases or rentals shall be payable to the Commission
16 and deposited in the Rehabilitation Services
17 Disbursing Fund for use by the Commission to fulfill
18 the purposes of the Oklahoma School for the Blind and
19 the Oklahoma School for the Deaf, and

20 c. may be sold if the commissioners, acting as trustees,
21 determine that the sale is in the best interest of the
22 Oklahoma School for the Blind or the Oklahoma School
23 for the Deaf. The proceeds from the sale of the
24 property shall be held in the trust corpus and shall

1 be invested by the State Treasurer. Income derived
2 from the corpus shall be used by the Commission for
3 the purposes of the Oklahoma School for the Blind and
4 the Oklahoma School for the Deaf.

5 3. The corpus of the trust may be disbursed only upon
6 legislative approval.

7 4. The trust may be dissolved only upon legislative approval.

8 C. Upon the creation of the trust authorized in subsection B of
9 this section, the Office of Management and Enterprise Services shall
10 provide all necessary assistance to the Department of Rehabilitation
11 Services to identify and transfer all real property held by or for
12 the benefit of the Oklahoma School for the Blind and the Oklahoma
13 School for the Deaf to the trust.

14 D. 1. The Commission for Rehabilitation Services may accept
15 and receive any and all gifts, donations, devices, bequests, grants
16 or contracts of any kind for money or property, either real or
17 personal, for the benefit of the Oklahoma School for the Blind and
18 the Oklahoma School for the Deaf.

19 2. The Commission is directed, authorized and empowered to hold
20 such funds or property outright or in trust, invest or sell the
21 property and use the principal or interest or proceeds of sale for
22 the benefit of the Oklahoma School for the Blind and the Oklahoma
23 School for the Deaf.

3. The Commission shall utilize its best efforts to comply with the terms of any conditional gift, devise or bequest in fulfillment of the donor's stipulations and provisions of applicable laws. Any real or personal property donated with conditions which are at any time determined to be infeasible to meet or continue may be returned to the donor, or if the donor is no longer living, if a natural person, or no longer a legally organized entity, for organizations, then the property may be sold and the proceeds of the sale deposited in the Commission's general fund or the property may be further donated in kind.

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 12th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives