

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 95

By: Simpson of the Senate

and

Townley of the House

6
7
8
9
10 An Act relating to the Commission for Rehabilitation
11 Services; amending 74 O.S. 2011, Section 166.5, as
12 amended by Section 838, Chapter 304, O.S.L. 2012 (74
13 O.S. Supp. 2018, Section 166.5), which relates to
14 powers and duties of the Commission for
15 Rehabilitation Services; allowing the Commission to
16 accept certain gifts for certain benefit; providing
17 for use of gifts; providing for use of conditional
18 gifts; updating statutory references; and providing
19 an effective date.

20
21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 74 O.S. 2011, Section 166.5, as
24 amended by Section 838, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
25 2018, Section 166.5), is amended to read as follows:

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

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

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

4 3. Adopt an official seal;

5 4. Establish an office;

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

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

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

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

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

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

4 11. Serve as trustee for the trust created in subsection B of
5 this section for the benefit of the Oklahoma School for the Blind
6 and the Oklahoma School for the Deaf.

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

12 2. The property placed in trust:

13 a. shall be held for the sole benefit of the Oklahoma
14 School for the Blind and the Oklahoma School for the
15 Deaf,

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

23 c. may be sold if the commissioners, acting as trustees,
24 determine that the sale is in the best interest of the

Oklahoma School for the Blind or the Oklahoma School for the Deaf. The proceeds from the sale of the property shall be held in the trust corpus and shall be invested by the State Treasurer. Income derived from the corpus shall be used by the Commission for the purposes of the Oklahoma School for the Blind and the Oklahoma School for the Deaf.

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

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

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

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

2. The Commission is directed, authorized and empowered to hold such funds or property outright or in trust, invest or sell the property and use the principal or interest or proceeds of sale for

1 the benefit of the Oklahoma School for the Blind and the Oklahoma
2 School for the Deaf.

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

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

14
15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
16 04/11/2019 - DO PASS.
17
18
19
20
21
22
23
24