

# An Act

ENROLLED SENATE  
BILL NO. 864

By: Gumm of the Senate

and

Sweeden of the House

An Act relating to state government; requiring certain property conveyed to the state for the use and benefit of any public college or university shall be conveyed to the board of regents upon certain request; requiring determination by Department of Central Services relating to the beneficial use of certain property; designating the Department of Central Services to act on behalf of the state to implement certain transfer of property; stating requirements for certain deed recital; amending 74 O.S. 2001, Section 123f, as amended by Section 2, Chapter 92, O.S.L. 2003 (74 O.S. Supp. 2003, Section 123f) which relates to convict-made goods; authorizing sales or distribution of certain products to employees and retirees of the State of Oklahoma and political subdivisions of the state; and providing for codification.

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

A. Any property, real or personal, conveyed to the State of Oklahoma for the purpose of establishing or for the use and benefit of any public college or university in the State of Oklahoma, shall upon a request submitted to the Department of Central Services by the college or university which is the beneficiary of such conveyance, be conveyed to the board of regents of such college or university following a determination by the Department of Central Services, in its sole discretion, that such property has been and continues to be used for the benefit of such college or university.

B. The Department of Central Services is designated to act on behalf of the State of Oklahoma to implement a transfer from the State of Oklahoma to the designated board of regents of any property described in subsection A of this section.

C. A recital by the Department of Central Services in any deed (i) that said deed is executed pursuant to this section or (ii) that the original purpose of the conveyance to the State of Oklahoma was

for establishing or for the use and benefit of the college or university grantee and that the property continues to be used for the benefit of the college or university grantee shall create a conclusive presumption as to the facts contained in said recital.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 123f, as amended by Section 2, Chapter 92, O.S.L. 2003 (74 O.S. Supp. 2003, Section 123f), is amended to read as follows:

Section 123f. No products, wares, or merchandise produced, manufactured, or mined, wholly or in part, by convicts or prisoners of this state, who are employed in the state prison industries program, may be offered for sale, sold, exchanged, or distributed in this state, whether contained in the original package or otherwise. This section shall not prohibit the sale or distribution of such products, wares, or merchandise by or for the state to departments, institutions, or agencies administered and supported by the state or its political subdivisions, and any other wholly or partially tax-supported institutions, or nonprofit charitable agencies for distribution to the needy. This section shall not prohibit the sale or distribution of such products, wares, or merchandise produced by the Oklahoma Correctional Industries or products produced by the Agri-Services Division of the Department of Corrections by or for sale to employees or retirees of the State of Oklahoma, or to employees or retirees of any political subdivision of the state. This section shall not prohibit the sale of brick and building tile or furniture manufactured by said state institutions to churches which are located in the State of Oklahoma. All purchase orders made pursuant to the provisions of this section for such brick or building tile or furniture shall contain an affidavit stating that the brick or building tile shall not be used for purposes other than for the building of churches, or that the furniture shall not be used for any purpose other than church purposes. If said state departments, institutions, agencies, or nonprofit charitable agencies do not buy or contract to buy in advance of the season for which said wares or goods are made, and make a satisfactory guarantee to the said Department of Central Services for fulfillment of their contract to purchase all the output, the state may then sell in open market any such goods or wares not generally manufactured in this state. The provisions of this section shall not apply to the sale or distribution of surplus perishable, agricultural products nor to individual articles made by hand by prisoners during their leisure time. This section shall not be construed as preventing the Department of Central Services or other state agency or agencies from manufacturing and selling such goods, wares, or merchandise as are not generally manufactured in this state.

Passed the Senate the 24th day of May, 2004.

*Neil Ryeell*  
Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2004.

*Larry D Roberts*  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 27<sup>th</sup>  
day of May, 2004,  
at 2:00 o'clock P. M.

By: *Janni Parker*

Approved by the Governor of the State of Oklahoma the 3<sup>rd</sup> day of  
June, 2004, at 4:10 o'clock P. M.

*Bruce Q. English*  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this \_\_\_\_\_  
4<sup>th</sup> day of June, 2004,  
at 11:00 o'clock A. M.

By: *M. Susan Inyang*