§ 3-0321. Gifts, donations, capital improvements.

1. Notwithstanding the provisions of the state finance law, or any other state law to the contrary, and subject to approval of the director of the budget, the commissioner is authorized to accept an unconditional grant, gift, devise or bequest, either absolutely or in trust, from persons and entities for the maintenance of any educational or recreational facilities or for programs that promote the use or stewardship of state owned lands under the department's jurisdiction or management; establish a special fund or funds consisting of monies so acquired and administer such fund or funds; and expend such monies.

2. Notwithstanding the provisions of the state finance law, or any other state law to the contrary, the commissioner is authorized to:

(a) receive, hold and administer personal property and any income thereof, acquired by grant, unconditional gift, devise or bequest, either absolutely or in trust, for the maintenance of any educational or recreational facilities or for programs that promote the use or stewardship of state owned lands under the department's jurisdiction or management; establish a special fund or funds consisting of monies so acquired and administer such fund or funds; and expend such monies; and

(b) seek investment from private philanthropic interest or not-for-profit corporations for capital improvements at state owned facilities under the department's jurisdiction or management.

3. For purposes of this section, educational or recreational facilities or programs that promote the use or stewardship of state-owned lands under the department's jurisdiction or management shall include, but not be limited to, campgrounds, fish hatcheries, historic areas and facilities, kiosks, signage, programs for maintenance and development of roads and trails, and programs to improve access for persons with disabilities.

4. The commissioner shall not accept any grant, gift, devise or bequest from or enter into any contract or agreement authorized pursuant to subdivisions one, two, and, three of this section with persons or entities:

(a) named in a pending lawsuit by or against the department;

(b) under investigation by the department;

(c) with a permit or license application pending before the department or currently holding a department-issued permit or license, except for permits or licenses that are ministerial in nature, such as sporting licenses, use of state land permits, or general permits;

(d) engaged in settlement negotiations with the department regarding any civil, criminal or administrative matter; or

(e) subject to a consent order issued by the department.