

SAM—PROPERTY ACCOUNTING

GIFT

8634

(Revised 09/10)

Record property acquired by gift from other than State departments at the fair market value on the date the gift is received. Retain receipts, letters, stock received reports, or other documents as evidences of gifts.

Government Code Sections 8647, 11005 and 16302 pertain to the State's acceptance of gifts. Gifts are normally either real property and intangibles or personal property such as equipment and cash. The following procedures apply to acceptance of gifts.

1. Property (Tangible or Intangible)

A gift of real property must be approved by both the Department of General Services (DGS) and the Department of Finance (DOF) before it can be accepted. See SAM Section 1323.12.

A. Departments must prepare and submit to Department of General Services the following material as appropriate for real property:

1. Part I of DGS Form RES-212 Gift Deed Summary
2. Contract Transmittal STD. 15
3. Certificate of Acceptance
4. Environmental Document
5. Certificate of Inspection
6. Summary of title report exceptions
7. Copy of title report
8. Map of property or description of gift

B. Department of General Services will review material submitted by the department. Based on this review DGS will prepare and submit the following to the Department of Finance:

1. Copies of information submitted by the department
2. Cover memo requesting acceptance of the gift based on the findings of the review.

C. Department of Finance will accept or reject the gift after reviewing all data submitted by the Department of General Services and the requesting department. Department of General Services will then forward to the requesting department:

1. Copy of DOF acceptance or rejection of gift
2. Copy of deed, policy and invoice (for title policy) if gift is accepted

If the proposed gift is rejected by the Department of General Services, the department will be advised of the reason for the rejection. Department of Finance will not be forwarded information unless Department of General Services recommends acceptance of the gift.

2. Personal Property

State departments cannot accept gifts of personal property unless they have specific statutory authority to do so. If a department is not permitted by law to accept a gift, the department will notify the Department of Finance so that the Director of Finance can accept the gift for the State pursuant to authority by Government Code Section 11005.1.

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All departments authorized by law to accept gifts are required by Government Code Section 11005 to secure the approval of the Director of Finance before a gift of personal property can be accepted, unless (1) the gift is an unconditional gift of money or (2) statutes specifically provide that such approval is not necessary. The Director of Finance's approval has been given to accept gifts of money if the only condition of the gift is to specify that it is for an existing fund in the Treasury.

If State departments need approval to accept a gift of personal property, they will notify their Department of Finance budget analyst by letter. The Department of Finance analyst will either approve or disapprove the acceptance of the gift. If the Department of Finance approves a gift of equipment, it will be recorded in the property records.

When State agencies receive gifts of cash to be deposited in the State Treasury, they will prepare a State Controller's Remittance Advice, Form CA21. The department will then remit the money to the fund or appropriation specified by the donor.

If the money is for a specific purpose, but the donor did not specify a fund or appropriation then the money will be deposited in the Special Deposit Fund. See SAM Section 19440.

If the money is donated but no fund, appropriation or specific purposes for it is stated by the donor, the money will be deposited in the State School Fund (Government Code Section 16302).

The Director of Finance gives advance approval for the receipt of anticipated grants which will be included in the approved Governor's Budget. Unbudgeted grants must have the Department of Finance approval before acceptance. See SAM Section 0912.