



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA
ATTORNEY GENERAL OPINION
2026-5

The Honorable Andy Fugate
Oklahoma House of Representatives, District 94
2300 N. Lincoln Boulevard, Room 545
Oklahoma City, OK 73105

April 23, 2026

Dear Representative Fugate:

This office has received your request for an official Attorney General Opinion in which you ask, in effect, the following question:

Is it lawful for a new Governor’s Mansion financed by private donations to be constructed on the State Capitol Complex without approval by the Legislature, despite the need for later appropriations to cover the costs of maintenance and upkeep?

I.
SUMMARY

A new Governor’s Mansion constructed with privately donated funds would be considered a gift or donation of property to the State, which invokes the procedures of title 60, sections 381 – 385 of the Oklahoma Statutes. Under the relevant provisions, the Governor is authorized to accept such gifts or donations on behalf of the State and the Office of Management and Enterprise Services (“OMES”) is charged with allotting the property consistent with the donors’ objectives. Prior approval of the Legislature is not required. As for ongoing costs of maintenance and upkeep, title 74, section 7 of the Oklahoma Statutes authorizes the Governor to maintain his or her official residence “as necessary and appropriate” at the expense of the State, subject to funds being appropriated annually by the Legislature.

II.
BACKGROUND

Presently, the Governor’s Mansion¹ is located on the grounds of the State Capitol Complex in Oklahoma City. 74 O.S.2021, § 1811.4(A). Situated just east of the State Capitol, the 14,000-square-foot building was originally constructed in 1928 with funds appropriated by the Legislature. Cynthia Savage, *Governor’s Mansion*, THE ENCYCLOPEDIA OF OKLAHOMA HISTORY AND CULTURE, <https://www.okhistory.org/publications/enc/entry?entry=GO022> (Jan. 15, 2010). In the nearly 100

¹ In statute, the building is also referred to as the Executive Mansion. *See, e.g.*, 73 O.S.2021, § 1.

years since its original construction, the Governor’s Mansion and its grounds have undergone many renovations and improvements, including the installation of a helipad—since converted to tennis courts—to accommodate a visit from President Lyndon B. Johnson in 1964, the addition of an Oklahoma-shaped swimming pool in the 1970s, and significant interior renovations and updating in 1995, including a new roof and air conditioning for the third floor. *Id.*; *see also Mansion History*, FRIENDS OF THE MANSION, INC., <https://fomok.org/explore-learn/mansion-history/> (last visited Apr. 20, 2026). While the Legislature appropriates funds to cover maintenance and upkeep of the Mansion, *see* 74 O.S.2021, § 7, some renovations and improvements, as well as furnishings, have been funded through private donations. *See Mansion History*, FRIENDS OF THE MANSION, INC.; *see also* State of Oklahoma, *Governor’s Mansion*, <https://oklahoma.gov/governor/about/governors-mansion.html> (last visited Apr. 20, 2026).

In 2022, it was reported that private fundraising was underway to finance construction of a new Governor’s residence on the grounds of the existing Governor’s Mansion. *See* Chris Casteel and Carmen Forman, *Private Group Raises Money for New Oklahoma Governor’s Residence*, THE OKLAHOMAN (Oct. 13, 2022), <https://www.oklahoman.com>. On August 28, 2025, formal plans for a new “first family residence” (the “New Residence”) were presented for approval at a special meeting of the State Capitol Preservation Commission.² According to the minutes of that meeting, the Commission was advised that construction of the New Residence was fully funded through private donations. *See* State Capitol Preservation Comm’n, *Special Meeting Minutes* (Aug. 28, 2025), *available at* <https://oklahoma.gov/content/dam/ok/en/omes/documents/cpc-minutes-sm-2025-08-28-UA.pdf>. The existing Governor’s Mansion will “continue to be used for ceremonial events, remain open for tours, and serve breakfast, lunch, and dinner as it does now,” and may be used to accommodate official state guests. *Id.*

As discussed below, presuming that the New Residence will be the property of the State, the Governor may accept private donations for its construction. *But see infra* note 4. The Legislature plays no role in determining whether such donations should be accepted, but it will have some ongoing control over the budget for the New Residence’s costs of upkeep. *See* 74 O.S.2021, § 7.³

III. DISCUSSION

Oklahoma law permits the State to accept gifts or donations of property. Specifically, by statute, the State of Oklahoma is empowered to “take title or any interest therein . . . to any property, real, personal or mixed, by gift, testamentary or otherwise[.]” 60 O.S.2021, § 381; *see also Mitchell v. Williamson*, 1956 OK 304, ¶ 19, 304 P.2d 314, 321 (finding the statutory mechanism for the State to accept private gifts to be “a perfectly valid exercise of legislative authority”). The authority to accept gifted property resides with the Governor unless “specifically vested” in another state

² Created in the early 1980s, the Capitol Preservation Commission is charged with ensuring quality and architectural consistency in construction at or renovations of the State Capitol and the Governor’s Mansion. *See* 74 O.S.2021, §§ 4101 – 4109; OKLA. ADMIN. CODE § 115:10-1-3.

³ To be clear, the conclusion reached in this Opinion is limited to the specific facts presented here. By contrast, the use of *public funds* for the construction of public buildings on State-owned property is subject to extensive legal and regulatory requirements that are outside the scope of this Opinion.

official or body. 60 O.S.2021, § 383. And where property is gifted to the State “for the use or benefit of a specified state institution” or “for a particular purpose,” it must be allotted to that institution or the department charged with the performance of such purpose, respectively. *Id.* §§ 384, 385. Notably, the Legislature did not reserve for itself any role in the acceptance or disposition of property gifted to the State, except for specific gifts to the Legislature. *Id.* § 383(B).⁴

According to the information available to this office, private funds have been donated for the construction of the New Residence on the grounds of the current Governor’s Mansion.⁵ Because the donations are intended for a specific purpose—housing for the Governor and his or her family—their acceptance is subject to the procedures required by title 60, sections 383 through 385 of the Oklahoma Statutes. Those provisions do not contemplate a role for the Legislature. Likewise, those provisions do not contain exceptions or limitations for property that may entail ongoing costs to the State following acceptance.⁶ And where no such limitation or restriction exists in the text of the statute, this office is not at liberty to create one. *See Cox v. State ex rel. Okla. Dep’t. of Hum. Servs.*, 2004 OK 17, ¶ 26, 87 P.3d 607, 617 (“This Court does not read exceptions into a statute, nor may we impose requirements not mandated by the Legislature.”). Accordingly, the Governor has authority to accept the donated property and turn it over to OMES to be used consistent with the donors’ intent. *See* 60 O.S.2021, §§ 384, 385.

With that being said, the New Residence, like any real property, will undoubtedly require regular maintenance and upkeep at the State’s expense. That is a concern for the Legislature, as it has constitutional authority over appropriation of state funds. *See* OKLA. CONST. art. V, § 55. However, the Legislature has addressed the issue of maintenance costs of the Governor’s residence in Title 74, Section 7 of the Oklahoma Statutes, which provides, in relevant part, as follows:

The Governor of the State of Oklahoma is hereby authorized, at the expense of the state, and within the limitations of the appropriation authorized below, to maintain in such manner as the governor deems necessary and appropriate, the mansion provided for his occupancy by the State of Oklahoma and to pay all expenses connected with said occupancy. Such expenses shall include food, entertainment and such other expenditures as would be necessary and proper for the Governor, the family and the guests of the Governor when the duties of the Office of Governor dictate such expenditures. The expense of the occupancy and

⁴ These provisions apply only to gifts of property. They do not address and are not applicable to a situation in which labor or services are gifted to the State. The question of whether, and under what circumstances, a person may gift or volunteer his or her services to the State is beyond the scope of this Opinion. *See, e.g.*, 2011 OK AG 6, ¶ 11 (discussing applicability of Governmental Tort Claims Act to those volunteering service to the State), 1985 OK AG 135, ¶¶ 2-4 (discussing status of volunteer interns under workers compensation laws).

⁵ This office has not been asked about nor presented with details about the fundraising for and oversight of construction of the New Residence. Accordingly, this Opinion should not be construed as addressing those issues. The analysis herein is limited to the specific question asked: whether the Legislature has a legal role in the State’s acceptance of the donated property.

⁶ At least two states have chosen to specifically limit state officials’ authority to accept gifts that come with future financial obligations to the state. *See* NEB. REV. STAT. ANN. § 81-1,113 (West 2025), VT. STAT. ANN. tit. 32, § 5 (West 2025).

upkeep of the Governor's Mansion shall be from funds appropriated annually by the Legislature from the General Revenue Fund for such purposes. The funds shall be paid monthly upon a claim approved by the Governor of Oklahoma. The Governor shall deposit such funds in a separate account and shall keep a separate record of all expenditures.

74 O.S.2021, § 7 (emphasis added); *see generally* 1983 OK AG 18 (detailing the history of legislative appropriations to the “Mansion Account,” used both for maintenance and upkeep of the Governor’s residence and entertainment expenses related to the Governor’s official duties). In plain terms, this provision gives broad authority to the Governor to incur costs to maintain his or her official residence as he or she deems necessary, but subject to the limitations of legislative appropriation.⁷ By doing so, the Legislature retains some measure of control over the reasonableness of maintenance and upkeep costs.

Finally, it is worth noting that this is not the first time privately-funded construction at, or on the grounds of, the Governor’s Mansion will bring with it ongoing maintenance costs. As noted above, for the past fifty years the Governor’s Mansion and its grounds have undergone many improvements, some of which, like the pool in the 1970s and an outdoor kitchen in 2017, were gifts or paid for with private donations; none were subject to approval by the Legislature.

⁷ In Attorney General Opinion 1983-18, this office recounted legislative appropriations to the Mansion Account, beginning with \$6,000 per year in fiscal years 1930 and 1931 immediately following the enactment of title 74, section 7. *See* 1983 OK AG 18, ¶ 12. Over time that amount increased, ending up at \$40,000 in 1982. *Id.* ¶¶ 14-15. After an increase to \$58,000 annually in the late 1990s and early 2000s, the Legislature discontinued annual line-item appropriations to the Mansion Account and instead appropriated a yearly lump sum to the Office of the Governor. However, the Legislature separately appropriated \$2 million in 2019 to “complete repairs and maintenance of the Governor’s Mansion,” 2019 Okla. Sess. Laws ch.445, § 130, and \$10 million in 2021 for the “purpose of security enhancements at the State Capitol Complex and the Governor’s Mansion.” 2021 Okla. Sess. Laws ch.506, § 141.

It is, therefore, the official Opinion of the Attorney General that:

It is lawful for a new Governor’s Mansion financed by private donations to be constructed on the State Capitol Complex without approval by the Legislature, so long as the State complies with the gift provisions of title 60, sections 381 – 385 of the Oklahoma Statutes.



AMIE N. ELY
FIRST ASSISTANT ATTORNEY GENERAL⁸



TY MOWDY
ASSISTANT ATTORNEY GENERAL



⁸ Because the circumstances surrounding this Opinion could “cause a reasonable person with knowledge of the relevant facts to question [the Attorney General’s] impartiality,” the Attorney General recused himself from this Opinion. *See* 74 O.S., ch.62, app. I, r. 4.7. The First Assistant Attorney General executes this Opinion pursuant to her authority under title 74, section 28 of the Oklahoma Statutes.