

ENROLLED SENATE
BILL NO. 517

BY: MUEGGE of the SENATE

and

REESE, MADDUX (Elmer) and
GLOVER of the HOUSE

AN ACT RELATING TO RAILROADS; AMENDING 66 O.S.
1981, SECTION 65, AS AMENDED BY SECTION 14,
CHAPTER 289, O.S.L. 1988 (66 O.S. SUPP. 1990,
SECTION 65), WHICH RELATES TO ACQUISITION OF
LAND; AUTHORIZING CERTAIN MUNICIPALITIES TO
PURCHASE ABANDONED RAIL PROPERTY; CHANGING
STATUTORY REFERENCE; REQUIRING CERTIFICATION OF
INTENT; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 66 O.S. 1981, Section 65, as amended by Section 14, Chapter 289, O.S.L. 1988 (66 O.S. Supp. 1990, Section 65), is amended to read as follows:

Section 65. A. 1. Any person who owns real property adjacent to real property owned by a railroad company ~~outside of any municipal limits~~ shall have first priority to purchase such real property, at the price provided by subsection D of this ~~act~~ section, from the railroad company upon the bankruptcy of the railroad company or the abandonment of the real property as determined by the Interstate Commerce Commission and offered for sale if such real property is not purchased within one (1) year by:

- a. Another railroad company;
- b. Businesses operated on such railroad property pursuant to a lease or other agreement which was in effect at the time bankruptcy or abandonment occurred;
- c. The State Department of Transportation under the authority of the Railroad Revitalization Act, Section 302.1 et seq. of this title; ~~or~~
- d. Other federal entities for valid public purposes; or
- e. In counties of over five hundred thousand (500,000) population, municipalities or counties, or joint agreements between municipalities and counties for valid public purposes.

2. If any of the persons or entities specified in paragraph 1 of this subsection fail to purchase any such real property, any state or local governmental entity shall be entitled to purchase the property for valid public purposes.

3. Provided, if more than one of the parties named in paragraph 1 or 2 of this subsection shall offer to purchase, they shall be granted a preference in the order specified in this subsection. If two (2) or more people own property adjacent to the same portion of railroad property, the person from whose property such railroad property was taken shall be entitled to the priority provided for in this section.

B. Notice for the sale of any real property under the provisions of this section shall be given by the bankruptcy court,

the receiver, or the railroad company by publication once a week for two (2) consecutive weeks in a newspaper authorized by law to publish legal notices in the county where the real property is located.

C. Any purchase as provided for in this section shall be subject to any encumbrances on the real property. Nothing in this act shall affect any reversionary interest retained in the original grant.

D. The price of such property shall be established by the receiver or bankruptcy court if the railroad company is in bankruptcy or by the railroad company if such property is determined abandoned pursuant to this section.

E. However, for any railroad company purchasing property under subparagraph a of paragraph 1 of subsection A of this section, the Corporation Commission shall certify the intent of said railroad company to continue operation of rail service on said property as a prerequisite to making such purchase.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 15th day of May, 1991.

President of the Senate

Passed the House of Representatives the 22d day of May, 1991.

Speaker of the House of Representatives