

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1054

By: Stipe and Leftwich of the  
Senate

and

Voskuhl of the House

COMMITTEE SUBSTITUTE

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 1001, as last amended by Section 12, Chapter 10, O.S.L. 1993 (69 O.S. Supp. 1993, Section 1001), which relates to the sale, exchange or lease of unneeded property; deleting requirements for notice and sale or transfer of unusable equipment by Oklahoma Department of Transportation; requiring Oklahoma Department of Transportation to provide notice of surplus property; specifying contents; providing for distribution; providing procedures for notice, distribution and sale of certain surplus property; authorizing Oklahoma State University to grant certain certifications; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1001, as last amended by Section 12, Chapter 10, O.S.L. 1993 (69 O.S. Supp. 1993, Section 1001), is amended to read as follows:

Section 1001. ~~(a)~~ A. The Transportation Commission shall have authority to sell any lands, or interest therein, which may have been acquired for highway purposes, or facilities necessary and incident thereto, and any equipment, materials or supplies which in the opinion of the Commission are no longer serviceable, useful or necessary for the state highway system or the operation of the Department of Transportation; but subject at all times to the continuing right to the use of said lands by any entity operating a sewer, water or gas system, telephone or electrical services, and by public service corporations and rural electric

and telephone cooperatives for the construction, reconstruction, maintenance, operation and repair of their facilities of service which may be upon said lands. Provided, that any such land which was acquired by the Commission from a governmental subdivision as a gift, or for a nominal consideration, may be reconveyed to the governmental subdivision by the Commission, upon repayment by the governmental subdivision to the Commission of any consideration for the original conveyance.

~~(b)~~ B. Any surplus land which has been leased to a political subdivision by the Commission may be sold and conveyed to the political subdivision for the present fair market value as determined by a competent appraisal and the political subdivision may have credited toward the purchase price of any such property the lease payments which the political subdivision shall have previously made to the Commission.

~~(c)~~ C. Except as otherwise herein provided, the lands, materials, equipment and supplies shall be sold for cash to the highest and best bidder after notice by publication in a newspaper published in the county where the land is situated, or where the materials, equipment or supplies are located, in two consecutive weekly issues of the newspaper.

~~(d)~~ ~~(1)~~ D. 1. If the land originally comprised a partial taking leaving an abutting remainder, then prior to conducting such advertisement and solicitation of bids for the sale of any lands or interests therein, the Commission shall notify the person, firm or corporation which originally conveyed said property to the Commission or present successor to the original remainder that same has been declared surplus and is to be offered for sale. Such notice shall be sent by registered mail addressed to the last-known address of such person, firm or corporation, with return receipt requested. Such notice shall contain an offer to sell such property to such person, firm or corporation for an amount not less than the present fair market value thereof as determined by a competent appraisal which shall be obtained by the Commission prior to such offer and notice. The amount of the Commission's requested purchase price based on such appraisal

shall be stated in said notice, and the person, firm or corporation receiving such notice and offer shall be informed therein that unless he notifies the Commission in writing within thirty (30) days from the date of receipt of said notice that the Commission's offer of sale is accepted by him, the Commission shall proceed to sell said property at public auction as provided for herein. After the expiration of thirty (30) days from the date of receipt of said notice by the person, firm or corporation to whom same is addressed, if he has not notified the Commission in writing of his acceptance of the Commission's offer of sale, the Commission shall proceed to sell such property by public auction and no attempt to accept the Commission's offer by said person, firm or corporation after the expiration of such thirty (30) days shall be honored by the Commission; provided that such person, firm or corporation may submit a bid at the public auction of said property in the same manner as any other qualified bidder.

~~(2)~~ 2. If the land to be disposed of originally comprised a total taking leaving no abutting remainder, then such shall be sold to the highest bidder, or as otherwise herein provided except that if the land to be disposed of originally comprised a total taking of less than one (1) acre leaving only one abutting property owner of record, then prior to conducting such advertisement and solicitation of bids for the sale of any such lands or interest therein, the Commission shall notify the sole abutting property owner of record to the taking that such has been declared surplus and is to be offered for sale. Such notice shall be sent by registered mail addressed to the last-known address of such person, firm or corporation, with return receipt requested. Such notice shall contain an offer to sell such property to such person, firm or corporation subject to the same conditions as set forth in paragraph ~~(1)~~ 1 of this subsection.

~~(3)~~ 3. For the purposes of this section, the Commission shall not distinguish between persons from whom surplus lands or interest therein were acquired by negotiated sale or gift and persons from whom such property was acquired by condemnation proceedings.

~~(e)~~ E. The Commission may, in its discretion, exchange any such lands for other lands needed for highway purposes, or may lease or rent any lands which are owned by the Department, and are not immediately necessary for highway purposes, on such terms as the Commission determines for the best interests of the state.

~~(f)~~ ~~Prior to disposing of equipment pursuant to subsection (g) of this section, the Oklahoma Department of Transportation shall notify the Department of Corrections and the State Department of Vocational and Technical Education of any equipment which the Department finds to be unusable for its purpose. The Department of Corrections and the State Department of Vocational and Technical Education must respond within ten (10) days of such notification, as to whether or not such equipment could be used in the operations or training programs of either agency. Upon receipt of the response, the Department shall negotiate as to which agency will be entitled to the use of the equipment, the purpose of the use and the duration of such use. Upon return of the equipment, the equipment may be disposed of as otherwise provided in this section. The agencies that are parties to any transfer of equipment pursuant to this subsection shall enter into written agreements to carry out any such transfer of equipment. Any such agreement may also provide for the granting of title to any equipment being transferred as the parties deem appropriate.~~

~~(g)~~ The Department may offer for sale to the boards of county commissioners of the various counties, governing bodies or authorities of the municipalities of the state, by circular letter, publication or such other means as the Department may find practicable and as will accurately describe the materials or equipment involved, all highway materials and equipment not transferred pursuant to subsection (f) of this section which the Department finds to be unusable for its purpose and responsibility, before the same is discarded or disposed of as salvage, or junk, and before the same is rendered unusable for the purposes for which it was manufactured.

~~(h)~~ F. When the Oklahoma Department of Transportation determines that any equipment or vehicle becomes excess, obsolete,

antiquated, unused or otherwise surplus, the Department shall notify the Department of Central Services in writing that such equipment or vehicle is surplus. The notice shall identify:

1. The type, brand or make, and country of manufacture of the equipment or vehicle;

2. The age of the equipment or vehicle including but not limited to mileage;

3. Whether the equipment or vehicle is in good working condition or not;

4. If the equipment or vehicle is not in good working condition, whether it is in repairable condition at reasonable cost;

5. Original cost of the equipment or vehicle; and

6. Present value of the equipment or vehicle, if known.

The Department of Central Services, with any other notice of surplus property, shall notify the eligible individuals or entities as provided in subsection G of this section of the availability of the surplus property of the Oklahoma Department of Transportation.

G. Prior to any advertised public auction or advertised sealed bids to all individuals and entities eligible for participation in the surplus program, the Department, thirty (30) days prior to the advertised auction date, shall offer, at fair market value, the equipment or vehicles to the individuals or entities, in the following order of priority:

1. Other state agencies;

2. Political subdivisions of the state;

3. Rural fire departments located in this state; and

4. Rural water districts located in this state.

Any equipment or vehicles purchased pursuant to this subsection shall be made available to the purchaser on the date of purchase.

H. The Department is authorized to act on behalf of the Commission in transactions authorized pursuant to this section, except as may be otherwise provided by rule or regulation of the Commission; and, all prior transactions of the Department which

are otherwise in conformity with this section are deemed authorized and approved.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 708 of Title 69, unless there is created a duplication in numbering, reads as follows:

To promote and ensure quality inspection for highway and bridge construction projects throughout this state, Oklahoma State University is hereby authorized to grant various certifications for engineering technicians to perform tests specified by the Oklahoma Department of Transportation.

SECTION 3. This act shall become effective July 1, 1994.

SECTION 4. 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.

44-2-9375

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