

ENROLLED HOUSE
BILL NO. 2840

By: Covey, Matlock, Fields,
Adair, Braddock, Ramsey
and Tyler of the House

and

Price, Fisher and Martin
of the Senate

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 636.7, as amended by Section 3, Chapter 75, O.S.L. 1993 (69 O.S. Supp. 1997, Section 636.7), which relates to storage of road machinery and equipment; modifying mandatory requirement that costs and expenses be paid from the County Road Machinery and Equipment Revolving Fund; amending 69 O.S. 1991, Section 1001, as last amended by Section 1, Chapter 298, O.S.L. 1994 (69 O.S. Supp. 1997, Section 1001), which relates to sale, exchange, or lease of unneeded property; requiring certain surplus road and bridge material or supplies to be made available under surplus program; permitting reimbursement of funds for recovery of certain surplus materials; requiring surplus materials or supplies to be retrieved within certain period; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 636.7, as amended by Section 3, Chapter 75, O.S.L. 1993 (69 O.S. Supp. 1997, Section 636.7), is amended to read as follows:

Section 636.7 A. The Department of Transportation is hereby authorized to acquire space for storing road machinery and equipment while not in possession of a county and to pay the necessary costs thereof from the County Road Machinery and Equipment Revolving Fund.

B. Any costs or expenses necessarily incurred by the Department of Transportation in the administration of the foregoing provisions relating to the County Road Machinery and Equipment Revolving Fund ~~shall~~ may be paid from ~~said~~ the fund.

C. Any costs or expenses necessarily incurred by the Department of Transportation in the administration of a county inventory system for materials, supplies and equipment used for the construction and maintenance of roads and bridges as provided in Section 658 of this title may be paid from the County Road Machinery and Equipment Revolving Fund.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 1001, as last amended by Section 1, Chapter 298, O.S.L. 1994 (69 O.S. Supp. 1997, Section 1001), is amended to read as follows:

Section 1001. 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~~. Such authority shall be subject at all times to the continuing right to the use of ~~said the~~ 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 the~~ lands. ~~Provided,~~ ~~that~~ However, 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. 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. 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. 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 the~~ 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 the~~ notice, and the person, firm or corporation receiving such notice and offer shall be informed therein that unless ~~he~~ such person, firm or corporation notifies the Commission in writing within thirty (30) days from the date of receipt of ~~said the~~ notice that the Commission's offer of sale is accepted by ~~him~~ such person, firm or corporation, the Commission shall proceed to sell ~~said the~~ property at public auction as provided for ~~herein~~ in this section. After the expiration of thirty (30) days from the date of receipt of ~~said the~~ notice by the person, firm or corporation to whom ~~same~~ it is addressed, if ~~he~~ such person, firm or corporation has not notified the Commission in writing of ~~his~~ the 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 such~~ person, firm or corporation after the expiration of such thirty (30) days shall be honored by the Commission; ~~provided that~~. However, such person, firm or corporation may submit a bid at the

public auction of ~~said~~ the property in the same manner as any other qualified bidder.

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 of this subsection.

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. 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. 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.

I. When the Department of Transportation determines that any road or bridge materials or supplies become excess, unused, or otherwise surplus, the Department shall make such road or bridge material or supplies available to all governmental entities eligible for participation in the surplus program. The Department may be reimbursed for any cost incurred in the recovery or storage of such road or bridge material or supplies. The governmental entity requesting the excess, unused, or otherwise surplus road or bridge materials or supplies shall retrieve such materials or supplies from the Department of Transportation within one hundred eighty (180) days from the completion of project for which the materials or supplies are declared excess or surplus.

SECTION 3. This act shall become effective November 1, 1998.

Passed the House of Representatives the 3rd day of March, 1998.

Speaker of the House of
Representatives

Passed the Senate the 26th day of March, 1998.

President of the Senate