

SB 1536

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THE STATE SENATE
Thursday, February 19, 2004

Senate Bill No. 1536

As Amended

SENATE BILL NO. 1536 - By: SNYDER of the Senate and PIATT of the House.

[roads, bridges and ferries - bid rejection - emergency]

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

SECTION 1. AMENDATORY 69 O.S. 2001, 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. Such authority shall be subject at all times to the continuing right to the use of 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 the lands. However, any such land which was acquired by the Commission from a governmental

1 subdivision as a gift, or for a nominal consideration, may be
2 reconveyed to the governmental subdivision by the Commission, upon
3 repayment by the governmental subdivision to the Commission of any
4 consideration for the original conveyance.

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

12 C. Except as otherwise herein provided, the lands, materials,
13 equipment and supplies shall be sold for cash to the highest and
14 best bidder after notice by publication in a newspaper published in
15 the county where the land is situated, or where the materials,
16 equipment or supplies are located, in two consecutive weekly issues
17 of the newspaper. The Commission shall not reject any valid bids on
18 property sales that are authorized by Section 1001 et seq. of this
19 title.

20 D. 1. If the land originally comprised a partial taking
21 leaving an abutting remainder, then prior to conducting such
22 advertisement and solicitation of bids for the sale of any lands or
23 interests therein, the Commission shall notify the person, firm or

1 corporation which originally conveyed the property to the Commission
2 or present successor to the original remainder that same has been
3 declared surplus and is to be offered for sale. Such notice shall
4 be sent by registered mail addressed to the last-known address of
5 such person, firm or corporation, with return receipt requested.
6 Such notice shall contain an offer to sell such property to such
7 person, firm or corporation for an amount not less than the present
8 fair market value thereof as determined by a competent appraisal
9 which shall be obtained by the Commission prior to such offer and
10 notice. The amount of the Commission's requested purchase price
11 based on such appraisal shall be stated in the notice, and the
12 person, firm or corporation receiving such notice and offer shall be
13 informed therein that unless such person, firm or corporation
14 notifies the Commission in writing within thirty (30) days from the
15 date of receipt of the notice that the Commission's offer of sale is
16 accepted by such person, firm or corporation, the Commission shall
17 proceed to sell the property at public auction as provided for in
18 this section. After the expiration of thirty (30) days from the
19 date of receipt of the notice by the person, firm or corporation to
20 whom it is addressed, if such person, firm or corporation has not
21 notified the Commission in writing of the acceptance of the
22 Commission's offer of sale, the Commission shall proceed to sell
23 such property by public auction and no attempt to accept the

1 Commission's offer by such person, firm or corporation after the
2 expiration of such thirty (30) days shall be honored by the
3 Commission. However, such person, firm or corporation may submit a
4 bid at the public auction of the property in the same manner as any
5 other qualified bidder.

6 2. If the land to be disposed of originally comprised a total
7 taking leaving no abutting remainder, then such shall be sold to the
8 highest bidder, or as otherwise herein provided except that if the
9 land to be disposed of originally comprised a total taking of less
10 than one (1) acre leaving only one abutting property owner of
11 record, then prior to conducting such advertisement and solicitation
12 of bids for the sale of any such lands or interest therein, the
13 Commission shall notify the sole abutting property owner of record
14 to the taking that such has been declared surplus and is to be
15 offered for sale. Such notice shall be sent by registered mail
16 addressed to the last-known address of such person, firm or
17 corporation, with return receipt requested. Such notice shall
18 contain an offer to sell such property to such person, firm or
19 corporation subject to the same conditions as set forth in paragraph
20 1 of this subsection.

21 3. For the purposes of this section, the Commission shall not
22 distinguish between persons from whom surplus lands or interest

1 therein were acquired by negotiated sale or gift and persons from
2 whom such property was acquired by condemnation proceedings.

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

8 F. When the ~~Oklahoma~~ Department of Transportation determines
9 that any equipment or vehicle becomes excess, obsolete, antiquated,
10 unused or otherwise surplus, the Department shall notify the
11 Department of Central Services in writing that such equipment or
12 vehicle is surplus. The notice shall identify:

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

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

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

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

21 5. Original cost of the equipment or vehicle; and

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

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

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

- 11 1. Other state agencies;
- 12 2. Political subdivisions of the state;
- 13 3. Rural fire departments located in this state; and
- 14 4. Rural water districts located in this state.

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

17 H. The Department is authorized to act on behalf of the
18 Commission in transactions authorized pursuant to this section,
19 except as may be otherwise provided by rule or regulation of the
20 Commission; and, all prior transactions of the Department which are
21 otherwise in conformity with this section are deemed authorized and
22 approved.

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 2-17-04 - DO
18 PASS, As Amended and Coauthored.