

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1520

By: Wyrick

AS INTRODUCED

An Act relating to the Grand River Dam Authority; amending 74 O.S. 2001, Section 129.4, as last amended by Section 2, Chapter 234, O.S.L. 2005 (74 O.S. Supp. 2005, Section 129.4), which relates to disposal of real property; providing for the Grand River Dam Authority to dispose of certain real property related to energy production and transmission; amending Section 3, Chapter 234, O.S.L. 2005 (82 O.S. Supp. 2005, Section 862.2), which relates to certain contracts; modifying exemptions for certain Grand River Dam Authority contracts; removing reference to certain date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 129.4, as last amended by Section 2, Chapter 234, O.S.L. 2005 (74 O.S. Supp. 2005, Section 129.4), is amended to read as follows:

Section 129.4 A. Unless procedures for the disposal of real property owned by this state are otherwise provided for by law, no department, board, commission, institution, or agency of this state shall sell, exchange, or otherwise dispose of such real property subject to its jurisdiction except as provided for in subsection B of this section.

B. 1. Every department, board, commission, institution, or agency, upon legislative authorization to dispose of a parcel of real property or upon a determination, in writing, by said department, board, commission, institution, or agency that a parcel of real property subject to its jurisdiction is no longer needed by said department, board, commission, institution, or agency, shall request the Department of Central Services to dispose of said real property.

2. Upon notification by the department, board, commission, institution, or agency to sell a parcel of real property, the Department of Central Services shall:

- a. obtain three new and complete appraisals of such property. The appraisals shall be made by three disinterested persons, knowledgeable in real estate costs, who shall ascertain:
 - (1) the present fair value of the property, and
 - (2) the present value of the improvements on such property, and
 - (3) the actual condition of the improvements on the property, and
- b. cause notice of such sale to be published for at least one (1) day in a newspaper of general statewide circulation authorized to publish legal notices, and for at least three (3) consecutive weeks in a newspaper of general circulation published in the county or counties in which the property is located. The notice shall contain the legal description of each parcel of real property to be offered for sale, the appraised value thereof, the time and location of the sale or opening of the bids, and terms of the sale including the fact that no parcel of property shall be sold for less than ninety percent (90%) of the appraised value of the real property, and
- c. offer said property through public auction or sealed bids within three (3) weeks after the last publication of the notice in said newspapers. The property shall be sold to the highest bidder. The Department of Central Services shall not accept a bid of less than ninety percent (90%) of the appraised fair value of the property and the improvements on such property.

The Department of Central Services is authorized to reject all bids.

3. The cost of the appraisements required by the provisions of this section, together with other necessary expenses incurred pursuant to this section, shall be paid by the department, board, commission, institution, or agency for which the real property is to be sold from funds available to said department, board, commission, institution, or agency for such expenditure. All monies received from the sale or disposal of said property, except those monies necessary to pay the expenses incurred pursuant to this section, shall be deposited in the General Revenue Fund.

C. This section shall not be construed to authorize any department, board, commission, institution, or agency, not otherwise authorized by law, to sell, lease, or otherwise dispose of any real property owned by the state.

D. The Oklahoma Ordnance Works Authority and its lands, and the Northeast Oklahoma Public Facilities Authority shall be exempt from the application of this section. ~~The Grand River Dam Authority and its lands shall be exempt from the application of this section for any real property disposed of prior to November 1, 2006.~~

E. The Grand River Dam Authority shall be exempt from this section for the purposes of disposing of real property related to energy production or transmission. The Grand River Dam Authority shall dispose of such real property in accordance with the provisions of Section 874 of Title 82 of the Oklahoma Statutes.

F. Unless otherwise provided for by law, the procedures established pursuant to this section for the sale or exchange of real estate or personal property as authorized pursuant to Sections 1852.2 and 1852.3 of this title shall be followed unless the sale is to an entity of state government.

SECTION 2. AMENDATORY Section 3, Chapter 234, O.S.L. 2005 (82 O.S. Supp. 2005, Section 862.2), is amended to read as follows:

Section 862.2 Contracts entered into by the Grand River Dam Authority ~~prior to November 1, 2006,~~ for construction, labor, equipment, materials, or repairs necessary for electric generation, ~~administration,~~ and transmission shall not be considered public construction contracts or be subject to the provisions of Title 61 of the Oklahoma Statutes.

SECTION 3. 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.

50-2-3075

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