

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 1479

By: Ballenger of the Senate

and

6 Wright of the House

7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to roads, bridges and ferries;  
11 amending 69 O.S. 2001, Section 1001, as amended by  
12 Section 1, Chapter 73, O.S.L. 2004 (69 O.S. Supp.  
13 2007, Section 1001), which relates to sale of  
14 unneeded property; requiring offer to previous  
15 landowner at certain price; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1001, as  
19 amended by Section 1, Chapter 73, O.S.L. 2004 (69 O.S. Supp. 2007,  
20 Section 1001), is amended to read as follows:

21 Section 1001. A. The Transportation Commission shall have  
22 authority to sell any lands, or interest therein, which may have  
23 been acquired for highway purposes, or facilities necessary and  
24 incident thereto, and any equipment, materials or supplies which in  
the opinion of the Commission are no longer serviceable, useful or

1 necessary for the state highway system or the operation of the  
2 Department of Transportation. Such authority shall be subject at  
3 all times to the continuing right to the use of the lands by any  
4 entity operating a sewer, water or gas system, telephone or  
5 electrical services, and by public service corporations and rural  
6 electric and telephone cooperatives for the construction,  
7 reconstruction, maintenance, operation and repair of their  
8 facilities of service which may be upon the lands. However, any  
9 such land which was acquired by the Commission from a governmental  
10 subdivision as a gift, or for a nominal consideration, may be  
11 reconveyed to the governmental subdivision by the Commission, upon  
12 repayment by the governmental subdivision to the Commission of any  
13 consideration for the original conveyance.

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

21 C. Except as otherwise herein provided, the lands, materials,  
22 equipment and supplies shall be sold for cash to the highest and  
23 best bidder after notice by publication in a newspaper published in  
24 the county where the land is situated, or where the materials,

1 equipment or supplies are located, in two consecutive weekly issues  
2 of the newspaper.

3 D. 1. If the land originally comprised a partial taking  
4 leaving an abutting remainder, then prior to conducting such  
5 advertisement and solicitation of bids for the sale of any lands or  
6 interests therein, the Commission shall notify the person, firm or  
7 corporation which originally conveyed the property to the Commission  
8 or present successor to the original remainder that same has been  
9 declared surplus and is to be offered for sale. Such notice shall  
10 be sent by registered mail addressed to the last-known address of  
11 such person, firm or corporation, with return receipt requested.  
12 Such notice shall contain an offer to sell such property to such  
13 person, firm or corporation for an amount not ~~less than the present~~  
14 ~~fair market value thereof as determined by a competent appraisal~~  
15 ~~which shall be obtained by the Commission prior to such offer and~~  
16 notice greater than the amount for which the property was originally  
17 obtained by the Commission for a period of five (5) years from the  
18 original taking. Following the five-year period, the sale of such  
19 property may be offered at fair market value. The amount of the  
20 Commission's requested purchase price based on such appraisal shall  
21 be stated in the notice, and the person, firm or corporation  
22 receiving such notice and offer shall be informed therein that  
23 unless such person, firm or corporation notifies the Commission in  
24 writing within thirty (30) days from the date of receipt of the

1 notice that the Commission's offer of sale is accepted by such  
2 person, firm or corporation, the Commission shall proceed to sell  
3 the property at public auction as provided for in this section.  
4 After the expiration of thirty (30) days from the date of receipt of  
5 the notice by the person, firm or corporation to whom it is  
6 addressed, if such person, firm or corporation has not notified the  
7 Commission in writing of the acceptance of the Commission's offer of  
8 sale, the Commission shall proceed to sell such property by public  
9 auction and no attempt to accept the Commission's offer by such  
10 person, firm or corporation after the expiration of such thirty (30)  
11 days shall be honored by the Commission. However, such person, firm  
12 or corporation may submit a bid at the public auction of the  
13 property in the same manner as any other qualified bidder.

14 2. If the land to be disposed of originally comprised a total  
15 taking leaving no abutting remainder, then such shall be sold to the  
16 highest bidder, or as otherwise herein provided except that if the  
17 land to be disposed of originally comprised a total taking of less  
18 than one (1) acre leaving only one abutting property owner of  
19 record, then prior to conducting such advertisement and solicitation  
20 of bids for the sale of any such lands or interest therein, the  
21 Commission shall notify the sole abutting property owner of record  
22 to the taking that such has been declared surplus and is to be  
23 offered for sale. Such notice shall be sent by registered mail  
24 addressed to the last-known address of such person, firm or

1 corporation, with return receipt requested. Such notice shall  
2 contain an offer to sell such property to such person, firm or  
3 corporation subject to the same conditions as set forth in paragraph  
4 1 of this subsection.

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

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

14 F. When the Oklahoma Department of Transportation determines  
15 that any equipment or vehicle becomes excess, obsolete, antiquated,  
16 unused or otherwise surplus, the Department shall notify the  
17 Department of Central Services in writing that such equipment or  
18 vehicle is surplus. The notice shall identify:

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

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

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

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

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

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

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

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

16 1. Other state agencies;

17 2. Political subdivisions of the state;

18 3. Rural fire departments located in this state; and

19 4. Rural water districts located in this state.

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

22 H. The Department is authorized to act on behalf of the  
23 Commission in transactions authorized pursuant to this section,  
24 except as may be otherwise provided by rule or regulation of the

1 Commission; and, all prior transactions of the Department which are  
2 otherwise in conformity with this section are deemed authorized and  
3 approved.

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

16 The Department, upon request of a local government, may transfer  
17 surplus bridge beams to the local government for use in the  
18 construction or repair of public roadway bridges. The local  
19 government shall not sell the surplus beams. Prior to the transfer,  
20 the local government shall cause the surplus beams to be inspected  
21 by a registered professional engineer. The local government shall  
22 assume full responsibility for the cost of transporting the beams  
23 and for the use of the beams including, but not limited to, the  
24 proper removal and disposal of lead-based paint. The Department

1 shall retain the surplus beams for the requesting local government  
2 for a period not exceeding one hundred eighty (180) days, after  
3 which the Department may otherwise dispose of the surplus beams.

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

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9 51-2-10825 LRB 04/02/08

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