

1 ENGROSSED SENATE
2 BILL NO. 1479

By: Ballenger of the Senate
and
Wright of the House

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7 [roads, bridges and ferries - sale of unneeded
8 property -
9 emergency]

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

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

15 Section 1001. A. The Transportation Commission shall have
16 authority to sell any lands, or interest therein, which may have
17 been acquired for highway purposes, or facilities necessary and
18 incident thereto, and any equipment, materials or supplies which in
19 the opinion of the Commission are no longer serviceable, useful or
20 necessary for the state highway system or the operation of the
21 Department of Transportation. Such authority shall be subject at
22 all times to the continuing right to the use of the lands by any
23 entity operating a sewer, water or gas system, telephone or
24 electrical services, and by public service corporations and rural

1 electric and telephone cooperatives for the construction,
2 reconstruction, maintenance, operation and repair of their
3 facilities of service which may be upon the lands. However, any
4 such land which was acquired by the Commission from a governmental
5 subdivision as a gift, or for a nominal consideration, may be
6 reconveyed to the governmental subdivision by the Commission, upon
7 repayment by the governmental subdivision to the Commission of any
8 consideration for the original conveyance.

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

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

22 D. 1. If the land originally comprised a partial taking
23 leaving an abutting remainder, then prior to conducting such
24 advertisement and solicitation of bids for the sale of any lands or

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

1 addressed, if such person, firm or corporation has not notified the
2 Commission in writing of the acceptance of the Commission's offer of
3 sale, the Commission shall proceed to sell such property by public
4 auction and no attempt to accept the Commission's offer by such
5 person, firm or corporation after the expiration of such thirty (30)
6 days shall be honored by the Commission. However, such person, firm
7 or corporation may submit a bid at the public auction of the
8 property in the same manner as any other qualified bidder.

9 2. If the land to be disposed of originally comprised a total
10 taking leaving no abutting remainder, then such shall be sold to the
11 highest bidder, or as otherwise herein provided except that if the
12 land to be disposed of originally comprised a total taking of less
13 than one (1) acre leaving only one abutting property owner of
14 record, then prior to conducting such advertisement and solicitation
15 of bids for the sale of any such lands or interest therein, the
16 Commission shall notify the sole abutting property owner of record
17 to the taking that such has been declared surplus and is to be
18 offered for sale. Such notice shall be sent by registered mail
19 addressed to the last-known address of such person, firm or
20 corporation, with return receipt requested. Such notice shall
21 contain an offer to sell such property to such person, firm or
22 corporation subject to the same conditions as set forth in paragraph
23 1 of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 H. The Department is authorized to act on behalf of the
19 Commission in transactions authorized pursuant to this section,
20 except as may be otherwise provided by rule or regulation of the
21 Commission; and, all prior transactions of the Department which are
22 otherwise in conformity with this section are deemed authorized and
23 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 The Department, upon request of a local government, may transfer
14 surplus bridge beams to the local government for use in the
15 construction or repair of public roadway bridges. The local
16 government shall not sell the surplus beams. Prior to the transfer,
17 the local government shall cause the surplus beams to be inspected
18 by a registered professional engineer. The local government shall
19 assume full responsibility for the cost of transporting the beams
20 and for the use of the beams including, but not limited to, the
21 proper removal and disposal of lead-based paint. The Department
22 shall retain the surplus beams for the requesting local government
23 for a period not exceeding one hundred eighty (180) days, after
24 which the Department may otherwise dispose of the surplus beams.

