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THE STATE SENATE
Monday, February 25, 2008

Committee Substitute for
Senate Bill No. 1479

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1479 - By: BALLENGER of the Senate and WRIGHT of the House.

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

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1001, as amended by Section 1, Chapter 73, O.S.L. 2004 (69 O.S. Supp. 2007, 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

1 facilities of service which may be upon the lands. However, any
2 such land which was acquired by the Commission from a governmental
3 subdivision as a gift, or for a nominal consideration, may be
4 reconveyed to the governmental subdivision by the Commission, upon
5 repayment by the governmental subdivision to the Commission of any
6 consideration for the original conveyance.

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

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

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 greater than the amount for which the property was originally
11 obtained by the Commission for a period of five (5) years from the
12 original taking. Following the five-year period, the sale of such
13 property may be offered at fair market value. The amount of the
14 Commission's requested purchase price based on such appraisal shall
15 be stated in the notice, and the person, firm or corporation
16 receiving such notice and offer shall be informed therein that
17 unless such person, firm or corporation notifies the Commission in
18 writing within thirty (30) days from the date of receipt of the
19 notice that the Commission's offer of sale is accepted by such
20 person, firm or corporation, the Commission shall proceed to sell
21 the property at public auction as provided for in this section.
22 After the expiration of thirty (30) days from the date of receipt of
23 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.

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;

- 1 5. Original cost of the equipment or vehicle; and
- 2 6. Present value of the equipment or vehicle, if known.

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

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

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

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

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

1 otherwise in conformity with this section are deemed authorized and
2 approved.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
9 PASS, As Amended and Coauthored.