

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3183

By: Kern

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5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 129.4, as last amended by Section 36,
9 Chapter 271, O.S.L. 2006 (74 O.S. Supp. 2007, Section
10 129.4), which relates to the Department of Central
11 Services; prohibiting leasing of certain property to
12 out-of-state or for-profit entities; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2001, Section 129.4, as
16 last amended by Section 36, Chapter 271, O.S.L. 2006 (74 O.S. Supp.
17 2007, Section 129.4), is amended to read as follows:

18 Section 129.4 A. Unless procedures for state agency
19 transactions to lease or acquire real property, or lease, dispose of
20 or transfer state-owned real property are otherwise provided for by
21 law, no department, board, commission, institution, or agency of
22 this state shall sell, lease, exchange, or otherwise dispose of such
23 real property subject to its jurisdiction except as provided for in
24 this section.

1 B. No state agency shall enter into a lease of real property
2 owned by the state with any entity not domiciled within this state,
3 or any for-profit entity.

4 C. 1. Every department, board, commission, institution, or
5 agency, upon legislative authorization to dispose of a parcel of
6 real property or upon a determination, in writing, by said
7 department, board, commission, institution, or agency that a parcel
8 of real property subject to its jurisdiction is no longer needed by
9 said department, board, commission, institution, or agency, shall
10 request the Department of Central Services to dispose of said real
11 property.

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

- 15 a. when appropriate, determine whether a study conducted
16 pursuant to Section 456.7 of this title is in the best
17 interest of the state,
- 18 b. obtain three new and complete appraisals on properties
19 with an estimated value that equals or exceeds One
20 Million Dollars (\$1,000,000.00); or, two new and
21 complete appraisals on properties with an estimated
22 value greater than One Hundred Thousand Dollars
23 (\$100,000.00) and less than One Million Dollars
24 (\$1,000,000.00); or, one new and complete appraisal on

1 properties with an estimated value less than One
2 Hundred Thousand Dollars (\$100,000.00). The
3 appraisals shall be made by persons certified by the
4 Real Estate Appraiser Board of the Oklahoma Insurance
5 Department, who shall ascertain:

6 (1) the present fair value of the property, and

7 (2) the present value of the improvements on such
8 property, and

9 (3) the actual condition of the improvements on the
10 property,

11 c. cause notice of such sale to be published for at least
12 one (1) day in a newspaper of general statewide
13 circulation authorized to publish legal notices, and
14 for at least three (3) consecutive weeks in a
15 newspaper of general circulation published in the
16 county or counties in which the property is located.
17 The notice shall contain the legal description of each
18 parcel of real property to be offered for sale, the
19 appraised value thereof, the time and location of the
20 sale or opening of the bids, and terms of the sale
21 including the fact that no parcel of property shall be
22 sold for less than ninety percent (90%) of the
23 appraised value of the real property, and
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1 d. offer said property through public auction or sealed
2 bids within three (3) weeks after the last publication
3 of the notice in said newspapers. The property shall
4 be sold to the highest bidder. The Department of
5 Central Services shall not accept a bid of less than
6 ninety percent (90%) of the appraised fair value of
7 the property and the improvements on such property.
8 The Department of Central Services is authorized to
9 reject all bids.

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

19 ~~C.~~ D. Unless otherwise provided by law, the Department of
20 Central Services shall review and approve state agency transactions
21 to lease or acquire real property, or lease, dispose of or transfer
22 state-owned real property. A state agency shall not lease or
23 acquire real property, or lease, dispose of or transfer state-owned
24 real property until the Department provides notice of transaction

1 approval to the state agency. Prior to approval, a state agency
2 shall provide documents to the Department and provide reference to
3 statutory or other legal authority of the state agency to lease or
4 acquire real property, or lease, dispose of or transfer state-owned
5 real property. If the state agency intends to lease or acquire real
6 property, the state agency shall state the intended use of the real
7 property. Within thirty (30) days of receipt, the Department shall
8 provide notice of transaction approval or disapproval to the state
9 agency.

10 ~~D.~~ E. The provisions of this section shall not apply to the
11 lease of office space, real property subject to supervision of the
12 Commissioners of the Land Office or district boards of education.

13 ~~E.~~ F. The Department of Central Services shall maintain a
14 comprehensive inventory of state-owned real property and its use
15 excluding property of the public schools and property subject to the
16 jurisdiction of the Commissioners of the Land Office.

17 1. Each state agency shall, within thirty (30) days of the
18 closing date for lands newly acquired, provide to the Department a
19 list of records, deeds, abstracts and other title instruments
20 showing the description of and relating to any and all such lands or
21 interests therein.

22 2. The provisions of paragraph 1 of this subsection shall apply
23 to all lands of public trusts having a state agency as the primary
24 benefactor, but shall not apply to lands of municipalities,

1 | counties, school districts, or agencies thereof, or Department of
2 | Transportation rights-of-way.

3 | 3. A state agency that sells or otherwise disposes of land
4 | shall notify the Department within thirty (30) days of the
5 | disposition closing date.

6 | ~~F.~~ G. This section shall not be construed to authorize any
7 | department, board, commission, institution, or agency, not otherwise
8 | authorized by law, to sell, lease, or otherwise dispose of any real
9 | property owned by the state.

10 | ~~G.~~ H. The Department of Central Services may provide services
11 | to sell or purchase real property for other state agencies.

12 | ~~H.~~ I. The Director of the Department of Central Services shall,
13 | pursuant to the Administrative Procedures Act, promulgate rules to
14 | effect procedures necessary to the fulfillment of its
15 | responsibilities under this section.

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

21 | ~~J.~~ K. Unless otherwise provided for by law, the procedures
22 | established pursuant to this section for the sale or exchange of
23 | real estate or personal property as authorized pursuant to Sections
24 |

1 2222 and 2223 of this title shall be followed unless the sale is to
2 an entity of state government.

3 ~~K.~~ L. The Director of the Department of Central Services shall
4 contract with experts, professionals or consultants as necessary to
5 perform the duties of the Department. Selections shall be made
6 using the qualifications-based procedures established in Section 62
7 of Title 61 of the Oklahoma Statutes, and the rules promulgated by
8 the Director for the selection of construction managers and design
9 consultants.

10 SECTION 2. This act shall become effective November 1, 2008.

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12 51-2-8294 LRB 12/18/07

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