

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 523

By: Aldridge

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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. 2008, Section  
10 129.4), which relates to the sale of certain state  
property; expanding types of property subject to  
certain requirements; providing an effective date;  
and declaring an emergency.

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12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 129.4, as  
15 last amended by Section 36, Chapter 271, O.S.L. 2006 (74 O.S. Supp.  
16 2008, Section 129.4), is amended to read as follows:

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

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

9 2. Upon notification by the department, board, commission,  
10 institution, authority or agency to sell ~~a parcel of real~~ property,  
11 or upon legislative directive to sell state property, the Department  
12 of Central Services shall:

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

1           sale of real property, the appraisals shall be made by  
2 persons certified by the Real Estate Appraiser Board  
3 of the Oklahoma Insurance Department, or, for the sale  
4 of other property, by certified appraisers in the  
5 relevant area of specialization, 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 and other property to be offered for  
19           sale, the appraised value thereof, the time and  
20           location of the sale or opening of the bids, and terms  
21           of the sale including the fact that no parcel of  
22           property shall be sold for less than ninety percent  
23           (90%) of ~~the~~ its appraised value ~~of the real property,~~  
24           and

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

1 state agency. Prior to approval, a state agency shall provide  
2 documents to the Department and provide reference to statutory or  
3 other legal authority of the state agency to lease or acquire real  
4 property, or lease, dispose of or transfer state-owned ~~real~~  
5 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. The provisions of this section shall not apply to the lease  
11 of office space, real property subject to supervision of the  
12 Commissioners of the Land Office or district boards of education.

13 E. 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. 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. The Department of Central Services may provide services to  
11 sell or purchase ~~real~~ property for other state agencies.

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

21 J. 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. 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 July 1, 2009.

11 SECTION 3. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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