

1 STATE OF OKLAHOMA

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

3 SENATE BILL 935

By: Sparks

4
5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Sections 62.3, as last amended by Section 1,
Chapter 234, O.S.L. 2005 and 129.4, as last amended
9 by Section 36, Chapter 271, O.S.L. 2006 (74 O.S.
10 Supp. 2008, Sections 62.3 and 129.4), which relate to
11 disposition of state property; prohibiting
12 disposition of certain property without legislative
13 authorization; and providing an effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 62.3, as
17 last amended by Section 1, Chapter 234, O.S.L. 2005 (74 O.S. Supp.
18 2008, Section 62.3), is amended to read as follows:

19 Section 62.3 A. No surplus property with a value that equals
20 or exceeds One Million Dollars (\$1,000,000.00), as estimated by the
21 Department of Central Services, shall be disposed of by any state
22 agency without legislative authorization, by law or as expressed in
23 a concurrent resolution.

1 B. The Director of the Department of Central Services shall
2 promulgate rules for use by state agencies and the Department of
3 Central Services to dispose of surplus property. The rules shall
4 include standards for recordkeeping, methods for removal or disposal
5 of surplus property, and acquisition by state agencies and
6 authorized entities of surplus property, and for Department
7 management of surplus property programs.

8 ~~B.~~ C. A state agency selling, trading, redistributing or
9 otherwise disposing of surplus property shall comply with the rules
10 promulgated by the Director.

11 ~~C.~~ D. The Department shall make surplus property available to
12 state agencies and authorized entities, which shall include
13 political subdivisions, school districts, and nonprofit entities of
14 this state.

15 ~~D.~~ E. The provisions of ~~this act~~ the Oklahoma Surplus Property
16 Act shall not apply to institutions of higher education in this
17 state, or the Northeast Oklahoma Public Facilities Authority. The
18 Grand River Dam Authority shall be exempt from the provisions of
19 ~~this act~~ the Oklahoma Surplus Property Act for any surplus property
20 disposed of prior to November 1, 2006.

21 ~~E.~~ F. Notwithstanding the provisions of ~~this act~~ the Oklahoma
22 Surplus Property Act, the Oklahoma State Bureau of Investigation
23 may, pursuant to rules promulgated by the Oklahoma State Bureau of
24 Investigation Commission for that purpose, donate any surplus

1 property, as defined in Section 62.2 of this title, to any law
2 enforcement agency of any political subdivision of the State of
3 Oklahoma. The use of such donated equipment shall be limited to
4 valid and authorized law enforcement efforts by the receiving
5 agency.

6 SECTION 2. AMENDATORY 74 O.S. 2001, Section 129.4, as
7 last amended by Section 36, Chapter 271, O.S.L. 2006 (74 O.S. Supp.
8 2008, Section 129.4), is amended to read as follows:

9 Section 129.4 A. Unless procedures for state agency
10 transactions to lease or acquire real property, or lease, dispose of
11 or transfer state-owned real property are otherwise provided for by
12 law, no department, board, commission, institution, or agency of
13 this state shall sell, lease, exchange, or otherwise dispose of such
14 real property subject to its jurisdiction except as provided for in
15 this section.

16 B. 1. Every department, board, commission, institution, or
17 agency, upon legislative authorization to dispose of a parcel of
18 real property or upon a determination, in writing, by said
19 department, board, commission, institution, or agency that a parcel
20 of real property subject to its jurisdiction is no longer needed by
21 said department, board, commission, institution, or agency, shall
22 request the Department of Central Services to dispose of said real
23 property. Provided, legislative authorization shall be required in
24 order for a department, board, commission, institution or agency to

1 dispose of a parcel of real property if the value thereof, as
2 estimated by the Department of Central Services, equals or exceeds
3 One Million Dollars (\$1,000,000.00). Legislative authorization
4 shall be by law or as expressed in a concurrent resolution.

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

8 a. when appropriate, determine whether a study conducted
9 pursuant to Section 456.7 of this title is in the best
10 interest of the state,

11 b. obtain three new and complete appraisals on properties
12 with an estimated value that equals or exceeds One
13 Million Dollars (\$1,000,000.00); or, two new and
14 complete appraisals on properties with an estimated
15 value greater than One Hundred Thousand Dollars
16 (\$100,000.00) and less than One Million Dollars
17 (\$1,000,000.00); or, one new and complete appraisal on
18 properties with an estimated value less than One
19 Hundred Thousand Dollars (\$100,000.00). The
20 appraisals shall be made by persons certified by the
21 Real Estate Appraiser Board of the Oklahoma Insurance
22 Department, who shall ascertain:

23 (1) the present fair value of the property, and
24

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

3 (3) the actual condition of the improvements on the
4 property,

5 c. cause notice of such sale to be published for at least
6 one (1) day in a newspaper of general statewide
7 circulation authorized to publish legal notices, and
8 for at least three (3) consecutive weeks in a
9 newspaper of general circulation published in the
10 county or counties in which the property is located.

11 The notice shall contain the legal description of each
12 parcel of real property to be offered for sale, the
13 appraised value thereof, the time and location of the
14 sale or opening of the bids, and terms of the sale
15 including the fact that no parcel of property shall be
16 sold for less than ninety percent (90%) of the
17 appraised value of the real property, and

18 d. offer said property through public auction or sealed
19 bids within three (3) weeks after the last publication
20 of the notice in said newspapers. The property shall
21 be sold to the highest bidder. The Department of
22 Central Services shall not accept a bid of less than
23 ninety percent (90%) of the appraised fair value of
24 the property and the improvements on such property.

1 The Department of Central Services is authorized to
2 reject all bids.

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

12 C. Unless otherwise provided by law, the Department of Central
13 Services shall review and approve state agency transactions to lease
14 or acquire real property, or lease, dispose of or transfer state-
15 owned real property. A state agency shall not lease or acquire real
16 property, or lease, dispose of or transfer state-owned real property
17 until the Department provides notice of transaction approval to the
18 state agency. Prior to approval, a state agency shall provide
19 documents to the Department and provide reference to statutory or
20 other legal authority of the state agency to lease or acquire real
21 property, or lease, dispose of or transfer state-owned real
22 property. If the state agency intends to lease or acquire real
23 property, the state agency shall state the intended use of the real
24 property. Within thirty (30) days of receipt, the Department shall

1 provide notice of transaction approval or disapproval to the state
2 agency.

3 D. The provisions of this section shall not apply to the lease
4 of office space, real property subject to supervision of the
5 Commissioners of the Land Office or district boards of education.

6 E. The Department of Central Services shall maintain a
7 comprehensive inventory of state-owned real property and its use
8 excluding property of the public schools and property subject to the
9 jurisdiction of the Commissioners of the Land Office.

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

15 2. The provisions of paragraph 1 of this subsection shall apply
16 to all lands of public trusts having a state agency as the primary
17 benefactor, but shall not apply to lands of municipalities,
18 counties, school districts, or agencies thereof, or Department of
19 Transportation rights-of-way.

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

23 F. This section shall not be construed to authorize any
24 department, board, commission, institution, or agency, not otherwise

1 authorized by law, to sell, lease, or otherwise dispose of any real
2 property owned by the state.

3 G. The Department of Central Services may provide services to
4 sell or purchase real property for other state agencies.

5 H. The Director of the Department of Central Services shall,
6 pursuant to the Administrative Procedures Act, promulgate rules to
7 effect procedures necessary to the fulfillment of its
8 responsibilities under this section.

9 I. The Oklahoma Ordnance Works Authority and its lands, and the
10 Northeast Oklahoma Public Facilities Authority shall be exempt from
11 the application of this section. The Grand River Dam Authority and
12 its lands shall be exempt from the application of this section for
13 any real property disposed of prior to November 1, 2006.

14 J. Unless otherwise provided for by law, the procedures
15 established pursuant to this section for the sale or exchange of
16 real estate or personal property as authorized pursuant to Sections
17 2222 and 2223 of this title shall be followed unless the sale is to
18 an entity of state government.

19 K. The Director of the Department of Central Services shall
20 contract with experts, professionals or consultants as necessary to
21 perform the duties of the Department. Selections shall be made
22 using the qualifications-based procedures established in Section 62
23 of Title 61 of the Oklahoma Statutes, and the rules promulgated by
24

1 the Director for the selection of construction managers and design
2 consultants.

3 SECTION 3. This act shall become effective November 1, 2009.

4
5 52-1-207 CD 3/6/2009 7:44:15 AM

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24