

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 As Amended

4 SENATE BILL NO. 1204

5 By: Allen of the Senate

6 and

7 Reynolds of the House

8 **[state government - modifying requirements -**
9 **disposal of properties - effective date]**

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 74 O.S. 2011, Section 61.7, is
13 amended to read as follows:

14 Section 61.7. A. There is hereby established the Oklahoma
15 State Government Asset Reduction and Cost Savings Program.

16 B. No later than December 31 of each year, the Director of the
17 Central Services Division of the Office of State Finance shall
18 publish a comprehensive report detailing state-owned properties.

19 C. The report ~~mandated in accordance with the provisions of~~
20 ~~this section shall list the five percent (5%) most underutilized~~
21 shall include an inventory of unused and underused state-owned
22 properties. ~~The report shall describe~~ and shall:

23 1. Describe the value of such properties ~~falling within the~~
24 ~~description in this subsection, assess;~~

1 2. Assess the potential for purchase should the properties be
2 offered for sale ~~and describe;~~

3 3. Assess the potential for transfer of such properties to
4 another state agency or for the use of such properties by another
5 state agency;

6 4. Describe the impact of sales of such properties on local-
7 level tax rolls in the event the properties are purchased by a
8 nongovernmental entity; and

9 5. Include a recommendation for sale or transfer of unused or
10 underused properties if the Director determines that such action
11 would be in the best interests of the state.

12 D. The ~~Director of Central Services~~ Office of State Finance
13 shall promulgate rules establishing procedures by which each state
14 agency, board, commission and public trust having the State of
15 Oklahoma as a beneficiary shall submit the necessary data to the
16 ~~Department~~ Division of Central Services for the development of this
17 report.

18 E. State agencies, boards, commissions and public trusts having
19 the State of Oklahoma as a beneficiary shall comply with procedures
20 promulgated pursuant to the terms of this section.

21 F. The report and data collected pursuant to this section shall
22 be published as a data feed on the "data.ok.gov" website.

23 SECTION 2. AMENDATORY 74 O.S. 2011, Section 129.4, is
24 amended to read as follows:

1 Section 129.4. A. Unless procedures for state agency
2 transactions to lease or acquire real property, or lease, dispose of
3 or transfer state-owned real property are otherwise provided for by
4 law, no department, board, commission, institution, or agency of
5 this state shall sell, lease, exchange, or otherwise dispose of such
6 real property subject to its jurisdiction except as provided for in
7 this section.

8 B. 1. Every department, board, commission, institution, or
9 agency shall request the Division of Central Services of the Office
10 of State Finance to dispose of real property, upon:

11 a. legislative authorization to dispose of a parcel of
12 real property ~~or upon,~~

13 b. a determination, in writing, by ~~said~~ the department,
14 board, commission, institution, or agency that a
15 parcel of real property subject to its jurisdiction is
16 no longer needed by ~~said~~ the department, board,
17 commission, institution, or agency, ~~shall request the~~
18 ~~Department of Central Services to dispose of said real~~
19 ~~property or~~

20 c. a recommendation to sell or transfer real property
21 pursuant to the report required in Section 61.7 of
22 this title.

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1 2. Upon notification by the department, board, commission,
2 institution, or agency to sell a parcel of real property, the
3 ~~Department~~ Division of Central Services shall:

4 a. ~~when appropriate, determine whether a study conducted~~
5 ~~pursuant to Section 456.7 of this title is in the best~~
6 ~~interest of the state,~~

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

19 ~~(1) the present fair value of the property, and~~

20 ~~(2) the present value of the improvements on such~~
21 ~~property, and~~

22 ~~(3) the actual condition of the improvements on the~~
23 ~~property,~~

1 e. cause notice of such sale to be published for at least
2 one (1) day in a newspaper of general statewide
3 circulation authorized to publish legal notices, and
4 for at least three (3) consecutive weeks in a
5 newspaper of general circulation published in the
6 county or counties in which the property is located.
7 The notice shall contain the legal description of each
8 parcel of real property to be offered for sale, the
9 appraised value thereof, the time and location of the
10 sale or opening of the bids, and terms of the sale
11 including the fact that no parcel of property shall be
12 sold for less than ninety percent (90%) of the
13 appraised value of the real property, and

14 d.

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

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

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

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

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

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

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

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

21 F. This section shall not be construed to authorize any
22 department, board, commission, institution, or agency, not otherwise
23 authorized by law, to sell, lease, or otherwise dispose of any real
24 property owned by the state.

1 G. The ~~Department~~ Division of Central Services may provide
2 services to sell or purchase real property for other state agencies.

3 H. The ~~Director of the Department of Central Services~~ Office of
4 State Finance shall, pursuant to the Administrative Procedures Act,
5 promulgate rules to effect procedures necessary to the fulfillment
6 of its responsibilities under this section.

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

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

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

24 SECTION 3. This act shall become effective November 1, 2012.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-12 - DO
2 PASS, As Amended and Coauthored.

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