

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2187 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Charlie Joyner \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2187

By: Joyner

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to railroads; providing procedures  
10 for sale of certain railroads; requiring certain  
11 entity be offered opportunity to purchase railroad;  
12 providing notification procedure; requiring response  
13 within certain period of time; providing procedures  
14 related to failed sale agreement; providing for  
15 codification; and declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 304.2 of Title 66, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. Before selling any railroad, right-of-way, railroad tracks  
21 or any combination thereof owned by the Department of Transportation  
22 that is under lease to or operated by a private entity, the  
23 Department shall first offer to sell the railroad, right-of-way,  
24 railroad tracks or any combination thereof at an open, competitive  
public sale subject to the right of first refusal provided for in

1 subsection B of this section. The Department shall provide public  
2 notice of the public sale at least ninety (90) days prior to the  
3 time and date established for submission of bids. Such notice shall  
4 be by posting on the Department of Central Services web site, by  
5 advertisement for at least two (2) weeks in a newspaper of general  
6 circulation within the state, and by written notice by certified  
7 mail to all railroads operating within the state. The public notice  
8 shall include the terms of the public sale, including the  
9 requirement for a bid deposit as set forth below, and the time, date  
10 and place for submission of bids. To the extent that the Department  
11 possesses information on the property to be sold, the Department  
12 shall make such information available to all prospective bidders on  
13 an equal basis. Bids shall be publicly opened and read by the  
14 Department at the place specified for submission of bids forthwith  
15 upon expiration of the time for the filing thereof; provided,  
16 however, that the Department may reject any and all bids if it is in  
17 the public interest to do so. Every bid shall be accompanied by a  
18 bid deposit in the form of a bid bond, or cash, or a certified check  
19 on, or a treasurer's or cashier's check issued by, a responsible  
20 bank or trust company, payable to the Department. The amount of  
21 such bid deposit shall be five percent (5%) of the value of the bid.  
22 Any bid submitted without such bid deposit shall be rejected as  
23 unresponsive.

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1       B. After all bids have been secured pursuant to the public-sale  
2 process listed in subsection A of this section, the Department shall  
3 select the highest responsive bid. Once selected, the Department  
4 shall notify by sending notice by certified mail to the entity that  
5 is currently leasing or operating the railroad, right-of-way,  
6 railroad tracks or any combination thereof of the terms and  
7 conditions of the selected bid and its right of first refusal to  
8 purchase the railroad, right-of-way, railroad tracks or any  
9 combination thereof owned by the Department of Transportation that  
10 is under lease to or operated by the private entity upon the same  
11 terms and conditions as set forth in the selected bid. If the offer  
12 to sell is not accepted by the entity that is currently leasing or  
13 operating the railroad, right-of-way, railroad tracks or any  
14 combination thereof within ninety (90) days from the date of its  
15 receipt of the offer to sell, the property shall then be offered to  
16 the party that originally submitted the selected bid to the  
17 Department upon the same terms and conditions as set forth in such  
18 bid.

19       C. If the selected bidder fails to execute a sale agreement in  
20 accordance with the terms of his bid within sixty (60) days, its bid  
21 deposit shall be forfeited to the Department and an award shall be  
22 made to the next highest responsive bidder, subject to the right of  
23 first refusal provided for in subsection B of this section.

24

1       SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6       54-1-7316       CJB       2/25/13

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