

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   HOUSE BILL 1330

By: Johns

7                               AS INTRODUCED

8           An Act relating to roads, bridges and ferries;  
9           amending 69 O.S. 2011, Section 1001, as last amended  
10          by Section 1, Chapter 16, O.S.L. 2018 (69 O.S. Supp.  
11          2018, Section 1001), which relates to sale, exchange  
12          or lease of unneeded or surplus property; modifying  
13          acreage amount requiring landowner right of first  
14          refusal; and providing an effective date.

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

15           SECTION 1.        AMENDATORY        69 O.S. 2011, Section 1001, as  
16   last amended by Section 1, Chapter 16, O.S.L. 2018 (69 O.S. Supp.  
17   2018, Section 1001), is amended to read as follows:

18           Section 1001.   A.   The Transportation Commission shall have  
19   authority to sell any lands, or interest therein, which may have  
20   been acquired for highway purposes, or facilities necessary and  
21   incident thereto, and any equipment, materials or supplies which in  
22   the opinion of the Commission are no longer serviceable, useful or  
23   necessary for the state highway system or the operation of the  
24   Department of Transportation.   Such authority shall be subject at

1 all times to the continuing right to the use of the lands by any  
2 entity operating a sewer, water or gas system, telephone or  
3 electrical services, and by public service corporations and rural  
4 electric and telephone cooperatives for the construction,  
5 reconstruction, maintenance, operation and repair of their  
6 facilities of service which may be upon the lands. However, any  
7 such land which was acquired by the Commission from a governmental  
8 subdivision as a gift, or for a nominal consideration, may be  
9 reconveyed to the governmental subdivision by the Commission, upon  
10 repayment by the governmental subdivision to the Commission of any  
11 consideration for the original conveyance.

12 B. Any surplus land which has been leased to a political  
13 subdivision by the Commission may be sold and conveyed to the  
14 political subdivision for the present fair market value as  
15 determined by a competent appraisal and the political subdivision  
16 may have credited toward the purchase price of any such property the  
17 lease payments which the political subdivision shall have previously  
18 made to the Commission.

19 C. Except as otherwise herein provided, the lands, materials,  
20 equipment and supplies shall be sold for cash to the highest and  
21 best bidder after notice by publication in a newspaper published in  
22 the county where the land is situated, or where the materials,  
23 equipment or supplies are located, in two consecutive weekly issues  
24 of the newspaper.

1       D. 1. If the land originally comprised a partial taking  
2 leaving an abutting remainder, then prior to conducting such  
3 advertisement and solicitation of bids for the sale of any lands or  
4 interests therein, the Commission shall notify the person, firm or  
5 corporation which originally conveyed the property to the Commission  
6 or present successor to the original remainder that same has been  
7 declared surplus and is to be offered for sale. Such notice shall  
8 be sent by registered mail addressed to the last-known address of  
9 such person, firm or corporation, with return receipt requested.  
10 Such notice shall contain an offer to sell such property to such  
11 person, firm or corporation for an amount not greater than the  
12 amount for which the property was originally obtained by the  
13 Commission for a period of five (5) years from the original taking.  
14 Following the five-year period, the sale of such property may be  
15 offered at fair market value. The amount of the Commission's  
16 requested purchase price based on such appraisal shall be stated in  
17 the notice, and the person, firm or corporation receiving such  
18 notice and offer shall be informed therein that unless such person,  
19 firm or corporation notifies the Commission in writing within thirty  
20 (30) days from the date of receipt of the notice that the  
21 Commission's offer of sale is accepted by such person, firm or  
22 corporation, the Commission shall proceed to sell the property at  
23 public auction as provided for in this section. After the  
24 expiration of thirty (30) days from the date of receipt of the

1 notice by the person, firm or corporation to whom it is addressed,  
2 if such person, firm or corporation has not notified the Commission  
3 in writing of the acceptance of the Commission's offer of sale, the  
4 Commission shall proceed to sell such property by public auction and  
5 no attempt to accept the Commission's offer by such person, firm or  
6 corporation after the expiration of such thirty (30) days shall be  
7 honored by the Commission. However, such person, firm or  
8 corporation may submit a bid at the public auction of the property  
9 in the same manner as any other qualified bidder.

10 2. If the land to be disposed of originally comprised a total  
11 taking leaving no abutting remainder, then such shall be sold to the  
12 highest bidder, or as otherwise herein provided except that if the  
13 land to be disposed of originally comprised a total taking of less  
14 than ~~one (1) acre~~ three (3) acres leaving only one abutting property  
15 owner of record, then prior to conducting such advertisement and  
16 solicitation of bids for the sale of any such lands or interest  
17 therein, the Commission shall notify the sole abutting property  
18 owner of record to the taking that such has been declared surplus  
19 and is to be offered for sale. Such notice shall be sent by  
20 registered mail addressed to the last-known address of such person,  
21 firm or corporation, with return receipt requested. Such notice  
22 shall contain an offer to sell such property to such person, firm or  
23 corporation subject to the same conditions as set forth in paragraph  
24 1 of this subsection.

1        3. For the purposes of this section, the Commission shall not  
2 distinguish between persons from whom surplus lands or interest  
3 therein were acquired by negotiated sale or gift and persons from  
4 whom such property was acquired by condemnation proceedings.

5        E. The Commission may, in its discretion, exchange any such  
6 lands for other lands needed for highway purposes, or may lease or  
7 rent any lands which are owned by the Department, and are not  
8 immediately necessary for highway purposes, on such terms as the  
9 Commission determines for the best interests of the state.

10       F. On an annual basis, for every parcel of land:

11       1. Owned by the Transportation Commission; and

12       2. Deemed surplus for ten (10) years or more,

13 the Commission shall submit a waiver request to the Federal Highway  
14 Administration of the United States Department of Transportation  
15 seeking exception from any federal regulation preventing the sale of  
16 such land for less than fair market value.

17       G. When the Department of Transportation determines that any  
18 equipment or vehicle becomes excess, obsolete, antiquated, unused or  
19 otherwise surplus, the Department shall notify the Office of  
20 Management and Enterprise Services in writing that such equipment or  
21 vehicle is surplus. The notice shall identify:

22       1. The type, brand or make, and country of manufacture of the  
23 equipment or vehicle;

1        2. The age of the equipment or vehicle including but not  
2 limited to mileage;

3        3. Whether the equipment or vehicle is in good working  
4 condition or not;

5        4. If the equipment or vehicle is not in good working  
6 condition, whether it is in repairable condition at reasonable cost;

7        5. Original cost of the equipment or vehicle; and

8        6. Present value of the equipment or vehicle, if known.

9        The Office of Management and Enterprise Services, with any other  
10 notice of surplus property, shall notify the eligible individuals or  
11 entities as provided in subsection H of this section of the  
12 availability of the surplus property of the Department of  
13 Transportation.

14        H. Prior to any advertised public auction or advertised sealed  
15 bids to all individuals and entities eligible for participation in  
16 the surplus program, the Department, thirty (30) days prior to the  
17 advertised auction date, shall offer, at fair market value, the  
18 equipment or vehicles to the individuals or entities, in the  
19 following order of priority:

20        1. Other state agencies;

21        2. Political subdivisions of the state;

22        3. Rural fire departments located in this state; and

23        4. Rural water districts located in this state.  
24

1 Any equipment or vehicles purchased pursuant to this subsection  
2 shall be made available to the purchaser on the date of purchase.

3 I. The Department is authorized to act on behalf of the  
4 Commission in transactions authorized pursuant to this section,  
5 except as may be otherwise provided by rule or regulation of the  
6 Commission; and, all prior transactions of the Department which are  
7 otherwise in conformity with this section are deemed authorized and  
8 approved.

9 J. When the Department of Transportation determines that any  
10 road or bridge materials or supplies become excess, unused, or  
11 otherwise surplus, the Department shall make such road or bridge  
12 material or supplies available to all governmental entities eligible  
13 for participation in the surplus program. The Department may be  
14 reimbursed for any cost incurred in the recovery or storage of such  
15 road or bridge material or supplies. The governmental entity  
16 requesting the excess, unused, or otherwise surplus road or bridge  
17 materials or supplies shall retrieve such materials or supplies from  
18 the Department of Transportation within one hundred eighty (180)  
19 days from the completion of project for which the materials or  
20 supplies are declared excess or surplus.

21 The Department, upon request of a local government, may transfer  
22 surplus bridge beams to the local government for use in the  
23 construction or repair of public roadway bridges. The local  
24 government shall not sell the surplus beams. Prior to the transfer,

1 the local government shall cause the surplus beams to be inspected  
2 by a registered professional engineer. The local government shall  
3 assume full responsibility for the cost of transporting the beams  
4 and for the use of the beams including, but not limited to, the  
5 proper removal and disposal of lead-based paint. The Department  
6 shall retain the surplus beams for the requesting local government  
7 for a period not exceeding one hundred eighty (180) days, after  
8 which the Department may otherwise dispose of the surplus beams.

9 SECTION 2. This act shall become effective November 1, 2019.  
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11 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/13/2019 -  
12 DO PASS.  
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