

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE  
4 FOR

HOUSE BILL NO. 4367

By: Patzkowsky

8 COMMITTEE SUBSTITUTE

9 An Act relating to state government; amending 74 O.S.  
10 2021, Sections 62.3 and 62.7, which relate to the  
11 Oklahoma Surplus Property Act; adding exemption;  
12 modifying surplus property requirements for the  
13 Oklahoma Department of Transportation; and providing  
14 an effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2021, Section 62.3, is  
16 amended to read as follows:

17 Section 62.3 A. The Director of the Office of Management and  
18 Enterprise Services shall promulgate rules for use by state agencies  
19 and the Office of Management and Enterprise Services to dispose of  
20 surplus property. The rules shall include standards for  
21 recordkeeping, methods for removal or disposal of surplus property,  
22 and acquisition by state agencies and authorized entities of surplus  
23 property, and for Office management of surplus property programs.

1 B. A state agency selling, trading, redistributing or otherwise  
2 disposing of surplus property shall comply with the rules  
3 promulgated by the Director.

4 C. The Office shall make surplus property available to state  
5 agencies and authorized entities, which shall include political  
6 subdivisions, school districts, and nonprofit entities of this  
7 state.

8 D. The provisions of the Oklahoma Surplus Property Act shall  
9 not apply to the Oklahoma Department of Transportation, institutions  
10 of higher education in this state, the Oklahoma Historical Society,  
11 the University Hospitals Authority or University Hospitals Trust or  
12 the Northeast Oklahoma Public Facilities Authority. The Grand River  
13 Dam Authority shall be exempt from the provisions of the Oklahoma  
14 Surplus Property Act for any surplus property disposed of prior to  
15 November 1, 2006. CompSource Oklahoma shall be exempt from the  
16 provisions of the Oklahoma Surplus Property Act if CompSource  
17 Oklahoma is operating pursuant to a pilot program authorized by  
18 Sections 3316 and 3317 of this title.

19 E. Notwithstanding the provisions of the Oklahoma Surplus  
20 Property Act, the Oklahoma State Bureau of Investigation may,  
21 pursuant to rules promulgated by the Oklahoma State Bureau of  
22 Investigation Commission for that purpose, donate any surplus  
23 property, as defined in Section 62.2 of this title, to any law  
24 enforcement agency of any political subdivision of the State of

1 Oklahoma. The use of such donated equipment shall be limited to  
2 valid and authorized law enforcement efforts by the receiving  
3 agency.

4 SECTION 2. AMENDATORY 74 O.S. 2021, Section 62.7, is  
5 amended to read as follows:

6 Section 62.7 A. When the Department of Transportation  
7 determines that any equipment or vehicle becomes excess, obsolete,  
8 antiquated, unused or otherwise surplus, the Department ~~shall notify~~  
9 ~~the Office of Management and Enterprise Services in writing that~~  
10 ~~such equipment or vehicle is surplus. The notice shall identify~~ may  
11 engage a third-party vendor to auction such surplus items. The  
12 following information shall be provided to the vendor:

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

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

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

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

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

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

23 B. ~~The Office of Management and Enterprise Services, with any~~  
24 ~~other notice of surplus property, shall notify the eligible~~

~~individuals or entities as provided in subsection C of this section of the availability of the surplus property of the Department of Transportation.~~

~~C.~~ Prior to any advertised public auction or advertised sealed bids to all individuals and entities eligible for participation in the surplus program, the ~~Office~~ vendor, thirty (30) days prior to the advertised auction date, shall offer, at fair market value, the equipment or vehicles to the individuals or entities, in the following order of priority:

1. Other state agencies;
2. Political subdivisions of the state;
3. Rural fire departments located in this state;
4. Rural water districts located in this state; and
5. Multipurpose senior citizen centers located in this state.

~~D.~~ C. Any equipment or vehicles purchased pursuant to this section shall be made available to the purchaser on the date of purchase.

SECTION 3. This act shall become effective November 1, 2022.

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