

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4367

By: Patzkowsky and **Hill**

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9 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03/03/2022 -
21 DO PASS, As Amended and Coauthored.