

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 546

By: Anderson

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6 AS INTRODUCED

7 An Act relating to State Government property;  
8 authorizing the Office of Management and Enterprise  
9 Services to enter into certain lease agreement;  
10 providing terms of lease agreement; specifying legal  
11 description of property subject to lease agreement;  
12 providing for codification; providing an effective  
13 date; and declaring an emergency.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1406.1 of Title 10, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The Office of Management and Enterprise Services shall enter  
19 into a lease agreement with the Enid Regional Development Alliance  
20 (ERDA) for a term of ninety-nine (99) years with respect to a  
21 portion of the real property and improvements constituting the  
22 former Northern Oklahoma Resource Center, as more particularly  
23 described by subsection C of this section.

24 B. The lease agreement described in subsection A of this  
section:

1           1. Shall allow the ERDA to enter into agreements regarding the  
2 property described in subsection C of this section with third  
3 parties without the express consent of the Office of Management and  
4 Enterprise Services, including the right of the Authority to  
5 sublease all or any part of the real property described in  
6 subsection C of this section;

7           2. Shall provide for the unrestricted access, use, and  
8 development of the real property described in subsection C of this  
9 section by the ERDA in order for the ERDA to fulfill its purposes  
10 according to the terms of its trust indenture, including, but not  
11 limited to, the right of the ERDA to construct capital improvements  
12 on, above or under the property to fulfill the purposes stated in  
13 the indenture of the ERDA. The lease shall provide that the ERDA  
14 owns and maintains capital improvements constructed upon the real  
15 property with the funds of the ERDA;

16           3. Shall provide for the conveyance by the Office of Management  
17 and Enterprise Services to the ERDA, by quit claim deed or by such  
18 other instrument of conveyance as the Office of Management and  
19 Enterprise Services and the ERDA may mutually agree, for not more  
20 than a payment by the ERDA to the Department of a nominal  
21 consideration not to exceed Ten Dollars (\$10.00), of any parcel of  
22 real property described by the ERDA and certified, by a majority of  
23 the trustees of the ERDA, to be necessary for a complete development  
24 of the property described in subsection C of this section and

1 necessary for the ERDA to fulfill any purpose specified in its trust  
2 indenture. A rebuttable presumption shall exist that any conveyance  
3 made pursuant to the provisions of this paragraph shall be  
4 considered to have been made for the general economic benefit of the  
5 residents of the beneficiary of the ERDA and that the disposition of  
6 the parcel by the ERDA is in furtherance of an essential  
7 governmental function by making a productive use of the parcel.  
8 After conveyance of a parcel of real property to the ERDA pursuant  
9 to this paragraph, the ERDA shall have the exclusive right to  
10 exercise all powers, rights and privileges with respect to the  
11 parcel as authorized by law to the owner of any real property,  
12 including, but not limited to, the right to sell the parcel as  
13 provided by paragraph 4 of this subsection;

14 4. Shall provide for the conveyance by the ERDA to another  
15 legal entity, by quit claim deed or by such other instrument of  
16 conveyance as the ERDA and the other legal entity may mutually  
17 agree, of any parcel of real property described by the ERDA, the  
18 proposed conveyance of which to be certified, by a majority of the  
19 trustees of the ERDA, as necessary for a complete development of the  
20 property described in subsection C of this section and necessary for  
21 the ERDA to fulfill any purpose specified in its trust indenture. A  
22 rebuttable presumption shall exist that any conveyance made pursuant  
23 to the provisions of this paragraph shall be considered to have been  
24 made for the general economic benefit of the residents of the

1 beneficiary of the ERDA and that the disposition of the parcel by  
2 the ERDA is in furtherance of an essential governmental function by  
3 making a productive use of the parcel;

4 5. Shall not require the payment of rent by the ERDA in excess  
5 of One Dollar (\$1.00) per year;

6 6. Shall not require a purchase price for any option granted to  
7 the ERDA to acquire any parcel of the property described by  
8 subsection C of this section in excess of Ten Dollars (\$10.00);

9 7. Shall not require the Office of Management and Enterprise  
10 Services to consent to a sublease of the property described by  
11 subsection C of this section by the ERDA to any other legal entity;  
12 and

13 8. Shall not impose the expense of maintenance or repair of the  
14 real property or improvements located on the property described by  
15 subsection C of this section upon the ERDA, except as otherwise  
16 provided by paragraph 5 of this subsection.

17 C. The real property and improvements which shall be leased by  
18 the Office of Management and Enterprise Services to the ERDA as  
19 required by subsection A of this section are described as follows:

20 1. North Half (N 1/2) and the Southwest Quarter (SW 1/4) of  
21 Section 33, Township 23 North, Range 6 West of the Indian Meridian,  
22 Garfield County, Oklahoma; and

23 2. Together with all the appurtenances thereto belonging to  
24 such property.

1 D. The ERDA shall have the right to access, ingress, egress,  
2 and use and enjoyment of the roads existing on the property  
3 described by subsection C of this section as of July 1, 2015.

4 E. With respect to the real property and improvements described  
5 in subsection C of this section and the lease agreement required by  
6 subsection A of this section, or any transfer of the property to the  
7 ERDA, the Office of Management and Enterprise Services shall not be  
8 subject to the requirements of:

- 9 1. Section 387 of Title 60 of the Oklahoma Statutes;
- 10 2. Section 1056 of Title 64 of the Oklahoma Statutes;
- 11 3. Section 126.2 of Title 10 of the Oklahoma Statutes;
- 12 4. Section 129.4 of Title 10 of the Oklahoma Statutes; or
- 13 5. Section 456.7 Title 10 of the Oklahoma Statutes.

14 F. With respect to the lease or sale of any part or all of the  
15 real property or improvements described in subsection C of this  
16 section, the ERDA shall not be subject to the requirements of:

- 17 1. Section 387 of Title 60 of the Oklahoma Statutes;
- 18 2. Section 1056 of Title 64 of the Oklahoma Statutes;
- 19 3. Section 129.4 of Title 10 of the Oklahoma Statutes; or
- 20 4. Section 456.7 of Title 10 of the Oklahoma Statutes.

21 SECTION 2. This act shall become effective July 1, 2015.

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

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