

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 952

By: Kidd of the Senate

3 and

4 Sims of the House

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6

7 An Act relating to county surplus equipment; amending  
8 19 O.S. 2021, Section 421, which relates to  
9 disposition of certain county property to be entered  
10 in minutes; raising value of certain equipment that  
11 is entered into certain meeting minutes; amending 19  
12 O.S. 2021, Section 421.1, which relates to sale of  
13 certain county property; raising value of equipment  
14 and adding equipment eligible to be sold or traded in  
15 using certain procedures; and providing an effective  
16 date.

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16 AUTHOR: Add the following House Coauthor: Cantrell

17 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
18 and insert:

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20 "An Act relating to county surplus equipment;  
21 amending 19 O.S. 2021, Section 421, which relates to  
22 disposition of certain county property to be entered  
23 in minutes; raising value of certain equipment that  
24 is entered into certain meeting minutes; amending 19  
O.S. 2021, Section 421.1, which relates to sale of  
certain county property; raising value of equipment  
and adding equipment eligible to be sold or traded in

24

1 using certain procedures; and providing an effective  
2 date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 19 O.S. 2021, Section 421, is  
6 amended to read as follows:

7 Section 421. ~~From and after the effective date of this act~~  
8 After November 1, 2009, each board of county commissioners of the  
9 several counties in the state shall within thirty (30) days after  
10 the disposition of any tools, apparatus, machinery, and equipment  
11 belonging to the county or leased or otherwise let to it or any  
12 department thereof, the original cost of which is more than ~~Five~~  
13 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), whether  
14 sold, exchanged, junked, leased or let where authorized by statute,  
15 shall enter, or cause to be entered, in the minutes of the  
16 proceedings of the board the fact of such disposition, including  
17 complete description of item, serial number, the date property was  
18 acquired, the name and address of the person or firm from whom  
19 property was acquired, the cost price at time of acquisition or  
20 contract price if acquired under lease-rental agreement, the date of  
21 disposition, the name and address of the person or firm to whom  
22 property transferred, the price received therefor and the reason for  
23 disposition.

1 SECTION 2. AMENDATORY 19 O.S. 2021, Section 421.1, is  
2 amended to read as follows:

3 Section 421.1 A. The board of county commissioners is hereby  
4 authorized to use any tools, apparatus, machinery or equipment  
5 belonging to the county, the original cost of which exceeded ~~Five~~  
6 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), as a  
7 trade-in on a cash purchase or lease purchase of any other tools,  
8 apparatus, machinery or equipment.

9 B. To establish an appraised value for an item to be sold at  
10 public auction or traded in, the purchasing agent may refer to an  
11 industry-recognized appraisal manual for used construction equipment  
12 to estimate the value of the item being sold, or obtain appraisal  
13 quotes from at least two vendors in the business of selling items  
14 like the one being sold.

15 C. Except when such items are disposed of pursuant to  
16 subsection E, F or I of this section, the following procedures shall  
17 be used for the sale, by the board of county commissioners, of any  
18 tools, apparatus, machinery or equipment, the original cost of which  
19 exceeded ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars  
20 (\$1,000.00) or any information technology hardware or software  
21 having an original cost of Five Hundred Dollars (\$500.00) or more,  
22 belonging to the county:  
23  
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1        1. The board of county commissioners shall give notice of such  
2 sale by publication in a newspaper of general paid circulation in  
3 the county for two successive weekly issues;

4        2. Bids for such tools, apparatus, machinery or equipment on  
5 sale shall be in writing, sealed and delivered to the county clerk  
6 of such county;

7        3. At the next regular meeting of the board of county  
8 commissioners after the expiration of fifteen (15) days from the  
9 date of first publication of notice of the sale, the board of county  
10 commissioners shall open such bids and award such tools, apparatus,  
11 machinery or equipment to the highest and best bidder with the  
12 option of rejecting all bids; and

13        4. The board of county commissioners may hold a public auction  
14 or use an Internet auction, which may include online bidding, in  
15 lieu of advertising for sealed bids as provided above. Such auction  
16 shall be advertised as provided herein.

17        D. A board of county commissioners may sell any materials,  
18 tools, apparatus, machinery or equipment to a tribal governmental  
19 entity or state agency, if the agency is subject to the Oklahoma  
20 Central Purchasing Act. The board of county commissioners may  
21 purchase materials, tools, apparatus, machinery or equipment from a  
22 state agency, if the agency is subject to the Oklahoma Central  
23 Purchasing Act.

1 E. The board of county commissioners may, by resolution, enter  
2 into an agreement with any tribal governmental entity or other  
3 county or political subdivision for the purpose of selling,  
4 transferring, trading or otherwise disposing of equipment or  
5 materials at a price agreed upon by both governing bodies.  
6 Transactions made pursuant to this subsection shall not be subject  
7 to the requirements in subsection C of this section.

8 F. Advertisement of surplus property consigned to sell at a  
9 Circuit Engineering District auction shall be provided by the  
10 auction company under contract to conduct the sale. Advertising  
11 shall be provided to attract the most potential buyers. Advertising  
12 media may include, but not be limited to, sale flyers, newspapers,  
13 radio, television, and Internet postings.

14 G. Pursuant to the authority of Section 1 of this title, boards  
15 of county commissioners shall have authority, under such statute and  
16 in consideration of the procedures in this section to sell real  
17 property belonging to the county without declaring such property  
18 surplus under the following conditions:

19 1. A certified appraisal of the county property shall be  
20 performed to determine the market value of the property and accepted  
21 by the board of county commissioners;

22 2. After acceptance of the certified appraisal, the board of  
23 county commissioners shall, pursuant to the requirements of this  
24 section, give notice of such sale by publication in a newspaper of

1 general paid circulation in the county for two successive weekly  
2 issues;

3 3. Bids for the real property shall be in writing, sealed and  
4 delivered to the county clerk of such county;

5 4. At the next regular meeting of the board of county  
6 commissioners after the expiration of fifteen (15) days from the  
7 date of first publication of notice of sale, the board of county  
8 commissioners shall open such bids;

9 5. A successful bid must be no less than the market value of  
10 the real property to be considered by the board of county  
11 commissioners for acceptance. The board of county commissioners  
12 reserves the right to reject any and all bids;

13 6. If more than one bid is above the market value of the real  
14 property, the board of county commissioners shall have the right to  
15 compel the potential buyers of the real property who have bid above  
16 the market amount to enter into public auction conducted by the  
17 chairman of the board of county commissioners after the opening of  
18 such bids, to establish the highest bid for the property in order to  
19 assure that the county is receiving adequate consideration for the  
20 property;

21 7. A majority vote of the board of county commissioners shall  
22 be required to determine the successful bidder of the real property.  
23 Upon awarding the bid, either through sealed bid or by conducting a  
24 public auction of those bidders who bid more than the market value

1 of the real property, the board of county commissioners shall have  
2 the right to pledge the occupied property, using an irrevocable bond  
3 or letter of credit, as provided for in paragraph 10 of this  
4 subsection, as collateral in order to finance bonds to purchase  
5 other real property or build a replacement building, or both;

6 8. If the sale price is less than the estimated cost of new  
7 land purchase or construction, then said sales contract shall be  
8 contingent upon the public approval of bond funding or other  
9 authorized funding to allow the complete payment of the contemplated  
10 project;

11 9. The board of county commissioners shall have authority  
12 pursuant to paragraphs 5 and 6 of Section 1 of this title to make  
13 any order concerning the sale of such property contingent upon a  
14 closing date in the future in order to continue to use said real  
15 property until a replacement building is completed. Upon completion  
16 of the replacement building, the board of county commissioners shall  
17 execute all documents and title transfers pertaining to said real  
18 property to the successful bidder;

19 10. The successful bidder shall execute an irrevocable bond or  
20 letter of credit with a surety company or bank licensed to do  
21 business in the State of Oklahoma and organized under the corporate  
22 laws of the State of Oklahoma and registered with the Secretary of  
23 State of Oklahoma equal to the amount of the purchase price of the  
24 real property within fifteen (15) days of awarding of the bid.

1 Failure to provide either an irrevocable bond or letter of credit in  
2 favor of the board of county commissioners within said time  
3 limitation shall act as a rejection and cancellation by the board of  
4 the award of bid and said board may, at that point, enter into a  
5 contract with any secondary or subsequent bidder that meets the  
6 aforementioned qualifications without further notice; and

7 11. If there are no bids submitted or all submitted bids are  
8 less than the market value of the real property after the expiration  
9 of fifteen (15) days from the date of first publication of notice of  
10 sale, the board of county commissioners shall publish the notice of  
11 sale and accept bids for a second time complying with the  
12 requirements of paragraphs 2 through 4 of this subsection. If there  
13 are no bids submitted or all submitted bids are less than the market  
14 value of the real property after the expiration of fifteen (15) days  
15 from the date of second publication of notice of sale, the board of  
16 county commissioners shall have the right to sell real property,  
17 upon majority vote, without any bidding procedure or auction,  
18 directly to any person or entity for an amount that is not less than  
19 the highest bid previously submitted through any previous bidding  
20 procedures provided in this subsection.

21 H. The board of county commissioners may solicit telephone bids  
22 for the removal of recyclable materials.

23 I. The board of county commissioners shall have the authority  
24 to trade in equipment to a vendor or on statewide contract by



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21 several counties in the state shall within thirty (30) days after  
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24 department thereof, the original cost of which is more than ~~Five~~  
~~Hundred Dollars (\$500.00)~~ Two Thousand Five Hundred Dollars  
(\$2,500.00), whether sold, exchanged, junked, leased or let where  
authorized by statute, shall enter, or cause to be entered, in the

1 minutes of the proceedings of the board the fact of such  
2 disposition, including complete description of item, serial number,  
3 the date property was acquired, the name and address of the person  
4 or firm from whom property was acquired, the cost price at time of  
5 acquisition or contract price if acquired under lease-rental  
6 agreement, the date of disposition, the name and address of the  
7 person or firm to whom property transferred, the price received  
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9 SECTION 5. AMENDATORY 19 O.S. 2021, Section 421.1, is  
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14 ~~Hundred Dollars (\$500.00)~~ Two Thousand Five Hundred Dollars  
15 (\$2,500.00), as a trade-in on a cash purchase or lease purchase of  
16 any other tools, apparatus, machinery or equipment.

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18 public auction or traded in, the purchasing agent may refer to an  
19 industry-recognized appraisal manual for used construction equipment  
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2 tools, apparatus, machinery or equipment, the original cost of which  
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4 Dollars (\$2,500.00) or any information technology hardware or  
5 software having an original cost of Five Hundred Dollars (\$500.00)  
6 or more, belonging to the county:

7 1. The board of county commissioners shall give notice of such  
8 sale by publication in a newspaper of general paid circulation in  
9 the county for two successive weekly issues;

10 2. Bids for such tools, apparatus, machinery or equipment on  
11 sale shall be in writing, sealed and delivered to the county clerk  
12 of such county;

13 3. At the next regular meeting of the board of county  
14 commissioners after the expiration of fifteen (15) days from the  
15 date of first publication of notice of the sale, the board of county  
16 commissioners shall open such bids and award such tools, apparatus,  
17 machinery or equipment to the highest and best bidder with the  
18 option of rejecting all bids; and

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20 or use an Internet auction, which may include online bidding, in  
21 lieu of advertising for sealed bids as provided above. Such auction  
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14 Circuit Engineering District auction shall be provided by the  
15 auction company under contract to conduct the sale. Advertising  
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4           2. After acceptance of the certified appraisal, the board of  
5 county commissioners shall, pursuant to the requirements of this  
6 section, give notice of such sale by publication in a newspaper of  
7 general paid circulation in the county for two successive weekly  
8 issues;

9           3. Bids for the real property shall be in writing, sealed and  
10 delivered to the county clerk of such county;

11           4. At the next regular meeting of the board of county  
12 commissioners after the expiration of fifteen (15) days from the  
13 date of first publication of notice of sale, the board of county  
14 commissioners shall open such bids;

15           5. A successful bid must be no less than the market value of  
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8 the right to pledge the occupied property, using an irrevocable bond  
9 or letter of credit, as provided for in paragraph 10 of this  
10 subsection, as collateral in order to finance bonds to purchase  
11 other real property or build a replacement building, or both;

12 8. If the sale price is less than the estimated cost of new  
13 land purchase or construction, then said sales contract shall be  
14 contingent upon the public approval of bond funding or other  
15 authorized funding to allow the complete payment of the contemplated  
16 project;

17 9. The board of county commissioners shall have authority  
18 pursuant to paragraphs 5 and 6 of Section 1 of this title to make  
19 any order concerning the sale of such property contingent upon a  
20 closing date in the future in order to continue to use said real  
21 property until a replacement building is completed. Upon completion  
22 of the replacement building, the board of county commissioners shall  
23 execute all documents and title transfers pertaining to said real  
24 property to the successful bidder;

1        10. The successful bidder shall execute an irrevocable bond or  
2 letter of credit with a surety company or bank licensed to do  
3 business in the State of Oklahoma and organized under the corporate  
4 laws of the State of Oklahoma and registered with the Secretary of  
5 State of Oklahoma equal to the amount of the purchase price of the  
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19 are no bids submitted or all submitted bids are less than the market  
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22 county commissioners shall have the right to sell real property,  
23 upon majority vote, without any bidding procedure or auction,  
24 directly to any person or entity for an amount that is not less than

1 the highest bid previously submitted through any previous bidding  
2 procedures provided in this subsection.

3 H. The board of county commissioners may solicit telephone bids  
4 for the removal of recyclable materials.

5 I. The board of county commissioners shall have the authority  
6 to trade in equipment to a vendor or on statewide contract by  
7 acquiring used equipment values pursuant to subsection B of this  
8 section.

9 SECTION 6. This act shall become effective November 1, 2023.

10 Passed the Senate the 28th day of February, 2023.

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\_\_\_\_\_  
Presiding Officer of the Senate

14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2023.

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Presiding Officer of the House  
of Representatives

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