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April 6, 2023

ENGROSSED HOUSE
BILL NO. 1066

By: Talley and Cantrell of the
House

and

Alvord of the Senate

An Act relating to county commissioners; amending 19 O.S. 2021, Section 421.2, as amended by Section 1, Chapter 51, O.S.L. 2022 (19 O.S. Supp. 2022, Section 421.2), which relates to transfer of surplus machinery, equipment, or vehicles; clarifying prohibition on deeming property as surplus; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 421.2, as amended by Section 1, Chapter 51, O.S.L. 2022 (19 O.S. Supp. 2022, Section 421.2), is amended to read as follows:

Section 421.2 A. A unanimous vote of the board of county commissioners may transfer any machinery, equipment or vehicle belonging to the county, which is deemed by the board to be surplus, to a political subdivision of the state which is in need of such machinery, equipment or vehicle. Upon such transfer, the subject property shall be removed from the inventory of the county.

1 B. ~~Except as otherwise provided in this section, the~~ The board
2 of county commissioners shall not deem any property to be surplus
3 during the period when the elections of any two county commissioners
4 occur at the same time. This prohibition shall only apply to the
5 property in use by and/or recorded on the inventory of the district
6 of the county commissioner(s), the elections of which are set for
7 the same date and not the remaining county officers. This
8 prohibition shall cease to apply to any property in use by and/or
9 recorded on the inventory of the district of any individual
10 incumbent county commissioner who draws no opponent or who wins
11 reelection at either the primary or general election. The

12 prohibition of declaring county property or material surplus shall:

13 1. Begin thirty (30) days before the filing period for the
14 elections of any two or more county commissioners in a county; and

15 2. ~~End~~ Except as otherwise provided in this section, end the
16 day after two or more county commissioners are sworn in as such.

17 C. If two or more incumbents draw no opponents or if two or
18 more incumbent county commissioners both win reelection, either at
19 the primary, special, or general election, the prohibition of
20 declaring county property or material surplus until the swearing in
21 of county officials shall be removed and the county may dispose of
22 surplus property as provided in subsection A of this section.

23 D. When the political subdivision receiving such property
24 declares same to be surplus, the governing body shall give written

1 notice to the county of its intent to transfer such property back to
2 the county. The board of county commissioners shall have up to
3 fifteen (15) days from the date of receipt of such notice to either
4 accept or reject the property. The political subdivision shall
5 transfer such property back to the county only if the board of
6 county commissioners agrees to accept the property or the board
7 fails to respond within the fifteen-day time period.

8 SECTION 2. This act shall become effective November 1, 2023.

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
10 April 6, 2023 - DO PASS
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