

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 **AS AMENDED**

4 SENATE BILL NO. 772

By: Stewart of the Senate

and

Boles of the House

6
7
8 **[counties - inventory of county property - process
9 of disposition - effective date]**

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 19 O.S. 2021, Section 178.1, is
13 amended to read as follows:

14 Section 178.1. A. The board of county commissioners in each
15 county of this state shall take, or cause to be taken, an inventory
16 of all ~~working tools, apparatus, machinery and equipment~~ property
17 belonging to the county or leased or otherwise let to it or to any
18 department thereof, other than that which is affixed to and made a
19 part of lands and buildings, as follows:

20 1. All working tools, apparatus, machinery, and equipment, the
21 cost of which as to each complete working unit thereof is ~~more than~~
22 ~~Five Hundred Dollars (\$500.00), and thereafter~~ Two Thousand Five
23 Hundred Dollars (\$2,500.00) or more;

1 2. All supplies, materials, and equipment of a county used in
2 the construction and maintenance of roads and bridges having an
3 original cost of Two Thousand Five Hundred Dollars (\$2,500.00) or
4 more;

5 3. All supplies, materials, equipment, and telecommunication
6 goods of a county not used in the construction and maintenance of
7 roads and bridges having an original cost of Two Thousand Five
8 Hundred Dollars (\$2,500.00) or more;

9 4. All information technology hardware, software, and devices,
10 such as laptops, tablets, cameras, and cell phones of a county
11 having an original cost of Five Hundred Dollars (\$500.00) or more;
12 and

13 5. All firearms of a county having an original cost of Five
14 Hundred Dollars (\$500.00) or more.

15 B. The board of county commissioners shall maintain or cause to
16 be maintained a continuous inventory record thereof and of like
17 tools, apparatus, machinery and equipment purchased, leased, or
18 otherwise coming into the custody of the county or of any office,
19 board, department, commission, or any or either thereof, and the
20 disposition thereof whether sold, exchanged, leased or let where
21 authorized by statute, junked, strayed, or stolen, and annually
22 thereafter, or ~~oftener~~ more often in the event of death, resignation
23 or removal of an elective officer with a term, to verify or cause to
24 be verified by count and report of the same as of the end of a term

1 of office and as part and parcel of the accounting required by law
2 of a retiring or re-elected officer, and, as to appointive heads of
3 departments amenable directly to the board of county commissioners
4 and as to quasi-governmental boards and commissions such as free
5 fair boards, hospital boards, and the like, the same shall be as of
6 the last business day immediately preceding the day certain
7 commencing a new term of the board of county commissioners; all in
8 the manner as provided by law.

9 SECTION 2. AMENDATORY 19 O.S. 2021, Section 421, as
10 amended by Section 1, Chapter 337, O.S.L. 2023 (19 O.S. Supp. 2024,
11 Section 421), is amended to read as follows:

12 Section 421. After November 1, 2009, each board of county
13 commissioners of the several counties in the state shall within
14 thirty (30) days after the disposition of any tools, apparatus,
15 machinery, ~~and equipment,~~ or anything required to be inventoried
16 pursuant to Sections 178.1 and 1502 of this title belonging to the
17 county or leased or otherwise let to it or any department thereof,
18 ~~the original cost of which is more than One Thousand Dollars~~
19 ~~(\$1,000.00),~~ whether sold, exchanged, junked, leased or let where
20 authorized by statute, shall enter, or cause to be entered, in the
21 minutes of the proceedings of the board the fact of such
22 disposition, including complete description of item, serial number,
23 the date property was acquired, the name and address of the person
24 or firm from whom property was acquired, the cost price at time of

1 acquisition or contract price if acquired under lease-rental
2 agreement, the date of disposition, the name and address of the
3 person or firm to whom property transferred, the price received
4 therefor, and the reason for disposition.

5 SECTION 3. AMENDATORY 19 O.S. 2021, Section 421.1, as
6 amended by Section 2, Chapter 337, O.S.L. 2023 (19 O.S. Supp. 2024,
7 Section 421.1), is amended to read as follows:

8 Section 421.1. A. The board of county commissioners is hereby
9 authorized to use any tools, apparatus, machinery ~~or~~, equipment, or
10 anything required to be on inventory pursuant to Sections 178.1 and
11 1502 of this title belonging to the county, ~~the original cost of~~
12 ~~which exceeded One Thousand Dollars (\$1,000.00),~~ as a trade-in on a
13 cash purchase or lease purchase of any other tools, apparatus,
14 machinery ~~or~~, equipment, or property required to be inventoried
15 pursuant to Sections 178.1 and 1502 of this title.

16 B. To establish an appraised value for an item to be sold at
17 public auction or traded in, the purchasing agent may refer to an
18 industry-recognized appraisal manual for used construction equipment
19 to estimate the value of the item being sold, or obtain appraisal
20 quotes from at least two vendors in the business of selling items
21 like the one being sold.

22 C. Except when such items are disposed of pursuant to
23 subsection E, F, or I of this section, the following procedures
24 shall be used for the sale, by the board of county commissioners, of

1 any tools, apparatus, machinery ~~or~~, equipment, ~~the original cost of~~
2 ~~which exceeded One Thousand Dollars (\$1,000.00) or any information~~
3 ~~technology hardware or software having an original cost of Five~~
4 ~~Hundred Dollars (\$500.00) or more, or anything required to be on~~
5 inventory pursuant to Sections 178.1 and 1502 of this title
6 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, or
11 anything required to be on inventory pursuant to Sections 178.1 and
12 1502 of this title on sale shall be in writing, sealed and delivered
13 to the county clerk of such county;

14 3. At the next regular meeting of the board of county
15 commissioners after the expiration of fifteen (15) days from the
16 date of first publication of notice of the sale, the board of county
17 commissioners shall open such bids and award such tools, apparatus,
18 machinery ~~or~~, equipment, or anything required to be on inventory
19 pursuant to Sections 178.1 and 1502 of this title to the highest and
20 best bidder with the option of rejecting all bids; and

21 4. ~~The~~ In lieu of advertising for sealed bids as provided
22 above, the board of county commissioners may hold a public auction
23 or use an Internet auction, ~~which may include~~ that includes online
24

1 bidding, ~~in lieu of advertising for sealed bids as provided above.~~

2 Such auction shall be advertised as provided herein.

3 D. A board of county commissioners may sell any materials,
4 tools, apparatus, machinery ~~or~~, equipment, or anything required to
5 be on inventory pursuant to Sections 178.1 and 1502 of this title to
6 a tribal governmental entity or state agency, if the agency is
7 subject to the Oklahoma Central Purchasing Act. The board of county
8 commissioners may purchase materials, tools, apparatus, machinery
9 ~~or~~, equipment, or anything required to be on inventory pursuant to
10 Sections 178.1 and 1502 of this title from a tribal governmental
11 entity or state agency, if the agency is subject to the Oklahoma
12 Central Purchasing Act.

13 E. The board of county commissioners may, by resolution, enter
14 into an agreement with any tribal governmental entity or other
15 county or political subdivision for the purpose of selling,
16 transferring, trading or otherwise disposing of equipment ~~or~~,
17 materials, or anything required to be on inventory pursuant to
18 Sections 178.1 and 1502 of this title at a price agreed upon by both
19 governing bodies. Transactions made pursuant to this subsection
20 shall not be subject to the requirements in subsection C of this
21 section.

22 F. Advertisement of surplus property consigned to sell at a
23 Circuit Engineering District auction shall be provided by the
24 auction company under contract to conduct the sale. Advertising

1 shall be provided to attract the most potential buyers. Advertising
2 media may include, but not be limited to, sale flyers, newspapers,
3 radio, television, and Internet postings.

4 G. Pursuant to the authority of Section 1 of this title, boards
5 of county commissioners shall have authority, under such statute and
6 in consideration of the procedures in this section to sell real
7 property belonging to the county without declaring such property
8 surplus under the following conditions:

9 1. A certified appraisal of the county property shall be
10 performed to determine the market value of the property and accepted
11 by the board of county commissioners;

12 2. After acceptance of the certified appraisal, the board of
13 county commissioners shall, pursuant to the requirements of this
14 section, give notice of such sale by publication in a newspaper of
15 general paid circulation in the county for two successive weekly
16 issues;

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

19 4. At the next regular meeting of the board of county
20 commissioners after the expiration of fifteen (15) days from the
21 date of first publication of notice of sale, the board of county
22 commissioners shall open such bids;

23 5. A successful bid must be no less than the market value of
24 the real property to be considered by the board of county

1 commissioners for acceptance. The board of county commissioners
2 reserves the right to reject any and all bids;

3 6. If more than one bid is above the market value of the real
4 property, the board of county commissioners shall have the right to
5 compel the potential buyers of the real property who have bid above
6 the market amount to enter into public auction conducted by the
7 chairman of the board of county commissioners after the opening of
8 such bids, to establish the highest bid for the property in order to
9 assure that the county is receiving adequate consideration for the
10 property;

11 7. A majority vote of the board of county commissioners shall
12 be required to determine the successful bidder of the real property.
13 Upon awarding the bid, either through sealed bid or by conducting a
14 public auction of those bidders who bid more than the market value
15 of the real property, the board of county commissioners shall have
16 the right to pledge the occupied property, using an irrevocable bond
17 or letter of credit, as provided for in paragraph 10 of this
18 subsection, as collateral in order to finance bonds to purchase
19 other real property or build a replacement building, or both;

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

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

9 10. The successful bidder shall execute an irrevocable bond or
10 letter of credit with a surety company or bank licensed to do
11 business in the State of Oklahoma and organized under the corporate
12 laws of the State of Oklahoma and registered with the Secretary of
13 State of Oklahoma equal to the amount of the purchase price of the
14 real property within fifteen (15) days of awarding of the bid.
15 Failure to provide either an irrevocable bond or letter of credit in
16 favor of the board of county commissioners within said time
17 limitation shall act as a rejection and cancellation by the board of
18 the award of bid and said board may, at that point, enter into a
19 contract with any secondary or subsequent bidder that meets the
20 aforementioned qualifications without further notice; and

21 11. If there are no bids submitted or all submitted bids are
22 less than the market value of the real property after the expiration
23 of fifteen (15) days from the date of first publication of notice of
24 sale, the board of county commissioners shall publish the notice of

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

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

13 I. The board of county commissioners shall have the authority
14 to trade in equipment to a vendor or on statewide contract by
15 acquiring used equipment values pursuant to subsection B of this
16 section.

17 SECTION 4. AMENDATORY 19 O.S. 2021, Section 1502, as
18 amended by Section 2, Chapter 94, O.S.L. 2022 (19 O.S. Supp. 2024,
19 Section 1502), is amended to read as follows:

20 Section 1502. A. 1. The board of county commissioners or a
21 designated employee shall:

22 a. prescribe a uniform identification system for all
23 supplies, materials ~~and~~, equipment, and information

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1 technology of a county used in the construction and
2 maintenance of roads and bridges, and

3 b. create and administer an inventory system, to be
4 overseen by the county road and bridge inventory
5 officer, for all:

6 (1) equipment of a county having an original cost of
7 Two Thousand Five Hundred Dollars (\$2,500.00) or
8 more for use in the construction and maintenance
9 of roads and bridges, ~~and~~

10 (2) supplies and materials of a county purchased in
11 lots of Two Thousand Five Hundred Dollars
12 (\$2,500.00) or more for use in the construction
13 and maintenance of roads and bridges, and

14 (3) information technology hardware, software, and
15 devices, such as laptops, tablets, cameras, and
16 cell phones of a county having an original cost
17 of Five Hundred Dollars (\$500.00) or more for use
18 in the construction and maintenance of roads and
19 bridges.

20 Such person shall be the county road and bridge inventory officer.

21 2. a. In counties having a county budget board created
22 pursuant to Section 1402 et seq. of this title, said
23 board may, upon an affirmative vote of a majority of
24 all the board members then in office, appoint a county

1 road and bridge inventory officer who shall be
2 employed by the county and shall have such duties as
3 are provided in subparagraphs a and b of paragraph 1
4 of this subsection. In the event the board does not
5 appoint a county road and bridge inventory officer the
6 board of county commissioners or its designee shall be
7 the county road and bridge inventory officer. The
8 appointed county road and bridge inventory officer
9 shall be under the general supervision and direction
10 of the appointing authority.

11 b. The appointed county road and bridge inventory officer
12 shall be authorized necessary assistants to carry out
13 the duties and responsibilities provided by law and as
14 may be delegated by the appointing authority.

15 Provided, the employment of such assistants shall be
16 upon the approval of the appointing authority. The
17 salary of the county road and bridge inventory officer
18 and assistants shall be fixed by the appointing
19 authority.

20 c. The appointed county road and bridge inventory officer
21 shall, at the expense of the county, be authorized
22 adequate office space, furnishings, equipment and
23 supplies to carry out the duties and responsibilities
24 of the county road and bridge inventory officer as

1 provided by law and as may be delegated by the
2 appointing authority. Provided, the acquisition of
3 such furnishings, equipment and supplies shall be upon
4 the approval of the appointing authority and the
5 acquisition of office space shall be upon the approval
6 of the board of county commissioners.

7 B. The board of county commissioners shall:

8 1. Prescribe a uniform identification system for all supplies,
9 materials, equipment ~~and~~, information technology ~~and~~,
10 telecommunication goods, and firearms of a county not used in the
11 construction and maintenance of roads and bridges; and

12 2. Create and administer an inventory system for all:

13 a. equipment and telecommunication goods of a county
14 having an original cost of Two Thousand Five Hundred
15 Dollars (\$2,500.00) or more and not used in the
16 construction and maintenance of roads and bridges,

17 b. information technology hardware and, software, and
18 devices, such as laptops, tablets, cameras, and cell
19 phones of a county having an original cost of Five
20 Hundred Dollars (\$500.00) or more and not used in the
21 construction and maintenance of roads and bridges, ~~and~~

22 c. supplies and materials of a county purchased in lots
23 of Two Thousand Five Hundred Dollars (\$2,500.00) or
24

1 more and not used in the construction and maintenance
2 of roads and bridges, and

3 d. firearms of a county having an original cost of Five
4 Hundred Dollars (\$500.00) or more and not used in the
5 construction and maintenance of roads and bridges.

6 The board of county commissioners may designate an employee of that
7 office to administer such inventory system.

8 SECTION 5. This act shall become effective November 1, 2025.

9 COMMITTEE REPORT BY: COMMITTEE ON LOCAL AND COUNTY GOVERNMENT
10 March 4, 2025 - DO PASS AS AMENDED