

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 952

By: Kidd

4
5
6 AS INTRODUCED

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.

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

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

20 Section 421. ~~From and after the effective date of this act~~
21 After November 1, 2009, each board of county commissioners of the
22 several counties in the state shall within thirty (30) days after
23 the disposition of any tools, apparatus, machinery, and equipment
24 belonging to the county or leased or otherwise let to it or any
25 department thereof, the original cost of which is more than ~~Five~~
26 ~~Hundred Dollars (\$500.00)~~ Two Thousand Five Hundred Dollars
27 (\$2,500.00), whether sold, exchanged, junked, leased or let where

1 authorized by statute, shall enter, or cause to be entered, in the
2 minutes of the proceedings of the board the fact of such
3 disposition, including complete description of item, serial number,
4 the date property was acquired, the name and address of the person
5 or firm from whom property was acquired, the cost price at time of
6 acquisition or contract price if acquired under lease-rental
7 agreement, the date of disposition, the name and address of the
8 person or firm to whom property transferred, the price received
9 therefor and the reason for disposition.

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

12 Section 421.1. A. The board of county commissioners is hereby
13 authorized to use any tools, apparatus, machinery or equipment
14 belonging to the county, the original cost of which exceeded ~~Five~~
15 ~~Hundred Dollars (\$500.00)~~ Two Thousand Five Hundred Dollars
16 (\$2,500.00), as a trade-in on a cash purchase or lease purchase of
17 any other tools, apparatus, machinery or equipment.

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

1 C. Except when such items are disposed of pursuant to
2 subsection E, F or I of this section, the following procedures shall
3 be used for the sale, by the board of county commissioners, of any
4 tools, apparatus, machinery or equipment, the original cost of which
5 exceeded ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Five Hundred
6 Dollars (\$2,500.00) or any information technology hardware or
7 software having an original cost of Five Hundred Dollars (\$500.00)
8 or more, belonging to the county:

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

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

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

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

1 D. A board of county commissioners may sell any materials,
2 tools, apparatus, machinery or equipment to a tribal governmental
3 entity or state agency, if the agency is subject to the Oklahoma
4 Central Purchasing Act. The board of county commissioners may
5 purchase materials, tools, apparatus, machinery or equipment from a
6 state agency, if the agency is subject to the Oklahoma Central
7 Purchasing Act.

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

15 F. Advertisement of surplus property consigned to sell at a
16 Circuit Engineering District auction shall be provided by the
17 auction company under contract to conduct the sale. Advertising
18 shall be provided to attract the most potential buyers. Advertising
19 media may include, but not be limited to, sale flyers, newspapers,
20 radio, television, and Internet postings.

21 G. Pursuant to the authority of Section 1 of this title, boards
22 of county commissioners shall have authority, under such statute and
23 in consideration of the procedures in this section to sell real
24

1 property belonging to the county without declaring such property
2 surplus under the following conditions:

3 1. A certified appraisal of the county property shall be
4 performed to determine the market value of the property and accepted
5 by the board of county commissioners;

6 2. After acceptance of the certified appraisal, the board of
7 county commissioners shall, pursuant to the requirements of this
8 section, give notice of such sale by publication in a newspaper of
9 general paid circulation in the county for two successive weekly
10 issues;

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

13 4. 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 sale, the board of county
16 commissioners shall open such bids;

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

21 6. If more than one bid is above the market value of the real
22 property, the board of county commissioners shall have the right to
23 compel the potential buyers of the real property who have bid above
24 the market amount to enter into public auction conducted by the
25

1 chairman of the board of county commissioners after the opening of
2 such bids, to establish the highest bid for the property in order to
3 assure that the county is receiving adequate consideration for the
4 property;

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

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

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

1 execute all documents and title transfers pertaining to said real
2 property to the successful bidder;

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

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

15 11. If there are no bids submitted or all submitted bids are
16 less than the market value of the real property after the expiration
17 of fifteen (15) days from the date of first publication of notice of
18 sale, the board of county commissioners shall publish the notice of
19 sale and accept bids for a second time complying with the
20 requirements of paragraphs 2 through 4 of this subsection. If there
21 are no bids submitted or all submitted bids are less than the market
22 value of the real property after the expiration of fifteen (15) days
23 from the date of second publication of notice of sale, the board of
24 county commissioners shall have the right to sell real property,

1 upon majority vote, without any bidding procedure or auction,
2 directly to any person or entity for an amount that is not less than
3 the highest bid previously submitted through any previous bidding
4 procedures provided in this subsection.

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

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

11 SECTION 3. This act shall become effective November 1, 2023.

12
13 59-1-512 KR 1/19/2023 11:21:29 AM

14
15
16
17
18
19
20
21
22
23
24
25