

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 772

By: Stewart

6 AS INTRODUCED

7 An Act relating to counties; amending 19 O.S. 2021,
8 Section 178.1, which relates to inventory of county
9 equipment; modifying certain required inventory of
10 county property; amending 19 O.S. 2021, Sections 421
11 and 421.1, as amended by Sections 1 and 2, Chapter
12 337, O.S.L. 2023 (19 O.S. Supp. 2024, Sections 421
13 and 421.1), which relate to the sale, trade, or
14 disposition of county equipment; modifying certain
15 required inventory of county property; modifying
process of disposition of county property; amending
19 O.S. 2021, Section 1502, as amended by Section 2,
Chapter 94, O.S.L. 2022 (19 O.S. Supp. 2024, Section
1502), which relates to the inventory system for
county supplies, materials, and equipment; modifying
certain required inventory of county property;
updating statutory language; and providing an
effective date.

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

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

21 Section 178.1. A. The board of county commissioners in each
22 county of this state shall take, or cause to be taken, an inventory
23 of all ~~working tools, apparatus, machinery and equipment property~~
24 belonging to the county or leased or otherwise let to it or to any

1 department thereof, other than that which is affixed to and made a
2 part of lands and buildings, as follows:

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

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

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

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

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

21 B. The board of county commissioners shall maintain or cause to
22 be maintained a continuous inventory record thereof and of like
23 tools, apparatus, machinery and equipment purchased, leased, or
24 otherwise coming into the custody of the county or of any office,

1 board, department, commission, or any or either thereof, and the
2 disposition thereof whether sold, exchanged, leased or let where
3 authorized by statute, junked, strayed, or stolen, and annually
4 thereafter, or ~~oftener~~ more often in the event of death, resignation
5 or removal of an elective officer with a term, to verify or cause to
6 be verified by count and report of the same as of the end of a term
7 of office and as part and parcel of the accounting required by law
8 of a retiring or re-elected officer, and, as to appointive heads of
9 departments amenable directly to the board of county commissioners
10 and as to quasi-governmental boards and commissions such as free
11 fair boards, hospital boards, and the like, the same shall be as of
12 the last business day immediately preceding the day certain
13 commencing a new term of the board of county commissioners; all in
14 the manner as provided by law.

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

18 Section 421. After November 1, 2009, each board of county
19 commissioners of the several counties in the state shall within
20 thirty (30) days after the disposition of any tools, apparatus,
21 machinery, and equipment, or anything required to be inventoried
22 pursuant to Sections 178.1 and 1502 of this title belonging to the
23 county or leased or otherwise let to it or any department thereof,
24 ~~the original cost of which is more than One Thousand Dollars~~

1 (\$1,000.00), whether sold, exchanged, junked, leased or let where
2 authorized by statute, shall enter, or cause to be entered, in the
3 minutes of the proceedings of the board the fact of such
4 disposition, including complete description of item, serial number,
5 the date property was acquired, the name and address of the person
6 or firm from whom property was acquired, the cost price at time of
7 acquisition or contract price if acquired under lease-rental
8 agreement, the date of disposition, the name and address of the
9 person or firm to whom property transferred, the price received
10 therefor, and the reason for disposition.

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

14 Section 421.1. A. The board of county commissioners is hereby
15 authorized to use any tools, apparatus, machinery ~~or~~, equipment, or
16 anything required to be on inventory pursuant to Sections 178.1 and
17 1502 of this title belonging to the county, ~~the original cost of~~
18 ~~which exceeded One Thousand Dollars (\$1,000.00)~~, as a trade-in on a
19 cash purchase or lease purchase of any other tools, apparatus,
20 machinery ~~or~~, equipment, or property required to be inventoried
21 pursuant to Sections 178.1 and 1502 of this title.

22 B. To establish an appraised value for an item to be sold at
23 public auction or traded in, the purchasing agent may refer to an
24 industry-recognized appraisal manual for used construction equipment

1 to estimate the value of the item being sold, or obtain appraisal
2 quotes from at least two vendors in the business of selling items
3 like the one being sold.

4 C. Except when such items are disposed of pursuant to
5 subsection E, F,I or I of this section, the following procedures
6 shall be used for the sale, by the board of county commissioners, of
7 any tools, apparatus, machinery ~~or,~~ equipment, ~~the original cost of~~
8 ~~which exceeded One Thousand Dollars (\$1,000.00) or any information~~
9 ~~technology hardware or software having an original cost of Five~~
10 ~~Hundred Dollars (\$500.00) or more, or anything required to be on~~
11 inventory pursuant to Sections 178.1 and 1502 of this title
12 belonging to the county:

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

16 2. Bids for such tools, apparatus, machinery ~~or,~~ equipment, or
17 anything required to be on inventory pursuant to Sections 178.1 and
18 1502 of this title on sale shall be in writing, sealed and delivered
19 to the county clerk of such county;

20 3. At the next regular meeting of the board of county
21 commissioners after the expiration of fifteen (15) days from the
22 date of first publication of notice of the sale, the board of county
23 commissioners shall open such bids and award such tools, apparatus,
24 machinery ~~or,~~ equipment, or anything required to be on inventory

1 pursuant to Sections 178.1 and 1502 of this title to the highest and
2 best bidder with the option of rejecting all bids; and

3 4. The In lieu of advertising for sealed bids as provided
4 above, the board of county commissioners may hold a public auction
5 or use an Internet auction, which may include that includes online
6 bidding, in lieu of advertising for sealed bids as provided above.
7 Such auction shall be advertised as provided herein.

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

18 E. The board of county commissioners may, by resolution, enter
19 into an agreement with any tribal governmental entity or other
20 county or political subdivision for the purpose of selling,
21 transferring, trading or otherwise disposing of equipment ~~or,~~
22 materials, or anything required to be on inventory pursuant to
23 Sections 178.1 and 1502 of this title at a price agreed upon by both
24 governing bodies. Transactions made pursuant to this subsection

1 shall not be subject to the requirements in subsection C of this
2 section.

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

9 G. Pursuant to the authority of Section 1 of this title, boards
10 of county commissioners shall have authority, under such statute and
11 in consideration of the procedures in this section to sell real
12 property belonging to the county without declaring such property
13 surplus under the following conditions:

14 1. A certified appraisal of the county property shall be
15 performed to determine the market value of the property and accepted
16 by the board of county commissioners;

17 2. After acceptance of the certified appraisal, the board of
18 county commissioners shall, pursuant to the requirements of this
19 section, give notice of such sale by publication in a newspaper of
20 general paid circulation in the county for two successive weekly
21 issues;

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

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

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

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

17 7. A majority vote of the board of county commissioners shall
18 be required to determine the successful bidder of the real property.
19 Upon awarding the bid, either through sealed bid or by conducting a
20 public auction of those bidders who bid more than the market value
21 of the real property, the board of county commissioners shall have
22 the right to pledge the occupied property, using an irrevocable bond
23 or letter of credit, as provided for in paragraph 10 of this

1 subsection, as collateral in order to finance bonds to purchase
2 other real property or build a replacement building, or both;

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

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

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

22 Failure to provide either an irrevocable bond or letter of credit in
23 favor of the board of county commissioners within said time
24 limitation shall act as a rejection and cancellation by the board of

1 the award of bid and said board may, at that point, enter into a
2 contract with any secondary or subsequent bidder that meets the
3 aforementioned qualifications without further notice; and

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

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

20 I. The board of county commissioners shall have the authority
21 to trade in equipment to a vendor or on statewide contract by
22 acquiring used equipment values pursuant to subsection B of this
23 section.

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

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

6 a. prescribe a uniform identification system for all
7 supplies, materials and, equipment, and information
8 technology of a county used in the construction and
9 maintenance of roads and bridges, and

10 b. create and administer an inventory system, to be
11 overseen by the county road and bridge inventory
12 officer, for all:

13 (1) equipment of a county having an original cost of
14 Two Thousand Five Hundred Dollars (\$2,500.00) or
15 more for use in the construction and maintenance
16 of roads and bridges, and

17 (2) supplies and materials of a county purchased in
18 lots of Two Thousand Five Hundred Dollars
19 (\$2,500.00) or more for use in the construction
20 and maintenance of roads and bridges, and

21 (3) information technology hardware, software, and
22 devices, such as laptops, tablets, cameras, and
23 cell phones of a county having an original cost
24 of Five Hundred Dollars (\$500.00) or more for use

in the construction and maintenance of roads and bridges.

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

2. a. In counties having a county budget board created pursuant to Section 1402 et seq. of this title, said board may, upon an affirmative vote of a majority of all the board members then in office, appoint a county road and bridge inventory officer who shall be employed by the county and shall have such duties as are provided in subparagraphs a and b of paragraph 1 of this subsection. In the event the board does not appoint a county road and bridge inventory officer the board of county commissioners or its designee shall be the county road and bridge inventory officer. The appointed county road and bridge inventory officer shall be under the general supervision and direction of the appointing authority.

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

Provided, the employment of such assistants shall be upon the approval of the appointing authority. The salary of the county road and bridge inventory officer

1 and assistants shall be fixed by the appointing
2 authority.

3 c. The appointed county road and bridge inventory officer
4 shall, at the expense of the county, be authorized
5 adequate office space, furnishings, equipment and
6 supplies to carry out the duties and responsibilities
7 of the county road and bridge inventory officer as
8 provided by law and as may be delegated by the
9 appointing authority. Provided, the acquisition of
10 such furnishings, equipment and supplies shall be upon
11 the approval of the appointing authority and the
12 acquisition of office space shall be upon the approval
13 of the board of county commissioners.

14 B. The board of county commissioners shall:

15 1. Prescribe a uniform identification system for all supplies,
16 materials, equipment and, information technology and,
17 telecommunication goods, and firearms of a county not used in the
18 construction and maintenance of roads and bridges; and

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

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

- 1 b. information technology hardware and, software, and
2 devices, such as laptops, tablets, cameras, and cell
3 phones 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, and
6 c. supplies and materials of a county purchased in lots
7 of Two Thousand Five Hundred Dollars (\$2,500.00) or
8 more and not used in the construction and maintenance
9 of roads and bridges, and
10 d. firearms of a county having an original cost of Five
11 Hundred Dollars (\$500.00) or more and not used in the
12 construction and maintenance of roads and bridges.

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

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

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