

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE BILL NO. 1642

BY: HEFNER of the HOUSE

and

EASLEY of the SENATE

( ROADS, BRIDGES AND FERRIES - AMENDING 69 O.S.,  
SECTION 636.3 - LEASING OF ROAD MACHINERY OR  
EQUIPMENT BY COUNTIES -

EMERGENCY )

AUTHOR: Add the following Senate Coauthor: SHURDEN

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

AN ACT RELATING TO ROADS, BRIDGES AND FERRIES;  
AMENDING SECTION 4, CHAPTER 286, O.S.L. 1982, AS  
AMENDED BY SECTION 4, CHAPTER 205, O.S.L. 1983 (69  
O.S. SUPP. 1990, SECTION 636.3), WHICH RELATES TO  
THE LEASING OF ROAD MACHINERY OR EQUIPMENT BY  
COUNTIES; MODIFYING TYPE OF INFORMATION SUBMITTED  
BY THE DEPARTMENT OF TRANSPORTATION UNDER CERTAIN  
CIRCUMSTANCES; MODIFYING BASIS FOR THE APPROVAL OF  
CERTAIN BIDS BY THE PURCHASING DIRECTOR OF THE  
OFFICE OF PUBLIC AFFAIRS; AUTHORIZING COUNTIES TO  
ENTER INTO CERTAIN LEASE AGREEMENTS UNDER CERTAIN  
CIRCUMSTANCES; PROVIDING PROCEDURES RELATED  
THERE TO; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 4, Chapter 286, O.S.L. 1982, as amended by Section 4, Chapter 205, O.S.L. 1983 (69 O.S. Supp. 1990, Section 636.3), is amended to read as follows:

Section 636.3 A. Counties shall enter into lease or lease-purchase contracts for road machinery and equipment ~~with the Department of Transportation~~ pursuant to the provisions of Sections 636.1 through 636.7 of this title and may not otherwise lease road machinery or equipment except in the case of an emergency, when specialized road machinery or equipment for projects of short durations is required ~~or for other road machinery or equipment not immediately available from the Department of Transportation, as may be needed~~ for periods not to exceed thirty (30) days.

B. A county shall be eligible to enter into a lease or lease-purchase contract with the Department of Transportation for road machinery and equipment if it does not have sufficient funds available during any fiscal year for the purchase of road machinery and equipment. A county may also enter into a full warranty lease contract for road machinery and equipment pursuant to the provisions of subsection F of this section. Nothing in Sections 636.1 through 636.7 of this title shall prohibit a county from purchasing road machinery and equipment if it has adequate funds appropriated during any fiscal year for such purpose.

C. Whenever a county desires to lease or lease-purchase road machinery and equipment with funds from the County Road Machinery and Equipment Revolving Fund, it shall notify the Department of Transportation of its requirements and specifications and shall provide a list of local vendors interested in submitting bids for the lease or lease-purchase agreements.

D. Upon receiving such notification from a county, the Department shall be authorized to purchase requested road machinery

or equipment for lease or lease-purchase to that county or may lease or lease-purchase surplus or used road machinery and equipment to a county provided such road machinery or equipment meets the requirements and specifications of the requesting county.

E. If there are no funds available in the County Road Machinery and Equipment Revolving Fund, the Department of Transportation, upon notification that a county desires to lease or lease-purchase road machinery or equipment, shall submit such notification and the road machinery or equipment requirements and specifications of the requesting county to the State Purchasing Division of the ~~State Board Office~~ of Public Affairs. The Department of Transportation shall also certify to the county that there are no funds available in the County Road Machinery and Equipment Revolving Fund for such purposes and that the county's notification ~~has~~ and road machinery or equipment requirements and specifications have been forwarded to the State Purchasing Division of the ~~State Board Office~~ of Public Affairs. The county may then request the Purchasing Director of the ~~State Board Office~~ of Public Affairs to solicit bids to lease or lease-purchase the requested road machinery or equipment pursuant to the provisions of the Oklahoma Central Purchasing Act. The Purchasing Director of the ~~State Board Office~~ of Public Affairs may reject any or all bids received for the lease or lease-purchase of said road machinery or equipment, provided any such bid accepted by the Purchasing Director shall meet the requirements and specifications of the requesting county.

F. The A county may enter into a full warranty lease contract for road machinery and equipment if the county has adequate funds appropriated during any fiscal year for such purpose. Whenever a county desires to enter into a full warranty lease contract for road machinery or equipment, the county must notify the State Auditor and Inspector of its intent and must provide the State Auditor and Inspector with its requirements and specifications along with the

proper documentation to be advertised for bids. Upon receiving the notification and documentation from a county, the State Auditor and Inspector shall review the documentation and, upon approval, shall forward the documentation and specifications to the State Purchasing Division of the Office of Public Affairs. The Purchasing Director of the Office of Public Affairs shall solicit bids to lease the requested road machinery or equipment according to the documentation and specifications of the county as approved by the State Auditor and Inspector. The term of any full warranty lease contract authorized pursuant to this subsection may be for any period up to one (1) year, provided the term shall not extend beyond the end of any fiscal year, with an option to renew such lease subject to the requirement that adequate funds are appropriated during the fiscal year by the county for such purpose. The State Auditor and Inspector shall prescribe the lease forms and other documentation necessary for implementing the provisions of this subsection.

G. Except as provided in subsection F of this section, the Department of Transportation shall promulgate such rules and regulations and is authorized to require from the counties such information, forms and reports as are necessary for properly and efficiently administering Sections 636.1 through 636.7 of this title.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 11th day of April, 1991.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of  
\_\_\_\_\_, 1991.

Speaker of the House of  
Representatives