

ENROLLED SENATE  
BILL NO. 1123

By: Rabon of the Senate

and

Mass of the House

An Act relating to county government; authorizing board of county commissioners to establish longevity pay plan for county employees; permitting longevity pay program to be consistent with state plan; excluding elected county officers from longevity pay plan; amending 19 O.S. 2001, Sections 421.1, as amended by Section 1, Chapter 214, O.S.L. 2002, 1409 and 1501, as last amended by Section 1, Chapter 177, O.S.L. 2002 (19 O.S. Supp. 2003, Sections 421.1 and 1501), which relate to trade-in of certain property, budgets and duties of county purchasing agent; authorizing lease purchase of certain tools, apparatus, machinery or equipment; clarifying language; authorizing county to establish a reserve fund for certain purposes; modifying amount of purchase excepted from bidding procedures; deleting limiting language related to certain purchasing program; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.84 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board of county commissioners of each of the counties in this state may be authorized to establish a longevity pay program for employees of the county. The longevity pay program may be consistent with the longevity pay program for state employees authorized pursuant to Section 840-2.18 of Title 74 of the Oklahoma Statutes. The longevity pay program shall not include any elected county officers.

SECTION 2. AMENDATORY 19 O.S. 2001, Section 421.1, as amended by Section 1, Chapter 214, O.S.L. 2002 (19 O.S. Supp. 2003, Section 421.1), is amended to read as follows:

Section 421.1 A. The board of county commissioners is hereby authorized to use any tools, apparatus, machinery or equipment belonging to the county, the original cost of which exceeded Two Hundred Fifty Dollars (\$250.00), as a trade-in on a cash purchase or

lease purchase of any other tools, apparatus, machinery or equipment.

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

C. Except when such items are disposed of pursuant to subsection F of this section, the following procedures shall be used for the sale, by the board of county commissioners, of any tools, apparatus, machinery or equipment, the original cost of which exceeded Two Hundred Fifty Dollars (\$250.00), belonging to the county:

1. The board of county commissioners shall give notice of such sale by publication in a newspaper of general paid circulation in the county for two (2) successive weekly issues;

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

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

4. The board of county commissioners may hold a public auction in lieu of advertising for sealed bids as provided above. Such auction shall be advertised as provided herein.

D. A board of county commissioners may sell any materials, tools, apparatus, machinery or equipment to a state agency, if the agency is subject to the Oklahoma Central Purchasing Act, or to a political subdivision of the state if the political subdivision is subject to such act or a similar competitive bidding procedure. The board of county commissioners may purchase materials, tools, apparatus, machinery or equipment from a state agency, if the agency is subject to the Oklahoma Central Purchasing Act, or from a political subdivision of the state if the political subdivision is subject to such act or a similar competitive bidding procedure.

E. The board of county commissioners may, by resolution, enter into an agreement with any other county or political subdivision for the purpose of selling, transferring, trading or otherwise disposing of equipment or materials.

F. Advertisement of surplus property consigned to sell at a Circuit Engineering District auction shall be provided by the auction company under contract to conduct the sale. Advertising shall be provided to attract the most potential buyers. Advertising

media may include, but not be limited to, sale flyers, newspapers, radio, television, and Internet postings.

SECTION 3. AMENDATORY 19 O.S. 2001, Section 1409, is amended to read as follows:

Section 1409. A. All budgets comprising normal operations of the county shall be adopted for a fiscal year. Major capital improvements financed by general obligation bonds, capital grants or contributions shall use a capital projects fund budget. The term of the budget shall coincide with the term of the individual project or projects. To the extent appropriate, the requirements for preparation, adoption and execution of the budgets described in ~~Section 8 of this act~~ 1408 of this title, as hereinafter set forth in this act, shall apply to budgets of capital projects funds.

B. In addition to a capital projects fund, the county may establish a reserve fund to meet unforeseen contingencies which may occur throughout the fiscal year.

SECTION 4. AMENDATORY 19 O.S. 2001, Section 1501, as last amended by Section 1, Chapter 177, O.S.L. 2002 (19 O.S. Supp. 2003, Section 1501), is amended to read as follows:

Section 1501. A. The county purchasing agent:

1. Shall, within the amount of the unencumbered balance, make all purchases that are paid from county funds for the various institutions, departments, officers, and employees of the county, except at public auctions and as otherwise provided for by law;

2. May make purchases for political subdivisions of this state within the county if authorized by appropriate action of the governing board or body of the political subdivision affected;

3. Shall make purchases and rental or lease-purchase agreements only after following the bidding procedures as provided for by law, except:

- a. when the purchase does not exceed ~~Seven Thousand Five Hundred Dollars (\$7,500.00)~~ Ten Thousand Dollars (\$10,000.00). All purchases made pursuant to this subparagraph shall be by a single purchase order. Splitting purchase orders which would result in paying an amount in excess of the limitations specified in this subparagraph is expressly prohibited. Any person convicted of violating the provisions of this subparagraph shall be guilty of a misdemeanor and such person shall forfeit the person's position or office,
- b. when the total payments of a rental or lease-purchase agreement do not exceed Five Thousand Dollars (\$5,000.00),
- c. when articles and items are covered by single source contracts,

- d. service or maintenance contracts on equipment or machinery which are entered into at the time of the purchase of the equipment or machinery,
- e. purchases made pursuant to a blanket purchase order as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes,
- f. when materials for road or bridge improvements do not exceed Three Dollars (\$3.00) per yard or per ton,
- g. purchases of fuel if the county purchasing agent obtains telephone quotes from at least three vendors prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the clerk,
- h. purchases of tools, apparatus, machinery or equipment from a state agency or a political subdivision of the state as provided for in subsection C of Section 421.1 of this title,
- i. purchases of food for prisoners incarcerated in the county jail; provided, in counties having a population in excess of one hundred thousand (100,000) persons, the county purchasing agent shall follow bidding procedures as provided by law unless the county purchasing agent obtains telephone quotes pursuant to the whole total of food items requisitioned prior to the purchase and the lowest and best quote is selected. Documentation of these quotes shall be recorded in the permanent records of the county clerk,
- j. when a county solicits bids for the purchase of processed native materials for road and bridge improvements, the county may accept all bids received, with the lowest and best bid from those accepted to be selected at the time of opening of any construction project. The selection of the bid shall be based upon availability, bid price, plus transportation costs,
- k. when a vendor has been selected as the lowest and best bidder to furnish a particular item or items to the county during a specified time period and in the event the vendor is unable to perform, the purchasing agent may solicit telephone quotes for the item or items needed from the list of qualified bidders and provide for the purchase of the items at the lowest and best quote available,
- l. when considering the purchase of an item or items from the state bid list as provided by the Department of Central Services, if the same exact item is available from a local vendor at or below the price listed on the state bid list, the item may be obtained from the vendor,

- m. any item or items bid by the Department of Central Services which may be purchased by the county, provided the vendor is willing to supply the item or items to the county at the bid price,
- n. when a county obtains proceeds from the sale of its property at a public auction, that county may use those proceeds to acquire items previously identified as needed by the county at the same public auction pursuant to subsection D of Section 1505 of this title,
- o. when an item or items have been competitively bid by a county, or on behalf of a group of contiguous counties, provided:
  - (1) the notice to bidders shall list each county which may participate in the purchase of the item or items being bid,
  - (2) the notice of bid is advertised, as provided by law, in each of the counties which may participate in the purchase of the item or items,
  - (3) all vendors on the list of qualified bidders of each participating county who offer the item or items for sale received notice of the bid request, and
  - (4) the vendor awarded the bid is willing and able to provide the item or items at the bid price,
- p. counties may participate in a nationwide ~~office supply and office equipment~~ purchasing program sponsored by the national association representing counties, or
- q. when the Governor declares an emergency in a county, the district attorney of that county shall have the authority to temporarily waive competitive bidding procedures for purchases that may expedite a response to the emergency situation. This temporary waiver shall be in addition to any powers exercised pursuant to Section 683.11 of Title 63 of the Oklahoma Statutes.

The purchases shall be paid by attaching properly itemized invoices, as described in Section 1505 of this title, to a purchase order which has been prepared by the county purchasing agent and submitting both to the county clerk for filing, encumbering, and consideration for payment by the board of county commissioners;

4. Shall not furnish any supplies, materials, equipment, or other articles, except upon receipt of a requisition signed by a county officer. Written requisitions will not be required for blanket purchase orders as provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. Each county officer may designate not more than two employees who also shall be authorized to sign

requisitions in the absence of the county officer. A written designation of the employees shall be filed with the county clerk and shall be entered in the minutes of the board of county commissioners;

5. Shall make lease or lease-purchase agreements for road machinery and equipment if the county has adequate funds appropriated during any fiscal year for such purpose and only after following the bidding procedures as provided for in Section 1505 of this title. The term of any lease or lease-purchase agreement authorized pursuant to this paragraph 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 agreement subject to the requirement that adequate funds are appropriated during the fiscal year by the county for such purpose. The State Auditor and Inspector's office shall be notified by the county of the terms and conditions of a lease or lease-purchase agreement authorized pursuant to this paragraph before any such agreement is made by the county purchasing agent; and

6. Shall perform such other duties as may be delegated by the appointing authority or as may be provided for by law.

B. Each department of county government needing repairs to equipment, machinery or vehicles shall make estimates and requisition a purchase order from the county purchasing agent for repairs not in excess of Two Thousand Five Hundred Dollars (\$2,500.00). Repairs in excess of Two Thousand Five Hundred Dollars (\$2,500.00), shall be submitted on a blanket purchase order as provided in Section 310.8 of Title 62 of the Oklahoma Statutes.

SECTION 5. This act shall become effective November 1, 2004.

Passed the Senate the 8th day of March, 2004.

---

Presiding Officer of the Senate

Passed the House of Representatives the 7th day of April, 2004.

---

Presiding Officer of the House  
of Representatives