

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 2045

By: Peterson (Pam)

AS INTRODUCED

An Act relating to public buildings and public works; amending 61 O.S. 2001, Section 61, as amended by Section 7, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2004, Section 61), which relates to state consultants; modifying definition of design consultant; and providing an effective date.

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

SECTION 1. AMENDATORY 61 O.S. 2001, Section 61, as amended by Section 7, Chapter 294, O.S.L. 2002 (61 O.S. Supp. 2004, Section 61), is amended to read as follows:

Section 61. As used in Sections 61 through 65 of this title:

1. "Administrator" means the State Construction Administrator of the Construction and Properties Division of the Department of Central Services;

2. "Chief administrative officer" means an individual responsible for directing the administration of a state agency. The term does not mean one or all of the individuals that make policy for a state agency;

3. "Construction manager" means an individual, firm, corporation, association, partnership, copartnership, or any other legal entity possessing the qualifications to provide services of construction management which include, but are not necessarily limited to, design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, and construction administration;

4. "Department" means the Department of Central Services;

5. "Design consultant" means an individual or legal entity possessing the qualifications to provide licensed architectural, registered engineering, or registered land surveying services for a public work improvement project. "Architectural, engineering and surveying services" means:

- a. professional services of an architectural or engineering nature, as defined by state law, if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services as described in this paragraph,
- b. professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property,
- c. such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions, and individuals in their employ, may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services, and
- d. mapping associated with the research, planning, development, design, construction or alteration of real property is considered to be an architectural or engineering service and contracts and subcontracts for

surveying and mapping including activities associated with measuring on or above the earth, locating and preparing maps, charts, or other graphical or digital presentations depicting natural or manmade features, phenomena, and legal boundaries of the earth, performance of which, under this provision, is provided by licensed surveyors in the state of Oklahoma, including but not limited to surveys, maps, charts, remote sensing data and images, airborne radar, airborne LiDAR and aerial photogrammetric services;

6. "Director" means the Director of the Department of Central Services;

7. "Division" means the Construction and Properties Division of the Department of Central Services;

8. "Project" means plans or designs for a public work improvement, except the transportation facilities under the jurisdiction of the Department of Transportation or the Oklahoma Transportation Authority:

- a. to construct, renovate, alter, repair, maintain, or improve real property or fixtures of real property, and
- b. that does not constitute "construction" as defined by the Public Building Construction and Planning Act; and

9. "State agency" means an office, officer, bureau, board, counsel, court, commission, institution, unit, division, or body of the executive or judicial branches of state government, whether elected or appointed, excluding only political subdivisions of the state.

SECTION 2. This act shall become effective November 1, 2005.

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