

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1419

By: Coates

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5
6 AS INTRODUCED

7 An Act relating to public buildings and public works;
8 amending 61 O.S. 2001, Section 204, as last amended
9 by Section 29, Chapter 271, O.S.L. 2006 and 61 O.S.
10 2001, Section 207.2, as last amended by Section 1,
11 Chapter 86, O.S.L. 2005 (61 O.S. Supp. 2007, Sections
12 204 and 207.2), which relate to the use of
13 architects; adding certain exemptions for the Office
14 of Juvenile Affairs; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 61 O.S. 2001, Section 204, as last
18 amended by Section 29, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2007,
19 Section 204), is amended to read as follows:

20 Section 204. A. The Construction and Properties Division of
21 the Department of Central Services shall:

22 1. Maintain a comprehensive master plan for utilization and
23 construction of buildings for state agencies, capital improvements,
24 and utilization of land owned by this state;

2. Review and approve all construction plans and specifications
to ensure compliance with good construction practices and space

1 standards, costs of project, proposed construction timetables, and
2 agency need for the project, except as otherwise provided in
3 subsection B of this section;

4 3. Inspect prior to acceptance and final payment all completed
5 projects for which the Division issued bid solicitations to ensure
6 compliance with the plans and specifications of the project;

7 4. Provide assistance to state agencies when a state agency
8 desires to hire a consultant or construction manager for a project.
9 Except as provided by subsection B of this section, the Division
10 shall award and execute contracts to consultants and construction
11 managers that provide services to state agencies for construction
12 projects;

13 5. Develop and issue solicitations for award of state agency
14 contracts for construction. The Division shall have final approval
15 authority for contracts and contract documents. Neither the
16 Division nor any state agency shall, for performance of work that
17 requires that a contractor be licensed by this state, issue a
18 solicitation to, or make a contract with, a contractor not licensed
19 by this state;

20 6. Review inspections performed by consultants and construction
21 managers during construction, primary inspections when consultants
22 or construction managers are not used, and final inspections after
23 completion;

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1 7. Recommend standards, including, but not limited to, building
2 codes, space utilization, material testing, indexes of efficiency,
3 economy, and effectiveness, pursuant to rules the Director
4 promulgates;

5 8. Monitor construction projects to ensure maximum efficiency
6 in the expenditure of state funds for construction;

7 9. Report fraud or waste in any construction project by written
8 notification with documentation for the report to the Attorney
9 General. The Attorney General shall take appropriate action to
10 protect the interest of the state; and

11 10. Prequalify as good and sufficient insurance carriers,
12 bonding companies and surety companies to meet provisions of
13 Sections 1 and 134 of this title. The Director shall promulgate
14 rules to establish criteria to determine whether a carrier or
15 company is good and sufficient. The prequalification requirement
16 and process shall not violate the provisions of Section 135 of this
17 title.

18 B. When a state agency has a licensed architect or licensed
19 engineer, as a full-time employee, to review construction plans and
20 specifications, the review and approval of all construction plans
21 and specifications required pursuant to paragraph 2 of subsection A
22 of this section shall not apply to:

23 1. The common schools subject to the jurisdiction of the State
24 Department of Education;

- 1 2. The Department of Transportation with respect to highways,
- 2 bridges and dams;
- 3 3. The Oklahoma State System of Higher Education;
- 4 4. The Military Department of the State of Oklahoma;
- 5 5. The Oklahoma Tourism and Recreation Department; ~~and~~
- 6 6. The Department of Human Services; and
- 7 7. The Office of Juvenile Affairs.

8 SECTION 2. AMENDATORY 61 O.S. 2001, Section 207.2, as
9 last amended by Section 1, Chapter 86, O.S.L. 2005 (61 O.S. Supp.
10 2007, Section 207.2), is amended to read as follows:

11 Section 207.2 A. Except as provided by subsection B of this
12 section, no state agency shall employ, either temporary or full-
13 time, any person engaged in the practice of architecture,
14 engineering or land surveying for the purpose of planning or
15 performing any construction upon any real property belonging to the
16 agency or to the state, or upon any real property of which this
17 state will assume possession or ownership by contract, option to
18 purchase agreement, lease, or otherwise. The term "practice of
19 architecture" shall be defined as those activities of an architect
20 as provided for in Section 46.3 of Title 59 of the Oklahoma
21 Statutes. The terms "practice of engineering" or the "practice of
22 land surveying" shall be defined as such terms are defined by
23 Section 475.2 of Title 59 of the Oklahoma Statutes.

1 B. The provisions of subsection A of this section shall not
2 apply to:

3 1. The Department of Human Services;

4 2. The Oklahoma Tourism and Recreation Department;

5 3. The Department of Health insofar as the monitoring of
6 permitted health care facility construction for licensing purposes;

7 4. The Oklahoma Historical Society insofar as the monitoring of
8 historical site preservation and authenticity;

9 5. The Department of Central Services;

10 6. The State Department of Education and the public schools
11 subject to its jurisdiction;

12 7. The Department of Transportation;

13 8. The Oklahoma State System of Higher Education;

14 9. The Military Department of the State of Oklahoma; ~~and~~

15 10. The Oklahoma Municipal Power Authority; and

16 11. The Office of Juvenile Affairs.

17 SECTION 3. This act shall become effective July 1, 2008.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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