

SB 279

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THE STATE SENATE  
Monday, February 16, 2009

Senate Bill No. 279  
As Amended

SENATE BILL NO. 279 - By: Coates of the Senate and Billy of the House.

[ public buildings and public works - authorizing Office of Juvenile Affairs to hire a full-time architect - effective date - emergency ]

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

SECTION 1. AMENDATORY 61 O.S. 2001, Section 204, as last amended by Section 29, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008, Section 204), is amended to read as follows:

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

1. Maintain a comprehensive master plan for utilization and construction of buildings for state agencies, capital improvements, 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 standards, costs of project, proposed construction timetables, and agency need for the project, except as otherwise provided in subsection B of this section;

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

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

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

17          6. Review inspections performed by consultants and construction  
18 managers during construction, primary inspections when consultants  
19 or construction managers are not used, and final inspections after  
20 completion;

21          7. Recommend standards, including, but not limited to, building  
22 codes, space utilization, material testing, indexes of efficiency,

1 economy, and effectiveness, pursuant to rules the Director  
2 promulgates;

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

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

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

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

21 1. The common schools subject to the jurisdiction of the State  
22 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 6, Chapter 319, O.S.L. 2008 (61 O.S. Supp.  
10       2008, 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 State 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;

15 10. The Oklahoma Municipal Power Authority; ~~and~~

16 11. The Department of Public Safety gun range; and

17 12. The Office of Juvenile Affairs.

18 SECTION 3. This act shall become effective July 1, 2009.

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

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-9-09 -  
24 DO PASS, As Amended and Coauthored.