

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 946

By: Barrington of the Senate

and

Peterson of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Public Competitive Bidding Act
12 of 1974; amending 61 O.S. 2011, Section 130, as last
13 amended by Section 1, Chapter 271, O.S.L. 2014 (61
14 O.S. Supp. 2015, Section 130), which relates to
15 emergencies; modifying exclusions; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 61 O.S. 2011, Section 130, as last
19 amended by Section 1, Chapter 271, O.S.L. 2014 (61 O.S. Supp. 2015,
20 Section 130), is amended to read as follows:

21 Section 130. A. The provisions of the Public Competitive
22 Bidding Act of 1974 with reference to notice and bids shall not
23 apply to an emergency if:
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1 1. The governing body of a public agency declares by a two-
2 thirds (2/3) majority vote of all of the members of the governing
3 body that an emergency exists;

4 2. The Transportation Commission and the Oklahoma Tourism and
5 Recreation Commission, by majority vote of all the members of each
6 Commission, declare that an emergency exists; or

7 3. The chief administrative officer of a public agency without
8 a governing body declares that an emergency exists.

9 B. The governing body of a public agency may, upon approval of
10 two-thirds (2/3) majority of all of the members of the governing
11 body, delegate to the chief administrative officer of a public
12 agency the authority to declare an emergency whereby the provisions
13 of the Public Competitive Bidding Act of 1974 with reference to
14 notice and bids shall not apply to contracts less than Seventy-five
15 Thousand Dollars (\$75,000.00) in amount; provided, such authority of
16 the Department of Transportation and the Oklahoma Turnpike Authority
17 shall not extend to any contract exceeding Seven Hundred Fifty
18 Thousand Dollars (\$750,000.00) in amount and such authority of the
19 Department of Corrections shall not extend to any contract exceeding
20 Two Hundred Fifty Thousand Dollars (\$250,000.00) in amount for
21 situations in which the emergency impacts the conditions of
22 confinement, health and safety of correctional officers and inmates
23 in the custody of the Department of Corrections.
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1 C. Upon approval of a two-thirds (2/3) majority vote, the
2 Oklahoma Conservation Commission may delegate to the Executive
3 Director the authority to declare an emergency and set a monetary
4 limit for the declaration. The provisions of this subsection may
5 only be used for the purpose of responding to an emergency involving
6 the reclamation of abandoned coal mines or the repair of damaged
7 upstream floodwater retarding structures.

8 D. An emergency declared by the Board of Corrections pursuant
9 to subsection C of Section 65 of this title shall exempt the
10 Department of Corrections from the limits which would otherwise be
11 imposed pursuant to subsection B of this section for the contracting
12 and construction of new or expanded correctional facilities.

13 E. The chief administrative officer of a public agency with a
14 governing body shall notify the governing body within ten (10) days
15 of the declaration of an emergency if the governing body did not
16 approve the emergency. The notification shall contain a statement
17 of the reasons for the action, and shall be recorded in the official
18 minutes of the governing body.

19 F. Emergency as used in this section shall be limited to
20 conditions resulting from a sudden unexpected happening or
21 unforeseen occurrence or condition whereby the public health or
22 safety is endangered.

23 G. The chief administrative officer of a public agency shall
24 report an emergency within ten (10) days of the emergency

1 declaration and include the official minutes of the governing body
2 of the public agency, if applicable, to the State Construction
3 Administrator of the Construction and Properties Division of the
4 Office of Management and Enterprise Services who shall compile an
5 annual report detailing all emergencies declared pursuant to this
6 section during the previous calendar year. The report shall be
7 submitted to the Governor, the President Pro Tempore of the Senate,
8 and the Speaker of the House of Representatives.

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

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