

An Act

ENROLLED SENATE
BILL NO. 243

By: Bergstrom of the Senate

and

Lepak of the House

An Act relating to public private partnerships; amending Section 2, Chapter 251, O.S.L. 2017 (74 O.S. Supp. 2018, Section 5152), which relates to the Oklahoma Public and Private Facilities and Infrastructure Act; amending members of the partnership committee; deleting one OMES member; including the Department of Commerce; updating statutory references; and providing an effective date.

SUBJECT: Public private partnerships

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

SECTION 1. AMENDATORY Section 2, Chapter 251, O.S.L. 2017 (74 O.S. Supp. 2018, Section 5152), is amended to read as follows:

Section 5152. A. As used in the Oklahoma Public and Private Facilities and Infrastructure Act:

1. "Contract" means any purchase and sale agreement, lease, service agreement, franchise agreement, concession agreement or other written agreement entered into under ~~this act~~ the Oklahoma Public and Private Facilities and Infrastructure Act with respect to the provision of a public service and any project related thereto;

2. "Improvement" means any instruction, reconstruction, rehabilitation, renovation, installation, improvement, enlargement or extension of property or improvements to property;

3. "Partnership Committee" means a committee consisting of nine (9) members, three members appointed by the President Pro Tempore of the Senate, three members appointed by the Speaker of the House of Representatives ~~and three~~, two representatives of the Office of Management and Enterprise Services (OMES), and a representative of the Department of Commerce, to be appointed by the Governor. Five members of the Partnership Committee shall constitute a quorum. The Partnership Committee shall act only upon a decision of a majority of appointed members;

4. "Private sector entity" means any corporation, whether for profit or not for profit, limited liability company, partnership, limited liability partnership, sole proprietorship, business trust, joint venture or other entity, but shall not mean the state, a political subdivision of the state, or a public or governmental entity, agency or instrumentality of the state;

5. "Project" means real or personal property, or both, and improvements thereto or in support thereof, including undivided and other interests therein, used for or in the provision of a public service;

6. "Proposer" means a private sector entity, a local or regional public entity or agency, or any group or combination thereof, submitting qualifications or a proposal for a public-private partnership contract;

7. "Public service" means a service provided for a public purpose of a responsible state agency and identified in an invitation for qualifications or proposals under ~~this act~~ the Oklahoma Public and Private Facilities and Infrastructure Act; and

8. "Responsible state agency" means the agency, department, commission, authority or other instrumentality of the state responsible for the provision of the public service which is or is proposed to be the subject of a contract. Any such agency that is subject to the Oklahoma Central Purchasing Act, the Public

Competitive Bidding Act, the Oklahoma State Finance Act and the Oklahoma Privatization of the State Functions Act shall comply with these laws.

B. The Oklahoma Department of Transportation and the Oklahoma Turnpike Authority shall be exempt from ~~this act~~ the Oklahoma Public and Private Facilities and Infrastructure Act. However, the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority may utilize the general provisions and process described herein to develop a public-private partnership contract for a transportation improvement in consultation with the Director of ~~the Office of Management and Enterprise Services (OMES)~~ OMES and subject to the approval of the Oklahoma Transportation Commission or the Oklahoma Turnpike Authority Board as applicable.

SECTION 2. This act shall become effective in accordance with the provisions of Section 58 of Article V of the Oklahoma Constitution.

Passed the Senate the 11th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____