

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 243

By: Bergstrom of the Senate

and

Lepak of the House

6
7
8
9
10 An Act relating to public private partnerships;
11 amending Section 2, Chapter 251, O.S.L. 2017 (74 O.S.
12 Supp. 2018, Section 5152), which relates to the
13 Oklahoma Public and Private Facilities and
14 Infrastructure Act; amending members of the
15 partnership committee; deleting one OMES member;
16 including the Department of Commerce; updating
17 statutory references; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY Section 2, Chapter 251, O.S.L.
21 2017 (74 O.S. Supp. 2018, Section 5152), is amended to read as
22 follows:

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

1. "Contract" means any purchase and sale agreement, lease,
service agreement, franchise agreement, concession agreement or

1 other written agreement entered into under ~~this act~~ the Oklahoma
2 Public and Private Facilities and Infrastructure Act with respect to
3 the provision of a public service and any project related thereto;

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

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

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

22 5. "Project" means real or personal property, or both, and
23 improvements thereto or in support thereof, including undivided and
24

1 other interests therein, used for or in the provision of a public
2 service;

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

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

11 8. "Responsible state agency" means the agency, department,
12 commission, authority or other instrumentality of the state
13 responsible for the provision of the public service which is or is
14 proposed to be the subject of a contract. Any such agency that is
15 subject to the Oklahoma Central Purchasing Act, the Public
16 Competitive Bidding Act, the Oklahoma State Finance Act and the
17 Oklahoma Privatization of the State Functions Act shall comply with
18 these laws.

19 B. The Oklahoma Department of Transportation and the Oklahoma
20 Turnpike Authority shall be exempt from ~~this act~~ the Oklahoma Public
21 and Private Facilities and Infrastructure Act. However, the
22 Oklahoma Department of Transportation and the Oklahoma Turnpike
23 Authority may utilize the general provisions and process described
24 herein to develop a public-private partnership contract for a

1 transportation improvement in consultation with the Director of ~~the~~
2 ~~Office of Management and Enterprise Services (OMES)~~ OMES and subject
3 to the approval of the Oklahoma Transportation Commission or the
4 Oklahoma Turnpike Authority Board as applicable.

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

8
9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
10 04/03/2019 - DO PASS.
11
12
13
14
15
16
17
18
19
20
21
22
23
24