

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1327

By: Gollihare

4
5
6 AS INTRODUCED

7 An Act relating to public buildings and public works;
8 amending 61 O.S. 2021, Section 130, as amended by
9 Section 27, Chapter 238, O.S.L. 2022 (61 O.S. Supp.
10 2023, Section 130), which relates to emergency
11 purchasing; raising purchasing limit for the
12 Department of Corrections under certain
13 circumstances; updating statutory reference;
14 requiring electronic submission of report; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 61 O.S. 2021, Section 130, as
18 amended by Section 27, Chapter 238, O.S.L. 2022 (61 O.S. Supp. 2023,
19 Section 130), is amended to read as follows:

20 Section 130. A. The provisions of the Public Competitive
21 Bidding Act of 1974 with reference to notice and bids shall not
22 apply to an emergency if:

23 1. The governing body of a public agency declares by a two-
24 thirds (2/3) majority vote of all of the members of the governing
body that an emergency exists;

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

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

6 B. The governing body of a public agency may, upon approval of
7 two-thirds (2/3) majority of all of the members of the governing
8 body, delegate to the chief administrative officer of a public
9 agency the authority to declare an emergency whereby the provisions
10 of the Public Competitive Bidding Act of 1974 with reference to
11 notice and bids shall not apply to contracts less than One Hundred
12 Fifty Thousand Dollars (\$150,000.00) in amount; provided, such
13 authority of the Department of Transportation and the Oklahoma
14 Turnpike Authority shall not extend to any contract exceeding Seven
15 Hundred Fifty Thousand Dollars (\$750,000.00) in amount and such
16 authority of the Department of Corrections shall not extend to any
17 contract exceeding ~~Two Hundred Fifty Thousand Dollars (\$250,000.00)~~
18 Five Hundred Thousand Dollars (\$500,000.00) in amount for situations
19 in which the emergency impacts the conditions of confinement, health
20 and safety of correctional officers and inmates in the custody of
21 the Department of Corrections.

22 C. Upon approval of a two-thirds (2/3) majority vote, the
23 Oklahoma Conservation Commission may delegate to the Executive
24 Director the authority to declare an emergency and set a monetary

1 limit for the declaration. The provisions of this subsection may
2 only be used for the purpose of responding to an emergency involving
3 the reclamation of abandoned coal mines or the repair of damaged
4 upstream floodwater retarding structures.

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

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

17 F. Emergency as used in this section shall be limited to
18 conditions resulting from a sudden unexpected happening or
19 unforeseen occurrence or condition whereby the public health or
20 safety is endangered or further damage to state property is likely
21 if the situation is not addressed promptly.

22 G. The chief administrative officer of a public agency shall
23 report an emergency within ten (10) days of the emergency
24 declaration and include the official minutes of the governing body

1 of the public agency, if applicable, to the Office of Management and
2 Enterprise Services which shall compile an annual report detailing
3 all emergencies declared pursuant to this section during the
4 previous calendar year. The report shall be submitted
5 electronically to the Governor, the President Pro Tempore of the
6 Senate, and the Speaker of the House of Representatives upon
7 request.

8 H. The Risk Management Administrator of the Office of
9 Management and Enterprise Services may declare an emergency on
10 behalf of a public agency when an insurable loss has occurred which
11 would lead to further economic loss or additional property damage if
12 not addressed promptly. Such declaration shall not relieve the
13 public agency of fiscal responsibility for its deductible, uninsured
14 losses, and other related expenses.

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

19

20 59-2-3251 CN 12/14/2023 12:28:10 PM

21

22

23

24