

1 **SENATE FLOOR VERSION**

2 February 21, 2019

3 SENATE BILL NO. 243

By: Bergstrom

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7 An Act relating to public private partnerships;
8 amending Section 2, Chapter 251, O.S.L. 2017 (74 O.S.
9 Supp. 2018, Section 5152), which relates to the
10 Oklahoma Public and Private Facilities and
11 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.

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

15 SECTION 1. AMENDATORY Section 2, Chapter 251, O.S.L.
16 2017 (74 O.S. Supp. 2018, Section 5152), is amended to read as
17 follows:

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

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

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

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

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

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

23 6. "Proposer" means a private sector entity, a local or
24 regional public entity or agency, or any group or combination

1 thereof, submitting qualifications or a proposal for a public-
2 private partnership contract;

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

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
5 February 21, 2019 - DO PASS
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